



## Town of Groton, CT

# Draft Zoning and Subdivision Regulation Audit

Prepared by VHB  
November 18, 2015

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### INTRODUCTION

VHB has conducted an “audit” of the existing Zoning and Subdivision Regulations for the Town of Groton, Connecticut. The audit encompasses the Town of Groton’s regulations only, not those of the City of Groton, Groton Long Point or Noank. The purpose of this review is to identify areas of concern, suggest changes, and provide a “roadmap” to assist the Town in implementing the recommendations. The audit highlights inconsistencies, confusing and vague language, formatting and organization issues, out-of-date provisions, best practices, and barriers to efficient permitting. It is also the intent of this review to provide recommendations that address the regulation’s consistency with the Town’s overall economic development objectives.

VHB reviewed the Town’s goals with respect to updating its land use regulations and conducted interviews with local officials, staff and other key stakeholders. A reconnaissance of the Town was also conducted. Baseline information including zoning maps, zoning and subdivision regulations as amended, and other related land use information were reviewed.

The audit addresses the following issues:

1. Identification of inefficiencies in the regulations
2. Consideration of how the process can be clarified and streamlined to create a more user-friendly document and development process.
3. Clarifications in the timeline/flow chart for approval process
4. Consideration of whether removing a level of review, or at least a reduction in some part of the process can be achieved and if formal applications and approvals by corresponding commissions can be eliminated or consolidated



5. Identification of innovative and sustainable planning practices that can be used to promote a vibrant and growing economy
6. Review of innovative options for parking and other development standards, specifically within the Downtown Design District (DDD), Waterfront Design District (WDD), and Mixed Use (MX) zones, including review of shared, reduced, or phased parking requirements and other development standards across all zones
7. Review of special permit requirements across all zones, but specifically Nautilus Memorial Design District (NMDD), Downtown Design District (DDD), and Waterfront Design District (WDD)
8. Consideration of whether some or all uses that require a special permit can be allowed as-of-right with appropriate development standards and a site plan approval
9. Review of best management practices and best available technology for the Water Resource Protection District, including whether allowed current uses and standards should be altered to reflect technology advances that protect drinking water, if non-permitted uses should become permitted uses and if there are additional uses that should become non-permitted
10. Consideration of whether staff approval can be substituted for some type of commission approvals
11. Consideration of whether any boards/commissions can be consolidated or eliminated which would be consistent with the goal of streamlining the approvals process
12. Updating of regulations to ensure consistency with current state statutes and other state planning requirements
13. Review of Subdivision Regulations to determine consistency with Zoning Regulations and consistency with Best Practices (See Appendix G).

The audit lays the groundwork for potential changes to zoning and subdivision regulations that the Town should consider as the process of rewriting its land use regulations moves forward. Observations regarding the current zoning regulations are outlined, suggestions are offered regarding its organization and content, and recommendations are provided pertaining to specific topics or sections of the regulations.

The report is organized as follows:

- **Recommendations** – A summary of key recommendations that can begin to pave the way in making changes to the Town’s existing land use regulations.



- **Goals and Objectives** – A summary of goals and objectives that guided the audit review process
- **Stakeholder Interviews** - A summary of recurrent themes that emerged from interviews that were conducted with stakeholders that use the regulations on a regular basis
- **Demographic Trends** – A discussion of demographic trends that impact land use regulations
- **Audit of Zoning and Subdivision Regulations** – An assessment of the current zoning and subdivision regulations and recommendations organized by section of the code
- **Next Steps** – An identification of actions necessary to advance the process of rewriting the Town’s land use regulations.

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## SUMMARY OF RECOMMENDATIONS

Groton’s goal of maximizing economic development opportunities that result in liveable, vibrant places that draw people to Groton as a great place to live and do business, should serve as a beacon for focusing changes to its current land use regulations. Zoning and its review process are critical to shepherding this emergence. This audit identifies a variety of changes, additions, and corrections that are necessary to make it a more effective tool.

For a variety of reasons, Groton has had a difficult time attracting new development and has been losing opportunities to surrounding communities. Looking to the future, the Town will need to change negative perceptions, particularly around its regulatory process. As the market study by Camoin Associates, conducted concurrent with this audit indicates, future opportunities for new development within the Town and surrounding region are anything but robust. Moving forward, the Town should embrace the “less is more” approach and focus its resources on creating “quality of place” developments that represent the Town’s new position in the marketplace.

It is intended that this process begin with a comprehensive rewrite of the zoning regulations. In the interim, or in the event this does not occur in the near future, we have condensed the recommendations of this audit into a series of immediate actions that the Town should consider as it moves forward. The changes are organized into three basic categories and are listed in terms of their priority:

1. **Pave the way for economic development that results in high quality development patterns that reinforce “sense of place”**
  - A. Eliminate the MX District and create a Mixed Use Special Use Permit.
  - B. Conduct a study of the Route 1 corridor to quantify what is on the ground; i.e. uses, parcel sizes, building types, square footages, rents etc. Develop a long term plan for the corridor and a more immediate “guide plan” that focusses



on targeted areas and can lead to a quality mixed-use development within the designated Downtown Design District.

- C. Investigate the opportunity for using Tax Increment Financing as a potential planning tool for improvements to the Route 1 corridor. Though TIF does not involve zoning per se, when applicable it can be an excellent tool for demonstrating commitment and stimulating change and as such, should be implemented as soon as is reasonably possible.
  - D. Conduct a staff level planning study of the Waterfront Design District to quantify what is on the ground in order to create appropriate metrics to address expansion pressure.
  - E. Create a "pattern book" for Mystic and other "special places" to convey guidelines for future development.
2. **Create more "user friendly" regulations**
- A. Change the pagination to a simple number progression
  - B. Expand/modernize the Town website capabilities
  - C. Create an illustrated "Developer's Handbook" as a supplement to the regulations which can provide more clarity as to intent.
  - D. Create a Permit Table and Process Checklist as handouts for applicants.
  - E. Create thresholds of Site Plan Review whenever possible.
3. **Simplify the regulations**
- A. Amend the Definitions Section to reflect contemporary terminology.
  - B. Simplify the existing Table of Permitted Uses and condense to a much smaller table as exemplified in Appendix A.
  - C. Expand the General Regulations Section by bringing the parking and loading requirements, sign standards, landscaping standards, sidewalk standards, environmental controls and consider bringing conditional uses into this section.
  - D. Change the nomenclature designations in the Table of Permitted Uses as suggested on page 15 of this report.
  - E. Incorporate the principles of Complete Streets into the Subdivision Regulations and supplement the regulations with illustrative x-sections of street hierarchy.



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## GOALS AND OBJECTIVES

The following goals and objectives guided the audit review process:

- “Less is more”.
- Be user-friendly – provide regulations that are clear, concise and presented in a logical sequence.
- Simplify the approval process wherever possible.
- Provide predictability and eliminate the potential for “surprises”.
- Provide incentives to meet economic and desired development objectives.
- Recognize “Best Practices”. (See Appendix G)
- Ensure consistency with the Town’s Plan of Conservation and Development.
- Recognize trends that relate to desired development patterns including Healthy Communities, Active Design and Universal Design Principles.
- Protect existing neighborhood fabric.
- Provide for infill development that is in scale with the surrounding context.
- Provide easily visualized development controls.

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## STAKEHOLDER INTERVIEWS

As part of the audit process, VHB and Camion Associates conducted a series of interviews with individuals representing a broad spectrum of the Town including elected officials, Town staff, Town commissions, business owners, developers, regional entities and development professionals. The purpose of the interviews was to help understand the needs, issues and objectives as they relate to land use regulations within the Town. The interviews raised a number of key issues and priorities relative to the existing zoning and subdivision regulations that should be considered as part of the audit.

Following is a summary of recurrent themes that emerged from the stakeholder interviews:

- The current regulations are cumbersome, outdated and lack consistency. The regulations “get in the way” and hinder the Town’s ability to attract development. The Town needs new, modern standards presented in an organizational format that is easy to understand and use.
- In reorganization/rewriting of the regulations, care must be taken to ensure consistency with the rulings found in the McKenzie Decision (2013) regarding



the granting of waivers. The Town's Attorney should review all references to waivers in the zoning rewrite process to ensure consistency with McKenzie.

- The Town should capitalize and promote its strengths and assets including its waterfront location, excellent regional access (highway, ferry, rail, and airport), good schools, parks and museums and other major destinations including Mystic and Bluff Point.
- There is a sense that the Town is losing out to other coastal communities in attracting economic development. This is attributed to its past reputation as a difficult place to do business and its cumbersome regulations and review process.
- Multiple Committees and Commissions create complexities. Opportunities to streamline the review process and reduce/simplify the number of zones should be explored.
- There is confusion created by the Town/City of Groton jurisdiction. Multiple jurisdictions and districts creates redundancy of functions and operations (zoning, public works, police, fire, multiple commissions). The Town should convene a working group of representation from all the jurisdictional agencies to discuss ways to minimize overlap and work more efficiently together.
- Past successes with Pfizer and Electric Boat have resulted in a sense of complacency.
- Changes in land use regulations should support the Town's goals for attracting new economic development.
- Kudos to the Town's current planning and economic development staff. Their "can do" attitude is changing the environment with respect to working with the development community and facilitating development opportunities.

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## DEMOGRAPHIC TRENDS

As part of the zoning review process, it is important to recognize emerging trends in population and their potential impact on built form and land use patterns. Meeting the Town's objective for attracting new development opportunities and broadening its economic base requires attention to demographic trends that may ultimately impact development patterns.

The two groups that are having the most immediate and significant impacts are the baby boomers and the millennials. The "boomer" generation is now hitting retirement age and the real estate market is responding with a wave of 55+ developments but many of these early retirees are seeking alternatives to the master planned community desiring instead to "age in place". This demand often conflicts



with Euclidian zoning principles and has many communities rethinking their land use policies regarding housing types and configurations. Development issues that most often arise as part of this demographic shift include the following:

- New residential models such as attached small single family homes
- Reduced setbacks
- Smaller lot sizes
- Mixing housing types and products; cottage design
- Demand for accessory housing types.

A healthy community must provide a variety of opportunities to house its' aging population while also meeting the needs of millennials and young families. Nationally, these residential needs have combined with new shopping and recreation habits to produce new demand and reshape traditional development patterns. While the Town may currently allow "granny flats" the examples above indicate an expanded approach that should be considered to respond to new demands for residential choices.

Millennials- those born in the early 80's and are now in their early 30's- have had a significant impact on the workplace as well as bringing new life and energy to the "rougher" edges where rents tend to be cheap. Almost two-thirds of this cohort rent in places where the job situation is favorable and the demand for rental housing is high. Interestingly, the millennials and the boomer generations overlap in one area that has a significant impact on development patterns - the desire to live, work and play in close proximity to one another. This translates to mixed use developments with proximity to public transportation and services, a pattern that embellishes the principles of Traditional Neighborhood Development and the kinds of development controls that are a function of a Form Based Code approach to zoning. If public transportation is not available, bike paths and sidewalks in a compact village or other type of dense suburban center are still very important.

Millennials drive fewer cars and have chosen to start their families much later than preceding generations, which may suggest relaxing parking standards in certain developments or allowing shared parking as a way to reduce the environmental impacts of the car. Other potential transportation-related impacts include:

- Widening sidewalks and pedestrian zones
- Adding pedestrian crossings
- Adopting "Complete Streets" principles within town subdivision regulations
- Encouraging development adjacent transportation nodes



- Ensuring interconnected streets with bike and multi-use paths whenever possible, particularly in the Subdivision Regulations

Consequently, any revisions to the Town’s land use regulations should consider the following:

|                               | Zoning Implications   |
|-------------------------------|---|
| <b>Millennials</b>            | Increased demand for rental housing   |
|                               | Increased density resulting from the desire to live/work/play in close proximity  |
|                               | Reduced parking demand  |
|                               | Increased demand for bikeways and bike accommodation as well as pedestrian travel   |
|                               | Increased demand for complete streets and public transportation options   |
| <b>Seniors</b>                | Demand for new residential models - smaller lot sizes and smaller houses, as well as attached housing options                     |
|                               | Allowing a mix of housing types, including for the “empty nester” market  |
|                               | Allowing adaptation of existing units and other aging in place options  |
|                               | Providing/ensuring connectivity to services and entertainment   |
| <b>Live/Work/Play Desires</b> | Providing multiple options for “aging in place” including conversion of larger SF houses into duplex or 3 family units            |
|                               | Demand for mixed-use and proximity to services  |
|                               | Providing/supporting opportunities for Traditional Neighborhood Development patterns  |
|                               | Locating development near transportation nodes  |
|                               | Impacts to transportation include interconnected streets, “Complete Streets” and increased sidewalks, crosswalks and bike storage |
|                               | Providing for increased on-site amenities and outdoor spaces on industrial/office development and redevelopment                   |

## ZONING REGULATIONS AUDIT

The Town’s Zoning Regulations contain a number of ambiguities, conflicting or out-of-date standards, missing information, and complexities that present barriers to growth and development. The result is a zoning code that has an unnecessarily high number of districts (i.e. four rural categories where one may suffice), ten commercial categories, too many separate dimensional and density requirements, and an excessive and confusing number of allowable exceptions in various districts to accommodate newer development trends. These issues need to be addressed if the regulations are to be more aspirational and forward looking.



This zoning audit offers specific recommendations to address the form of the regulations as well as its functionality. The intent is to remove or reduce barriers to a smooth and predictable permitting process. The recommendations are described as policy changes to consider before specific new zoning language is prepared to address the identified problems. If the Town proceeds with zoning amendments, it is recommended that it be undertaken in a comprehensive rather than piecemeal manner so as to avoid the type of problem that created many of the issues that are identified in the audit. Although a large undertaking, a comprehensive zoning re-write will save the Town time and money.

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## General Comments

1. Overall, the Town's Zoning Regulations are cumbersome, overly wordy, unclear and not user-friendly. This is supported by feedback gained from interviews with Town staff and stakeholders who use the code on a regular basis as well as VHB's own assessment of the regulations. The regulations have been amended on a piecemeal basis over the years, resulting in page numbers that do not follow and/or match the Table of Contents. Numerous land use terms are not used consistently across all sections of the regulations and many are not defined (i.e. mixed use). Several long-established base districts lack a statement of purpose and clear description of the district.
2. From an economic development standpoint, there are few incentives in the zoning regulations to encourage the marketplace to invest capital in a manner that furthers the long term goals of the Town. As an example, Floor Area Ratio (FAR) bonuses are often used by communities as a means of incentivizing desired development but are absent in the Groton Zoning Regulations. Development Standards can also be used as an incentive to the market by not saddling well intended developers with a one-size-fits-all requirement. Recognizing the McKenzie Decision, this can be addressed by using dimensional ranges to provide for flexibility. While this decision is significant, it should not be interpreted to mean that "flexibility" is no longer possible.

Existing zoning is not supportive of emerging trends in the real estate marketplace, particularly in encouraging mixed use. The current process with a Mixed Use Master Plan followed by a site specific Special Permit as outlined in the Mixed Use Zone is daunting and a disincentive to creating the kinds of interesting and lively mixed use developments that are emerging in cities and towns throughout the country.

3. Zoning regulations should provide a clear picture of the purpose and nature of the various districts prescribed in the regulations. Basic purposes and descriptions within the current regulations are lacking (i.e. IA-40, IP-80A and IP as well as all of the current C districts). Zoning should be concise, descriptive but not wordy.



4. The existing Table of Permitted Uses is extreme in length and degree of specificity and should be significantly consolidated and shortened. Today's codes have moved away from attempting to identify every possible use that may be proposed and are more typically 4-5 pages in length (see Appendix A). Uses currently listed from earlier eras of manufacturing and commerce such as textile references, can be eliminated.
5. Current Zoning and Subdivision Regulations lack requirements pertaining to pedestrian and bike facilities, bike lanes, trail connections, transit shuttles (where feasible) and consideration of Complete Streets improvements in the abutting street system. These are consistent with current trends such as Healthy Communities. Implementation will need to be coordinated with the Department of Public Works. It should be noted that a recent court ruling (Buttermilk Decision) will limit the Town's ability to negotiate for off-site improvements in this regard.
6. Within key industrial and commercial districts there are an absence of requirements addressing sustainability and alternative energy generation and related facilities.
7. The Downtown Development District, considered by residents as Groton's town "center", cannot achieve its stated objective under a hybrid strip commercial zoning model. The highway location and existing strip commercial pattern stands in such contrast to any future, aspirational development goals that an overlay district is likely the only viable way to encourage and induce an alternative development pattern over time. The highway location will prevent it from eventually becoming a true vibrant, town center district. The best compromise is to create an Overlay that, at the very least, promotes over a long period of time a very different building and layout pattern, with structures close to the road, parking to the side and rear, multiple buildings rather than one big, connected linear or L-shaped structure, significant common green areas, and some degree of pedestrian-bike connectivity. While there is a need for a master plan to establish a clear vision for the corridor, the zoning needs to provide development incentives in combination with clearly illustrated design objectives if the goal of attracting new development in the form of a "center" is to be established.
8. The Nautilus Memorial Design District is a small zone whose aspirations are perhaps too lofty to be realistic. It presently contains a modest mix of scattered commercial uses tied to the museum attraction as well as to general tourism. However, there are no plausible densities offered that are compatible with the ambitious type of development desired. The dimensional standards (e.g. 200,000 SF minimum lot area requirement) are not realistic. It seems improbable that this district will ever evolve beyond its current pattern of relatively low-end businesses and a more pragmatic commercial gateway strategy may be more attainable. The NMDD could simply be eliminated and one of the existing, smaller scale Commercial districts substituted, perhaps with some tourist related uses thrown into the mix. Or, the NMDD could be substituted in its entirety with



a brand new NMDD, but dialed down to a more realistic set of uses, as well as a more pragmatic and attainable minimum parcel size and development standards.

9. The Waterfront Design District, in its scale and pattern, represents a real village center with a traditional neighborhood pattern of development. It is challenged with balancing the needs of residents with the desires of tourists to the Mystic area. One can easily anticipate this district pushing at its edges in the future. The current zoning for the WDD is vague in terms of what it wants for future development. The “vision” for this area needs to be strengthened and specific guidelines included to address future growth of this district in terms of climate change impacts, parking demands and the potential conflicts that may arise between the two Groton and Stonington.
10. The existing Zoning Regulations are a challenge to get through and lack the efficiencies and streamlined review processes that are in place in many other communities such as zoning checklists, “fast lane” approvals based on certain development thresholds, and a “permit tree” that shows the various permits required with the issuing body. There are several examples provided in Appendix B and C that should be considered when the zoning is re-written. These along with other items could comprise a “developers’ handbook” that the Town could issue outlining process items, a permitting table, and checklist to be provided at the initial staff review.
11. Groton currently lists 28 separate Boards and Commissions on the Town website many of which have an impact on the development process and ultimately the timing of the approval process. Attracting new development and overcoming existing perceptions of “difficult to do business” as heard repeatedly in the Stakeholder Interviews need to be addressed early. Later in this report we have suggested creating a combined Planning/ Zoning Commission as a means of addressing this issue.

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## Recommendations

The following recommendations, organized by section of the code, generally fall into the following three categories:

1. Recommended improvements to the organizational structure, definition and clarity in key sections of the zoning regulations.
2. Recommended language to fill a void in the regulations such as the absence of general purposes and definition in conventional base districts.
3. Sweeping changes such as eliminating a district, creating a new overlay, or substantially re-writing the content of a special district.



## Section 2: Definitions

The definitions sections needs to be updated. There are a number of land use terms that should be defined and made consistent with state law and current building codes. One of the most glaring omissions is the definition of “mixed use”. Other emerging “new” uses such as windmills, bed and breakfast establishments, solar arrays and medical marijuana should be defined. Definitions for certain land use categories such as child day care centers, nursing home and community residential counseling facilities should be reviewed to ensure consistency with Connecticut statues. Definitions should also be reviewed to ensure consistency with current building codes.

The Town may want to consider providing diagrams to support certain definitions. For example, determining building height on a sloping site is often a confusing exercise and more easily understood in diagrammatic form. Signage standards are particularly amenable to diagsams that illustrate the intent of the regulations. If not part of the definition section, these illustrative graphics can be placed in an appendix and go long way towards improving the communication of the rules and ease of interpreting them for proponents.

Many of the terms that need to be added to the definition section relate to the different types of uses that are listed in the Table of Permitted Uses (discussed below). An examination of how land uses are listed across the regulations indicates inconsistencies in how land use terms are listed when comparing the definitions, Table of Permitted Uses, and parking standards. For example, the term retail trade is not defined but it is the use heading in the Table of Permitted Uses that governs dozens of different specific retail uses. Convenience stores are not defined (and therefore a good example of a type of common land use that deserves a definition), is not in the Table of Permitted Uses, but is listed separately under the parking standards in Section 7.2-3. The Table of Permitted Uses lists “nightclub, disco, cabaret” under the cultural, entertainment and recreation category, but the parking regulations use the words “nightclubs, bars and lounges”. None of these terms are defined. All uses listed in the Table of Permitted Uses should be defined.

There are advantages to having all definitions in one section, importing definitions that are scattered throughout the Regulations into the Definitions Section near the front of the Regulations. Cross referencing for clarity purposes can be provided where definitions have been relocated.

Following is a partial list of definitions that are currently missing and need to be included in the zoning regulations. Additionally thought should be given to grouping definitions into categorioies that reference the same topic. For example, list Day Care and under it list the various types- child, adult etc.

- Abutter/Abutting



- Accessory Apartment
- Accessory Structure
- Adaptive Reuse
- Adult Use
- Affordable Housing
- Alterations
- Bar
- Bed and Breakfast
- Block
- Building Coverage
- Building Envelope
- Bulk and Massing
- Cellar
- Common Driveway
- Concept Plan
- Convenience Retail
- Developer
- District
- Drive-thru Facility (may want to distinguish between fast food and all others)
- Exemption
- Farm, Commercial
- Floor Area Ratio
- Form based
- Foundation Elevation (Mean)
- Frontage
- Garage
- General Office
- Home occupation
- Height, Building
- Land Unsuitable for Development
- Lot Coverage
- Medical Marijuana



- Microbreweries
- Mixed Use/Mixed Use Development
- Nightclub/Lounge
- Overlay District
- Photo Processing
- Planning Commission
- Retail/Retail Trade
- Solar Array/Park/Photovoltaic Station
- Special Permit
- Story/Half story
- Structure
- Variance
- Windmill
- Wineries
- Wireless Communication Tower
- Zoning Official

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## **Section 3: Establishment of Zoning Districts and Maps**

### **3.1 Classes of Districts**

The goal here should be to have zones that are supported with descriptions of the development character desired in each zone and to simplify/minimize the overall number of districts.

1. Provide a definition, purpose and vivid description for each District. The Town's Plan of Conservation and Development provides vivid descriptions of the character of various areas of the Town. Providing the same kind of descriptions for each of its' zoning categories can help underscore the intent with respect for future development and expectations for how it should fit within its context.
2. There are currently 11 categories of Residential. Consideration should be given to reducing the number of residential categories. For example, these could be reduced to the following three classifications:
  - A. Rural - lots of more than one acre and not served by town water and sewer.



- B. Single Family-Large Lot - any lot greater than or equal to 1/4 acre and served by Town water and sewer or lots greater than 20,000 sf to one acre but not served by Town water and sewer.
  - C. Single Family-Village Lot – lots equal to or less than 1/4 acre served by Town water and sewer.
3. There are currently six categories of Multi-family. Consideration should be given to condensing these based on building type and form as in the following:
- A. Attached Single Family Units - this includes duplex, tri-plex and multi-unit buildings such as townhouses that are primarily “ for sale” housing.
  - B. Garden Style Apartments and Condominiums - up to 3 story buildings with units arranged along a corridor.
  - C. Mid-rise Apartments and Condominiums - buildings greater than 3 stories but less than 6 stories.
4. There are currently 10 categories within the Commercial District designation. Consideration should be given to reducing the number of Commercial District categories to the following:
- A. Corridor - Route 1, Rt. 117, Rt. 184
  - B. Node - Gateway( Nautilus area, I-95 Interchange), Neighborhood\*
  - C. Center - Town Center, Mystic
- \*The Town may want to consider allowing small (5,000 SF or less) Live/Work or incubator retail (products are made on site and sold retail) as a permitted use with staff review.
5. The Office and Industrial classification can potentially be condensed into the following:
- A. Office or Industrial Park - a multi building development pattern organized around a common area or road pattern.
  - B. Large Development/Manufacturing - intensive, large footprint uses that are generally incompatible with residential neighborhoods and typically benefit from more remote locations accessible to highway, rail and water access points.
  - C. Small Development/ Light Industrial - low to moderate impact uses which may benefit from proximity to mixed use residential neighborhoods and which are located adjacent to highway access points.
6. The Town should consider creating an Industrial Mixed Use Special Permit for the Industrial Districts. This approach allows not only customary research and development/light manufacturing/office/corporate and related uses but complimentary ones such as hotels, restaurants, limited retail, recreation businesses and more. Under the Special Permit, density bonuses can be offered as an incentive and more design flexibility is afforded by providing dimensional



ranges. Although the current zoning regulations does allow some mixing of uses, such an approach outlined here could serve as an incentive zoning tool to attract new development. An example of such an approach is provided in Appendix D.

Should this more condensed district categorization or something similar be incorporated in the zoning rewrite, the changes would need to be consistent throughout where old categories would be eliminated or renamed (i.e. references in Table of Permitted Uses, dimensional standards, etc.).

### **3.5 Lot Lying in More than One District**

Consideration should be given to replacing the existing language with the following:

1. Where a district boundary line divides any lot existing at the time such line is adopted, the regulations for any district in which the lot has frontage on a street may be extended not more than 30' into the other district.
2. Where a right-of-way, street, railroad or watercourse is shown on the zoning map as a district boundary, the centerline thereof shall be the boundary line
3. Where the boundary lines of districts follow property lines as shown on the zoning map, said lines shall be deemed to be established to coincide with those property lines as they existed at the time said boundary lines were adopted.

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## **Section 4: General Regulations**

1. For ease of use, consideration should be given to bringing the following into the General Regulations section so all general standards exist under this umbrella:
  2. Parking and Loading Standards: Sidewalks and Paths
  3. Sign Standards
  4. Landscaping Standards
  5. Environmental Standards
  6. Lighting specifications and plansNote: Conditional Uses may also be brought into this Section.
7. Currently Zero Lot Line is allowed in all residential districts (Section 4.15). If the new residential categories suggested herein are adopted, zero lot line would not be permitted in the Rural classification. In the re-write process, use of and standards for zero lot line should be reviewed and clarified. In response to changing demographics, particularly with aging residents, there is growing interest in this residential option.



## Section 5: District Standards

### 5.1-3 Table of Permitted Uses

1. Consider changing the current nomenclature which is confusing. For example, X, the symbol that is normally used to indicate a use or action that is prohibited, is used to identify uses that are permitted as of right. Consider a more descriptive nomenclature such as:  
Y - Use allowed as-of-right  
Y SPR - Use allowed as-of-right but requiring a site plan review  
SP - Use requiring a Special Permit by the Zoning Commission or Planning Commission  
N - Prohibited use
2. As noted earlier, the Table of Permitted Uses (5.1-3) should be consolidated and shortened. This format can be simplified by combining certain uses that have the same designation across the zoning district. From a land use perspective, there is no difference in the impacts between retail uses such as a clothing and a shoe store; a hotel/motel and an executive hotel/motel suite; or the various types of offices listed in the Table of Permitted Uses. If there is an intended difference, the terms need to be defined to explain or justify why they should be regulated differently. The current Table of Permitted Uses has too many specific uses listed. As discussed above, the list needs to be updated to reflect newer uses as well as others that the Town might desire (also discussed below). An example of a model abbreviated Table of Permitted Uses is provided in Appendix A.
3. Questions and issues for the Town to consider in revising its Table of Permitted Uses include the following:
4. There are a number of odd designations that are undefined. For example, what is a "legitimate theater" or a "large-scale destination-oriented commercial" use?
5. It does not appear that all districts are included in the Table of Permitted Uses. Does WF include both the WF-20 and the Waterfront Design District, or does DD include all "Design Districts"? Are all Design Districts supposed to be treated the same? Reducing the number of districts as suggested herein will help minimize the number of options but care should be taken to assure consistency.
6. The Table of Permitted Uses includes a designation for nightclub, disco, cabaret, but not bars or taverns. Bars and taverns are logically distinct from nightclubs, discos and cabarets and are arguably more common. How does the Town deal with those uses? As mentioned above, bars are listed in the parking standards, however.
7. Why are some types of office uses allowed in the WF districts, but not others?
8. Drive-through facilities are listed as a separate item. Are all drive-through facilities treated the same? For example, a fast food drive through is substantially



different than a bank or pharmacy drive-through. The Table of Permitted Uses appears to be inconsistent with the standards in Sec. 7.1-36 in terms of where they are allowed (as an accessory use on lots 20,000 square feet or greater in most non-residential zoning districts).

9. Restaurants are listed in the Table of Permitted Uses, and fast food and take-out are separately defined and have distinct parking requirements, but are not designated in the Table of Permitted Uses. There should be separate designations, since there is a legitimate planning reason why one could site a fast food restaurant in one commercial district while potentially prohibiting it (or allowing it by special permit) in another district.
10. There are a number of modern day uses that are missing from the Table of Permitted Uses such as convenience stores, big box retail, dog-washing services, as well as some outdated land use designations or uses that are not likely to ever be sited in Groton (particularly in the manufacturing and industrial sectors).

### **Table 5.2 Lot, Yard and Building Requirements by Zoning District**

1. Overall comment—Floor Area Ratios are recommended, especially for Industrial districts as well as in the areas to be identified for targeted economic development. *We recommend the use of FAR (the total square footage of the building divided by the total lot area) because it is a tool commonly used by communities and developers that are focusing on mixed use and higher density development.* Also—some minimum frontage might be worth considering in certain districts.
2. If IP80 B & C are base districts, they should be included in the Table of Permitted Uses; very difficult to figure out what the requirements are; one has to refer to endnotes 2 and 3, and even then it's hard to assume what applies dimensionally, other than the step-back provision relating setback to height.
3. Lot sizes—the 80,000 SF minimum in IP 80A allows a 9 or 10 story building on less than 2 acres, and with a fairly generous 40% lot coverage, thus raising concerns of being able to provide adequate parking on-site, short of being forced to go to structured parking. Also, a tall building on an 80,000 SF parcel might make the layout very tight for everything else (i.e. landscaped area, walks, refuse and transformer pads and other physical features, in addition to parking). There could be similar concerns for the IP district, where a seven story building could be constructed. The site template for each district must be tested in a maximum-build scenario. The lot sizes could be bumped up a little. Is there really a need and a market for buildings up to 10 stories, in these locations?
4. Lot dimensions—the 200' minimum width in the two 80,000 SF Industrial districts is not unreasonable, but perhaps there could be a little more dimensional range, perhaps to 175', to allow flared cul-de sac lots.
5. Endnotes 4 to 8: an awful lot of jumping back and forth is required, between the dimensional table and the specific regulations for various special districts, performance standards, and special provisions. One option is to duplicate the



dimensional requirements involved in the cited sub-sections in a second dimensional table, for ease of reference. This table also could indicate where such metrics are left flexible by providing dimensional ranges.

6. Waterfront Design District—The 8,000 SF minimum lot, as well as 4,000 SF/d.u. and 60' width are reasonable but, given the sensitivity of this area relative to future change and expansion, simple land use studies of a representative cross-sampling of properties in the WDD would verify the efficacy of these zoning dimensions in the table. Such a study could be done by Town planning staff given their knowledge of the District and its fabric.
7. Downtown Design District— as discussed earlier, this district cannot be a hybrid of a future traditional downtown and the highway commercial district that it actually is. An alternative overlay approach, with dimensions that make sense but with some design flexibility expressed as dimensional ranges( in recognition of the McKenzie Decision), should be considered. The dimensions should be changed to codify the highway commercial land use uses that are already there and leave alternate development patterns to the overlay. The Town should review the size of parcels specified in the DDD, particularly opportunity sites with development potential. The minimum lot size should be reduced to one that represent a typical lot size for the district as a whole, or at least those parcels with significant development potential that the Town would like to encourage.
8. The metrics in CA-12 sf and CB 15 sf make no sense. Six-story, 75' high buildings on 12,000 and 15,000 SF lots, with lot coverage limits of 25% and 30% respectively seemingly doesn't work. Also, CA and CB 40 are identical in all dimensional standards, the only differences are within the lengthy Table of Permitted Uses, but those differences are not sweeping. Could they be combined with a rewritten and shortened Table of Permitted Uses?
9. Ensure that densities within each district should be made consistent with the Town's Plan of Conservation and Development

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## Section 6: Special Districts and Special Regulations

1. Consideration should be given to simplifying this section and embellishing the district descriptions. The Town should consider eliminating the Office-Multi Family District in its entirety as these small zones simply codify the jumble of existing uses and address them instead within the new Mixed Use standards. Reorganize and create two sections - Special Districts and Special Regulations.. Eliminate the Residential Performance Standards section as these concerns are regulated by the Health District. Note: the use (i.e. open space, residential development) will be kept in the zoning regulations.
2. The following zoning districts are unique in terms of their desired development character and mix of uses and should remain as such in Section 6 of the zoning regulations:



- A. DDD - Downtown Development District
- B. WDD - Waterfront Design District
- C. NMDD - Nautilus Memorial Design District (discussed further below as this may get eliminated)

## 6.1 Office Multi Family District

1. We recommend eliminating this as a special district and moving the Multi-Family regulations to become part of the Residential District classification with three categories: attached single family units, garden style buildings (up to 3 stories) and mid-rise (greater than 3 stories but not to exceed 6 stories). *Note: As the OMF zones are currently scattered throughout the Town, each should be carefully reviewed in determining what the replacement zoning should become.*
2. If multi-family is a part of a proposed development program under the Mixed Use Overlay proposed herein, the standards regarding lot size, yard requirements etc. that are part of the underlying zoning would not apply.
3. As currently written (6.1-4B), the minimum lot area per dwelling unit for multi-family dwellings is 6,500 SF which is 6 DU/Acre. For future consideration regarding multi-family dwellings the Town may want to consider reducing this to 5,000 SF to allow 8 DU/Acre.
4. Current yard requirements (specified in 6.1-5) result in a suburban development pattern. The Town should reconsider revisions to these metrics that are more consistent with neighborhood development standards where more dense, compact development patterns would be consistent with town goals and emerging demographic trends. Typically, setbacks are minimal in compact neighborhoods- 10-15' front yard setbacks and 6-8' side yards- with houses "on the street". The same standards should be used in areas targeted for mixed use development.
5. Consideration should be given to converting the Multi-Family Options Section (6.1-8) into a table titled "Density Bonuses". Under the current options, the maximum reduction is to 4,000 SF per unit of lot area or 10 DU/Acre. Consideration should be given to reducing this ratio to allow for higher densities, particularly where adjacent to existing services or public transportation. For example, the potential for lively mixed use in the DDD will be greatly improved if densities of 25-30 DU/AC are attainable.

## 6.2 Downtown Development District

1. The purpose section (6.2-1) needs to be revised to explain the district as it exists now and its potential under a Special Mixed Use Permit or overlay with clear development pattern objectives. Consider replacing with the following language:



2. "The area designated as the Downtown Development District serves as the central business district of the Town of Groton. This district is comprised of three components:
  - A. Gateway - A mixed concentration of service commercial and hospitality uses that relate to the exit ramp at I-95 and to Route 1.
  - B. Corridor - The existing strip commercial centers located along Route 1. This area may contain mixed use but it is typically horizontal rather than vertical. Development patterns contain large surface parking areas that may be centered on one or more "big box" format buildings.
  - C. Center - A concentration of higher density mixed use development allowed under a Special Mixed Use Permit or Mixed Use Overlay. The purpose of this overlay/permit is to create opportunities for economic development by incentivizing a vertical mix of uses that allows a more dense, village center scale of development. Such a center is more pedestrian in nature and should provide for a variety of community focused events in order to function as a true town center.
3. The regulations in this district are intended to encourage concentrations of commercial development that reinforce the desired development typologies and character unique to each component."

### **6.3: Waterfront Design District**

1. The existing Table of Permitted Uses does not specifically delineate what is allowed in the WDD (there is a WF designation but Section 3.1 lists a WF-20 in its list of classes of Districts), so it is left to interpretation. There is nothing to suggest that water related uses are encouraged within the WDD. The evolution of this area will most likely continue towards a mix of tourist related commercial and residential uses. Therefore it would make sense to address this in the Table of Permitted Uses.
2. The special permit thresholds should be reconsidered with regard to additional units. For example, should one unit require a special permit?
3. Consider establishing density and dimensional standards based on what is on the ground today, utilizing the existing character as the framework. The Town should consider better codification of the uses that are in the WDD today. The regulations in this district need not be as proscriptive as a Form Based Code, but should represent careful application of conventional zoning focused on pattern relationships to make preservation of the existing scale and appearance the desired outcome.
4. Allow expansion of the district but only with uses that maintain the existing development pattern (i.e. home based occupation, bed and breakfast establishments). As to the question of borders or delineated limits our view is that the guiding principle or logic is determined by quantifiable metrics and not border specific. Among such metrics we would include: maintaining the existing



building form and relationship to its' site, maintaining historical character, parking accommodation( no change to existing pattern), and potential traffic impact 9should be minimal).

5. New development could be guided/encouraged with the use of a “Mystic Pattern Book” or an illustrative section/appendix that shows appropriate building types similar to the allowed building types that accompany Form Based Codes. This would be a helpful tool in alleviating neighborhood concerns regarding potential expansion of the district.
6. Consideration should be given to replacing the Purpose section (6.3-1) with the following:
7. “The purpose of this district is to provide a mix of walkable, village scaled residential, commercial and office uses that balance the needs of area residents with those of tourists and visitors drawn to the area’s unique sense of place.”
8. Under Design Objectives (6.3.2), consider eliminating “B” as it is contained in the revised Purpose statement. Under “C”, is “limited degree of commercial development” quantified/quantifiable? Consider adding language under “G” that architectural and site design of new development should be consistent with the existing aesthetic character of the district.
9. Under Building and Development Standards (6.3-4):
10. The height standards are difficult to understand and should be accompanied by a graphic illustration. We have suggested the creation of a “developer’s handbook” as a means to improve understanding of the intent of the regulations in areas that are often confusing due to language. Height standards are an example of an area which can be easily clarified with illustrations in such a handbook.
11. Recognizing demographic trends, specifically retiring “boomers” looking for opportunities to stay in the community but to downsize, the Town may want to reconsider the 65% coverage as well as the 4000 SF of land area required for multi-family residential in this district. Consideration should be given to increasing building coverage to 80% of the lot area and dropping the land area to 3,500 SF. Other than height restrictions to preserve views, as long as new development meets its required parking demand as well as desired aesthetic standards of the district, why limit density?

## **6.4 Open Space Subdivisions**

1. Allow Open Space Subdivisions in the new Rural and Single Family Large Lot classifications and recognize that developers may choose to use a common “package plant” approach to serving sewer needs which would allow for lower minimum lot area requirements.
2. Consideration should be given to reducing the minimum land area to 5 acres in the SF-Large Lot classification.
3. In determining the total lots allowed use the following:



- A. In Rural, the minimum usable lot area per dwelling unit would be 10,000SF per single family unit (two-family units would not be allowed). This would give a net density (minus the 20% open space requirement) of 4 DU/Acre.
- B. In SF-Large Lot, the minimum usable lot area per single family unit would be 7,000 SF. This would yield a net density (minus the 20% open space requirement) of 6 DU/Acre. Two-family units would not be allowed.
- C. Note: As land use patterns and development types will change to adapt to emerging demographic trends, the Town should consider adding definitions for newer land terminology such as buildable area, net usable or developable area and non-buildable area in the Definitions Section.

### **6.5 Residential Performance Standards**

1. Eliminate this as these issues are regulated by the Health District, however we suggest changing the determination as unbuildable a ground slope of 10% or greater to be 15% or greater.
2. **Special Regulations** (new section- no changes within these but review for Best Management Practices where eapplicable) to include:
  - A. Flood Protection
  - B. Coastal Resource
  - C. Erosion and Sediment Control
  - D. Stormwater Management

### **6.7 Residential Multi Family**

1. While the stated purpose is to “guide the development of multi family projects within the town where necessary utilities and transportation improvements are in place”, such zones end up being exclusionary and, given the need to provide for a variety of housing types to meet the needs of changing demographics, a more desirable goal would be to allow multi family to exist, with development controls, within most districts. We suggest eliminating this designation as a separate entity and folding the regulations and standards into a multi family category of the Residential District classification.

### **6.10 Nautilus Memorial Design District.**

This district aspires to be a complementary zone for support uses tied to the museum attraction and to tourism but its aspiration seem unrealistic; there are no real densities offered compatible with that kind of development and the dimensional standards (200,000 SF minimum lot area) are not practical given the goal for the district. It is doubtful that the district has met its expectations in its current form. There are several potential approaches:



1. Eliminate the special designation and treat it as a node (gateway) type of commercial area. As there is currently no underlying zoning for this district, this would have to be created. This would provide a clearer set of guidelines in terms of allowed uses as well standards and incentives to shape the development pattern in the district and add clarity as to the Town's goal for the area.
2. Amend the existing zoning by modifying the allowed uses and testing their viability in terms of the economic need they might fulfill. For example, the required lot sizes appear to be much bigger than when compared to the actual development pattern.

In either scenario, more specific language is needed to describe the character and purpose of the area and the patterns of development and types of uses desired. It seems to us that the nature of this area is realistically service commercial in support of the base and the tourist destinations. More thought needs to be given to the mix of uses desired but the overall character of this area would benefit from standards that support a more compact development pattern to emerge over time.

1. There is no list of uses applicable to the NMDD in the Table of Permitted Uses. Rather it is addressed in narrative form within Section 6.10, but only in the most general terms (essentially uses that are consistent with the purpose of the district, and that are not detrimental to the "unique character of the area". Similar to the WDD , there is nothing specifically mentioned about uses that could be encouraged along a waterfront area related to water-dependent uses. This is very subjective and leaves the determination to interpretation of town officials. This is not good from a developer perspective and creates inconsistencies in interpretation.
2. The uses that require a special permit are also vague since they are based on the "intensification of use" which is to mean any "additional" residential units, employment, customers, floor space, parking, etc. Technically speaking, that could be one. Thus, any single increase can trigger the need for a special permit and therefore an additional level of permitting and project review. As discussed above, consideration should be given to creating a list of uses applicable to this district.
3. The minimum lot size in NMDD is 200,000 SF, but there are provisions that allow for the size to be reduced to 40,000 SF. This could be a barrier to development. The Town should consider reducing the minimum lot size to match the lot sizes available for development instead of requiring such a large minimum, especially since it is already an option.
4. FAR bonuses should be considered as a means for incentivizing the desired development patterns.
5. The current Design Objectives are fairly vague using phrases like "high quality tourist service area" and "encourage architectural and site design which promotes



aesthetic qualities” that offer no real road map for success and are open to interpretation. These should be specific not general. Consider providing design standards as incentives to achieve the character desired for this area. For example, an FAR bonus could be given for the creation of a public space.

6. Many of the development standards are more suburban oriented and don't contribute to creating a sense of place. As mentioned earlier, larger setback requirements and lot size should be reconsidered and replaced with standards that typify development that is more compact.

## 6.12 Water Resource Protection District

The Water Resource Protection District (WRPD) is designed to protect the Town's existing and future water supply resources including stratified drift aquifers, surface water reservoirs, and areas in which groundwater is the sole source for water supply. The WRPD has been established as an overlay district.

1. The Water Resource Protection District section should be reviewed and updated to ensure compliance with EPA's model guidance on surface water and/or groundwater protection, the Watershed Management Plan and local Utilities and Department of Health drinking water section recommendations. It is recommended that the section directly reference the Connecticut Stormwater Manual for water quality and quantity requirements.
2. Section 6.12-2 establishes the boundaries of the Water Resource Protection District. Clarification should be added to the section to indicate where these boundaries are defined (e.g. town GIS, Zoning map on-line, etc.).

To modify the boundary a Special Permit is needed. The Special Permit should require the burden of proof be upon the owners of the land to demonstrate where the boundaries of the district with respect to their individual parcels of land shows should be located. Their submission should show more detail as to what needs to be included in the map. The map should show:

- A. surveyed 2-foot contours and stormwater infrastructure (location of catch basins, manholes, culverts, inlets, etc.);
  - B. existing and proposed watershed delineations;
  - C. notes on any changes based on stormwater infrastructure; and
  - D. be stamped by both a professional engineer and licensed professional surveyor.
3. This WRPD section should explain the process on how someone should submit a dispute on the boundary of the WRPD. The submission should include a paper copy of a map at 24" x 36" scale and a specified number of copies for review.
  4. It is recommended that town engineer or consultant engineer review and approve watershed changes on behalf of the board. The board may charge the owner/applicant for the cost of the review if a consultant engineer is engaged. If



more information from the disputer is required for the review, then more information may be requested and/or a site visit to the area may be warranted. A schedule for review and a decision on the proposed boundary modification/change should be determined by the board.

5. The WRPD does not distinguish between surface water reservoirs and areas in which groundwater is the sole source for water supply. The district is in just one area of the Town (we reviewed the WRPD data available on the Town website). Aquifer Protection Area data provided by the Connecticut DEEP was reviewed in GIS and it was determined that there are no aquifer protection areas within the Town of Groton so the WRPD should be noted that it focuses on protecting surfaces water reservoirs for drinking water supply. This section may wish to reflect EPA's Model Surface Water Ordinance (<http://water.epa.gov/polwaste/nps/mol7.cfm#surfacewater>). This ordinance identifies the following non-permitted uses within such districts:
  - A. Storage or production of hazardous materials as defined in either or both of the following:
    - a) Superfund Amendment and Reauthorization Act of 1986; and
    - b) Identification and Listing of Hazardous Wastes, 40 C.F.R. §261 (1987).
  - B. Disposal of hazardous materials or solid wastes;
  - C. Treatment of hazardous material, except rehabilitation programs authorized by a government agency to treat hazardous material present at a site prior to the adoption of this regulations;
  - D. Dry-cleaning, dyeing, printing, photo processing and any other business that stores, uses, or disposes of hazardous material, unless all facilities and equipment are designed and operated to prevent the release or discharge of hazardous materials and have undergone an inspection to certify they are in compliance within hazardous material regulations;
  - E. Disposal of septage or septic sludge;
  - F. Automobile service stations;
  - G. Junkyards;
  - H. Other uses as specified by the (local government authority) as potential contaminating activities.
6. The Town should review the EPA list and compare it to the non-permitted uses currently included in the overlay section. Consideration should be given to including those not included. Consideration should also be given to re-grouping the non-permitted uses in a more organized fashion.
7. The Town should consider including a new section on "Review Requirements for Development in the WRPD". The purpose of this section would be for the Town to receive an impact study during the submission of any new application for a



building permit, zoning permit, or other land development proposal within the WRPD. The application would be reviewed to ensure that:

- A. non-point source pollution is prevented to the maximum extent practicable;
  - B. management practices are in place to remove or neutralize pollutants to the surface waters;
  - C. sewage disposal systems are monitored, inspected, and maintained; and
  - D. businesses involved in potential contaminating activities which have received a special use permit must submit a spill control plan for approval.
8. The impact study would be performed or reviewed by a professional engineer and would include a description of the proposed project and its on-site processes or storage of materials, measures to reduce runoff rates both during construction and after, and proposed runoff control and reservoir protection measures. More details can be found at <http://water.epa.gov/polwaste/nps/mol7.cfm#surfacewater>.
9. The Town may wish to include a new section on "Buffer Requirements". Stream and shore buffer widths vary from twenty feet to 200 feet in ordinances/regulations throughout the country. The purposes of this section is to protect streams and reservoirs through the conservation of natural vegetated buffers around the surface waters. More details can be found at <http://water.epa.gov/polwaste/nps/mol7.cfm#surfacewater>.
10. Section 6.12-3.I combines medical offices and kennel facilities whose requirements do not overlap very well. The Town should consider separating them into two categories. Also the section should address minimizing fecal waste at outside runs and prohibit washing of animals (at least with soap products) in the outside areas.
11. In many parts of this section the regulations refer to periodic inspections being performed or structural items added to allow for inspection. The regulations should clearly establish the right of the Town to periodically inspect premises either during construction or at any time after commencement of operations. Section 6.12.5-B 6 indicates that a maintenance and inspection schedule of areas and structure may be required when applying for coverage. We would suggest that this be mandatory with an annual reporting period required.
12. Section 6.12.5-C discusses the design of stormwater management facilities for this zoning overlay. Instead of including specific treatment and design criteria, the section should refer to the Connecticut Stormwater Manual and Town-wide standards. By referring to the manual, the permittee will be required to meet the latest stormwater criteria and the regulation will be consistent with state requirements. It may be prudent to retain some items within this section since they go above and beyond the stormwater manual.
13. The Connecticut Stormwater Manual is not a regulatory document (See Section 1.4), but establishes guidelines. Adhering to the guidelines will ensure the stormwater management facilities are designed in compliance with the state regulations.



14. Additional clarification should be added to when an emergency spill contingency plan shall be provided such as when required by federal and state standards or hazardous waste is used, handled, or stored.

### 6.13 Mixed Use (MX) Zones

The existing MX Zone has not met its stated intent “to create compact, mixed-use environments, which are pedestrian in scale, and well integrated with surrounding uses”. We recommend that it be eliminated as a specific zone. The existing DDD zone would remain and a new Mixed Use Overlay would be created as an option coterminous with the DDD zone. The new overlay should be targeted to areas identified by the Town within the DDD as a focus for redevelopment, the nature of which would be vertical mixed use. The overlay should be clear in its stated objectives (i.e. buildings fronting the street, oriented around a square, pedestrian focused, etc.) and supported with appropriate density, dimensional and bulk and massing standards. It should however provide ways for potential developers to able to respond to unforeseen market changes. See Appendix D for an excellent example of a flexible Multiple Use Overlay District.

Specific recommendations for the MX zone:

1. Create a new Mixed Use Special Permit to replace the current MX Zone. Maintain the underlying zoning to minimize the potential of creating a lot of non-conforming uses.
2. For this overlay to appeal as an option to the underlying zoning process it needs to provide for a more streamlined development timeframe than what is currently available in the DDD through the application of a Special Mixed Use Permit.
3. Consistent with state statutes, we recommend the Twon create a combined Planning/ Zoning Commission to the Special Permit granting authority for all Mixed Use Special Permits. *Note: A combined Planning/Zoning Commission may also be considered particularly with respect to providing a more streamlined approach for permitting.*
4. For development under the Mixed Use Special Permit, allow for phased development but such phasing should provide anticipated timelines and anticipated construction schedules.
5. Require a pre-application conference with Town staff to review planning at a “sketch plan” level.
6. Provide for incentives such as FAR bonuses and shared parking where feasible.
7. Provide Design Standards that address desired character including: Context, Architectural Design, Visual Relief, Street Design, Pedestrian Design, Traffic and Circulation, Open Space and Public Amenity Areas, etc. These are intended as over-arching guidelines to better convey the Town’s goals relative to the desired mixed use environment and thus, should be supported with illustrative graphics



and comparable imagery to replace the existing “cartooned” graphics in the current code.

8. Residential use above retail or office should be encouraged but not required. Consider a development bonus for the provision of affordable units.
9. The minimum lot size for consideration under this Special Permit should be 1 acre.
10. Specific regulations should focus on bulk and massing, building to building relationships and how proposed buildings relate to streets and public space. Setbacks should be minimal. Hardscape such as plaza area should be included to meet common area requirements so long as it is publically accessible.

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## Section 7: Supplementary Regulations

### 7.1 Conditional Uses

1. Consider relocating this section to follow the General Regulations Section. If the suggested changes to zoning classifications and simplifications recommended herein are to be incorporated, this section needs to be updated to reflect the new district designations.
2. This is a daunting list which raises the question as to whether some of these could become as of right uses with administrative approval subject to Site Plan review by staff. A few, such as Home Occupation, are currently administratively reviewed. We suggest that Staff work with the Zoning Commission to expand administrative review.
3. The section as currently organized is lengthy and not logically organized. Consider reorganizing by categories as follows:
  - A. Residential- Permanent and Temporary
    - Active Senior Housing
    - Accessory Apartments
    - Adult Day Care Facility
    - Boarding & Rooming Houses
    - Caretaker/Security Service Dwelling
    - Mobile Homes/Community
    - Motel/Hotel
    - Multi-Family Dwellings
    - Nursing Home
    - Residential Life Care
  - B. Retail and Service Related
    - Automobile washing
    - Auto Rental in DDD Zone
    - Community Residential Counseling Facility
    - Drive Thru Facilities



- Drug Store Pickup Window
  - Child/Group Day Care Facilities
  - Free Standing Large Scale Restaurants\*
  - Home Occupation
  - Ignition, Brake & Small Repair
  - Junk Salvage
  - Kennels
  - Large Scale Conference/Entertainment\*\*
  - Self Service Storage
  - Small Scale Personal Retail in OMF\*\*\*
- C. Office/Institutional Related
- Charitable/Philanthropic
  - Club, Lodge or Association
  - Educational
  - Historic/Institutional Reuse
  - Hospital
  - Professional Offices
- D. Recreation Related
- Bowling Alley & Other Indoor Recreation
  - Carnival/Fairs
  - Campground
  - Other Outdoor Commercial Recreation
- E. Other
- Cemetery
  - Contractor's Storage Yard
  - Farm, Commercial
  - Filling & Removing Earth Products
  - Keeping of Hens
  - Telephone and Telecommunication
  - Waste Handling/Reduction Facilities

\*This needs further clarification. Some metric should be established such that the burden of interpretation is left to the staff i.e. any free standing restaurant or dining facility greater than 7,500 SF.

\*\*Also needs clarification for the same reason. Conference facilities are typically tied to destination hotels and are larger footprint buildings (1-3 stories) which can vary greatly. We suggest tying the definition to the individual zones in which the facilities may be allowed such that the potential mass/bulk is appropriately scaled. The same would apply to large scale entertainment facilities such as movie theaters. In this case the parking demand has to be a consideration as well and could serve as the metric by which the scale is defined.

\*\*\*The OMF District will no longer exist under the recommendations herein.



4. Consider increasing lot coverage from 15% to 20% (7.1-8). This would allow for 1 acre of coverage on a 5 acre site.
5. 7.1-1 Residential Life care Communities- In recognition of changing demographic trends cited earlier, consider allowing higher densities for Residential Life Care. The current standards for minimum lot area per unit type necessitate larger tract sizes which pushes these projects to peripheral locations where larger tracts are typically more available. Seniors have expressed a strong desire to be closer in and adjacent to services, recreation and retail. Densities of 15-20 DU/Acre should be considered. In addition, there are many new “models” of senior living arrangements which should be researched to bring the terminology in line with today’s nomenclature.
6. 7.1-2 Campground- Is this section on campgrounds really needed?
7. 7.1-3 Carnival or Fair- As carnivals are typically transient events, could this be handled under a license authority rather than in the zoning regulations?
8. 7.1-4 Cemetery- This could simply be handled as an allowed use subject to site plan review.
9. 7.1-6 Contractor’s construction and Commercial Vehicles and Equipment Storage- This should be specified as a use that is only conditionally permitted in a residential district.
10. 7.1-7 Charitable and Philanthropic Institution- Remove from the conditional use category and allow as of right with site plan review by staff.
11. 7.1-8 Elementary and Secondary School, Colleg and University- This should be researched to determine if such uses are exempt from local bylaws and subject only to a reasonable level of site plan review. The minimum lot area of 5 acres or 1000 square feet per student seems excessive as is the lot coverage of 15%. Unless the purpose is to push these uses to the peripheral part of town, trends towards smaller lot size and adjacency to minimize traffic trips should be given due consideration.
12. 7.1-9 Commercial Farm or Nursery- This could be subject to simple site plan review but again, the metrics seem excessive. The current 5 acre minimum lot area required does not take into consideration CSA’s (community farms that distribute their products by selling shares) which can operate on a much smaller scale. *Note: The current Definitions Section provides no definition for commercial farming or agriculture though the Table of Permitted Uses does mention agriculture as a permitted use. The State General Statutes Section 1-1 (q) defines agriculture, forestry, viniculture, etc by the type of activity, not by precise acreage, revenue or other quantitative measures. As regards “non commercial” farms, this could be a broad list of potential situations and rather than over regulate, we suggest these could be handled under the health regulations of the Town.*
13. 7.1-10 Filling and Removing Earth Products- This section should be reviewed to ensure that it is consistent with contemporary standards and practices.



14. 7.1-11 Home Occupation- The issue of home occupation is relevant to the trends articulated earlier in this audit and many towns are encouraging it as a means of reducing traffic demand and addressing community live/work/play goals. This is currently handled administratively and should continue in this manner.
15. 7.1-12 Hospital- There have been many advances in medical care since this section was written...clinics, multiple use medical campuses etc. so some this section should address this contemporary solution and should be broken down accordingly. Hospitals per se could continue to be a conditional use but other forms of medical care could be handled under the site plan review process.
16. 7.1-14 Kennel or Stable- Riding stables may be classified differently by the state and may fall within the agricultural category. This could be treated within the Table of Permitted Uses. Connecticut law is specific about providing standards if it is to remain as a conditional use.
17. 7.1-16 Multi-family Dwellings- It is not clear why this is here and not handled under the district categories with fine-tuning as to specific housing type.
18. 7.1-17 Nightclub, Disco or cabaret- As these uses are already subject to review for licensing food and alcohol, remove as a conditional use and consider two levels of review: where such a use is occupying an existing building allow with site plan review. Proposals for new operations would still be considered as a conditional use. In any case, the use should be allowed in the industrial districts.
19. 7.1-18 Child Day Care center These could be removed as conditional with site plan review approval instead.
20. 7.1-20 One and Two family Dwellings and Boarding or Rooming Houses and Active senior Housing- Active senior housing should be in a separate category.
21. 7.1-21 Professional Offices- Why is this allowed in the RU district?
22. 7.1-22 Telephone Exchange Stations and Electric Transformer Stations- Does this reflect public utility exemptions? Could such uses be considered as accessory? The section should be consistent with contemporary nomenclature and standards.
23. 7.1-24 Office and Similar Uses- We have recommended removing the OMF as a district so this section would no longer be relevant.
24. 7.1-25 Ignition, Brake, Muffler and Similar Limited Repair- "Limited repair" is ambiguous. It would be better to state "vehicular repair as described herein".
25. 7.1-27 Other Outdoor Commercial Recreation- There needs to be a more definitive description of what Outdoor Recreation is.
26. 7.1-28 Executive Motel/Hotel Suites- As this category is differentiated from other overnight stay facilities the duration of occupancy should be given.
27. 7.1-29 Bowling Alley or Other Indoor Recreation- As traffic for this use is typically off-peak, consideration could be given to removal as a conditional use and put into the required site plan review category.



28. 7.1-31 Hotel/Motel Accessory Uses- The Industrial Mixed Use Permti we have suggested, if utilized, could superceded this.
29. 7.1-32 Group Daycare Home- There are categories of Group Day care which need to be addressed. Privately run, in-home proposals could be handled through site plan review and not a conditional use. Larger commercial operations such as Kindercare for example would remain as a conditional use.
30. 7.1-33 Waste Handling/Reduction Facilities- This section should be reviewed and updated to reflect contemporary nomenclature and standards as ell as newer technologies such as biomass and trash-to-energy plants.
31. 7.1-34 Accessory Apartments- As these typically fall within the category of “in-law” apartments, are consistent with trends for live/work/play proximity and generate little or no increased traffic, they shouldn’t be over regulated. They are currently handled by administrative site plan review. We suggest that the metric of 600 square feet of maximum floor area should be increased to 800 and 30% of of the principle dwelling and handled under site plan review.
32. 7.1-35 Adult Daycare Facility- Why differentiate between group and adult day care?
33. 7.1-36 Drive Through facilities- Specific types of drive-thru facilities should be differentiated.
34. 7.1-37 Community Residential Counseling Facility- As many of these facilities are occupy existing older buildings that may date from a time when lot sizes were smaller, limiting minimum lot size and square feet per unit seems too restrictive.
35. 7.1-38 Historic/Institutional Reuse- It is not clear what constitutes historic status...is this by National, State or local designation? Does it apply townwide or is it limited to certain districts?
36. 7.1-40 Freestanding Large Scale Restaurants- The term “large scale” needs definition or it should be removed. Why limit them to the IPA zone? Restaurants of this type typically are in the 12,000-15,000 square foot range and are locationally tied to larger traffic volumes and are thus drawn to commercial zones.
37. 7.1-41 Telecommunication Towers, Antennae, and Facilities- Check to make sure this is consistent with the latest FCC act and amendments.
38. 7.1-42 Large-scale Conference/Entertainment Facilities- Define “Large scale” or eliminate the term.
39. 7.1-43 Auto Rental in Downtown Redevelopment District- Given the extreme minimum lot size it would appear that this is not a desired use in this district. As auto rental can operate on a much smaller lot, consider reducing the minimum (1 acre) or making it a prohibited use.
40. 7.1-44 Drug Store Pick-up Windows/ Facilities- This could be eliminated by folding it into the Drive-thru section (7.1-36).



41. 7.1-45 Active Senior Housing- The minimum lot area should be reduced...consider using 10 acres as the metric. Just a general comment with regard to setbacks...7.1-45F proscribes a 75' setback from a property line. We think setback language throughout the ordinance should be written such that other mitigating conditions such as topography, existing dense vegetation and walls can be taken onto consideration in determining appropriate setback dsitance.

## 7.2 Parking

The two main issues with the parking regulations are the inconsistency in terminology used in the regulations, especially in the parking section and the Table of Permitted Uses, and the need to update the parking standards themselves, some of which are over 25 years old. This will be of particular importance in the districts where mixed use is a goal, the DDD in particular. The ability to apply shared parking standards can serve as an incentive to a potential developer in mixed use developments. Standards for shared parking are available from the Urban Land Institute in its "Shared Parking" publication.

1. Parking spaces specified under 7.2.3 should be reviewed for consistency with the Table of Permitted Uses and the formulas for minimum parking space requirements. Overall the base parking ratios are a little high, but not too bad, especially for new, standalone developments. The focus should be on making the requirements simpler for existing properties that may be developed or have a change of use, particularly those in mixed-use business districts.
2. Some of the uses can be combined to have the same minimum parking requirements (i.e. office and financial, bars and restaurant). This makes it simpler for a change of use.
3. The minimum parking requirements could be relaxed for smaller properties, or for core business districts that are fully developed. This could include requiring only parking for employees for businesses up to a certain size or providing reduced requirements for upper level commercial space. There are some existing provisions related to this issue, and we offer the following comments.
  - A. The DDD allows a 10% reduction in parking requirements and it is recommend that it be by-right rather than by special permit. Note that in the recommended future amended DDD, there would be no need for this kind of provision because the underlying zoning would be more precisely configured to what the actual development pattern is: highway commercial. Flexible parking requirements for a more compact development pattern might be more logically placed in the new Downtown Overlay District, where a very different development pattern would be encouraged.
  - B. In the WDD, a special permit is required for a change of use that requires 5 or more additional parking spaces, but it appears that a waiver of fewer than 5



parking spaces is still required under 6.3-4 (H). The waiver of providing fewer than 5 additional parking spaces should be by right.

- C. We understand that “the 5/8ths rule” is often used for calculating waivers in the WDD for commercial properties. Such a magnitude of reduction is in line with that provided by zoning provisions of municipalities with similar areas and objectives. If the 5/8th rule is commonly and routinely used in waiver calculations, it should be codified as such.
4. One provision that appears to be missing is how parking requirements apply to a change of use/expansion of property that doesn't currently meet parking requirements. Often, they are only required to provide the additional increment of parking spaces rather than make the entire property compliant regarding parking.
5. There is currently nothing about parking requirements for seasonal outdoor seating. Up to a certain size, it should be allowed without additional parking requirements.
6. Parking space requirement listed under 7.2-3 (A through Y) should be put into a chart.
7. The Town should consider making the shared parking section (7.2-6) more usable by including a simple shared parking reduction formula by right, with further reductions by permit.
8. The required width of the parking spaces specified under 7.2-7 should be reviewed. The 9 foot requirement is appropriate for high turnover visitor/customer parking, but 8.5 feet would be appropriate for other uses.
9. The truck loading requirements specified under 7.2-15 should be reviewed to see if it should apply only to locations regularly serviced by tractor-trailer trucks, rather than smaller trucks.
10. The Phased Parking Development section (7.2-16) should allow for other uses on the “reserve spaces” after it is proven that they are not needed (i.e. after three years).
11. The parking standards should be reorganized into land use types that follow the way the Table of Permitted Uses is organized and the terminology should be consistent.
12. Consideration should be given to demographic trends in amending the parking standards relative to residential uses. For example, statistics show that millennials have fewer cars which will have an impact on apartment developments. Seniors interested in downsizing and moving into a more walkable “Town Center” may also justify a lower required parking ratio.



## 7.3 Sign Regulations

1. If the recommended changes to the zoning classifications are to be implemented (Sec 3.1), this section will need to be updated to reflect the new district designations.
2. Consider adding a simple table to this section that lists the types of signs in the first column, the permit required in a second column, and the granting agency in the third column. This table could also indicate where no permit is required as well.
3. Review existing to ensure content neutrality in this section.
4. Consider adding a definition sections with graphic illustrations for each type of signage:
  - A. Projecting Signs
  - B. Wall Signs
  - C. Ground Signs
  - D. Accessory Signs
  - E. Canopy Signs
5. Revise Special Large Building Signage Provisions (7.3-10) to read as follows:
  - A. The purpose of this section is to enable the Zoning Board to consider allowing additional wall signage for large scale commercial businesses beyond that which is already specified in this ordinance if the following conditions are met:
    - a) The building footprint exceeds or is equal to 50,000 SF;
    - b) The building is located in the C, DDD or I ZONE
    - c) The façade where the sign is to be located and which is occupied by the business in question must be 250' or greater.
    - d) The building is located on a major arterial.
    - e) Consider limiting business identification signage to one sign per street frontage to reduce sign proliferation.

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## Section 8: Administration and Enforcement

### 8.3.1 Purpose and Authority

1. Groton has a separate Zoning Commission from the Planning Commission (although many CT municipalities combine them into a single body). There is also a separate Zoning Board of Appeals, largely for variances. Zoning Commissions



appear to be charged with granting special permits, as per state law, while the Planning Commission seems to be charged with subdivision control and site plan review, as well as long range planning and other duties. The Planning Department provides professional support for the two Commissions, thus creating a direct connection. We suggest creating a combined Planning and Zoning Commission, instead of two separate boards. Perhaps the weight of tradition and vesting in the two separate bodies would make this an unlikely occurrence politically, but a single board theoretically could help to streamline permitting processes, instead of fragmenting them.

### **8.3-2 G. Applications**

1. Lighting specifications and photometric diagrams need to be added to this list.

### **8.3-8 Special Permit Criteria**

1. The purpose and authority paragraph gives no specific indication of where Special Permits may apply referring only to “Certain classes of buildings, structures or uses of land may only be appropriate in particular locations or didtricts based on how their attributes relate to specific locations.” Rather than begin with such an unclear statement this should be eliminated. Earlier in Section 5, we suggested changes to the Table of Permitted Uses that would provide a clear nomenclature including adding an SP to theTable of Permitted Uses to indicate where special permits would be required. A reference back to the Table of Permitted Uses would be appropriate here in this paragraph.
2. 8.3-8 Special Permit Criteria- The standards as listed are general and broad based. An additional statement should be added to indicate that the Commission may also consider more advanced concepts related to applications such as low impact development, alternative energy, and mixed use when applicable.

### **8.3.9 Commission Action**

1. This could be a section where the possibility of some streamlined permitting is inserted, at the very least for a combined technical review and hearing process, with an outside end date. This could be particularly helpful in a special district where a special permit is involved, or in open space subdivisions. Inland wetlands also could be incorporated into the process.
2. We have, with this audit, suggested creating threshold levels of site plan review whereby “straight forward” submittals could be approved at the administrative level which would address the issue of streamlining to some degree. What follows is a summary of how other municipalities have addressed this issue:
  - A. Designate a single point of contact for all land use related permitting. More often, this falls to the Planning Director and his staff but Connecticut law would allow this to be under the Building/Zoning official as well.



- B. Set an outside time limit for completing all land use permitting. This would encompass statutory time limits for various permits, but establish a reasonable upset limit for the whole regulatory process. If this limit were less than that which is already set it would serve as an incentive for developers and could be used to stimulate development.
- C. By mutual agreement of the Applicant and the Director, provide for the possibility of concurrent hearings where feasible, especially where special permits, site plan review, and wetlands (inland) are involved. This can potentially reduce process time for applicants, saving money and headaches.
- D. Again by mutual agreement between the Director and the Applicant, provide for the possibility of concurrent application packages to avoid duplication of materials, effort and production.
- E. Encourage pre-application processes with Applicants and Boards.

#### 8.4 Site Plan Review and Approval

The whole section, even with Coastal Site Plan Review (CSP) could be much shorter. The “trigger” for this process could be more should be clearly stated as in the following example:

*“The requirements of this section shall be applicable to the following:*

- 1. Any nonresidential development that results in an increase in on-site parking.
  - 2. All modifications to existing development projects which fall within the applicability of the town’s regulations for parking and loading or landscaping.
  - 3. Any change in use or reactivation of a facility that has not been in use for a period of two years.
  - 4. Multi family housing for the elderly.”
1. Consider creating thresholds for the site plan review process based on stated levels of development intensity. For example, two levels could be established- Minor and Major Site Plan Review. Minor review would address new development or expansion (excluding single or two-family dwellings) that results in less than 2000 square feet of floor area or that results in the addition of fewer than 20 parking spaces. This approval could be given at the staff level or a Site Plan Review Committee could be created representing members of key departments within the town for review and approvals for projects in this category. Major Site Plan Review would then be anything above these thresholds to be reviewed as currently handled in the Zoning Ordinance.
  2. The Administrative CSP is good; perhaps a timeline that is less than that of the 65 days for the full Commission would be helpful and a small streamlining step for the process.
  3. Submission requirements need to be updated to allow for digital submission and PDF’s of the full package with the application.

## SUBDIVISION REGULATIONS AUDIT

VHB reviewed the Subdivision Regulations to identify inconsistencies and opportunities to improve or streamline process as well as to identify the need for updating the regulations to be consistent with contemporary tools, techniques and trends. The movement towards creating streets that are safe for all users -pedestrians, bikes and automobiles- called Complete Streets, addresses the need for towns to manage streets and traffic more effectively. The demographic trends discussed earlier in this report point to potential impacts on street design, both new streets as well the adaptation of existing streets, as towns adapt to the needs of aging citizenry as well as those in the Millennial cohort. Among these needs are increased sidewalks and sidewalk area particularly within mixed-use developments, the provision of inter-connected streets and the provision of additional pedestrian crossings in areas anticipating increased development.

Recommendations are offered consistent with the goal of improving the understanding of of the overall intent of the regulations to improve user experience. It should be noted that, given recent case law changes (Buttermilk Farms, LLC v. Planning and Zoning Commission of the Town of Playmouth), the regulations should be reviewed by the Town Attorney to ensure consistency with the rulings in these cases as well as to be consistent with all current State Statutes related to the subdivision of land.

Finally, thought should also be given to providing a more streamlined approval process where conservation or open space subdivisions or other creative solutions to residential layout are encouraged.

Following are recommendations pertaining to the Town's Subdivision Regulations:

1. Section 2 – Application/Approval Process, Sub-section 2.3 - Add provision for mutually-agreed-upon written extension of the 65 day completion window.
2. Section 2 – Application/Approval Process, Sub-section 2.3 Subdivision Plan (7) - Require plan sets to be submitted in all cases with a PDF; this allows easy 11 “x 17” photocopying. Require full 24” x 36” paper copies as needed, plus mylars to be signed
3. Section 3 – Specifications for Submission Documents, Sub-section 3.1 Final Plan - A registered surveyor is the minimum qualification for plan preparation. This is obsolete and inadequate for a final plan set (sketch plans are ok with a surveyor).
4. Section 3 – Specifications for Submission Documents, Sub-section 3.4 Digital Data - Software references in several instances are old and obsolete; replace with a more generic description of CADD software that will not become out of date when versions change or new products are used.
5. Section 4 – Requirements for Improvements, Reservations, Design Sub-sections 4.1, 4.2, 4.3, 4.4, 4.7, 4.10 (General, Lot Improvements, Streets, Drainage,



Sidewalks, Utilities/Lighting, Parks/Playgrounds, Natural Features, Non-residential Subdivisions):

- A. Development-free area in 4.1, #7: if the Town is going to require special buffers, it is not just protecting the man-made facility but protecting the subdivision, in some instances; amend text accordingly.
  - B. Add “cut-to” line in 4.2 or 4.10 and/or 4.11: this is the concept of designating an enforceable, recorded tree-cutting limit, wherever possible, to preserve viable or mature stands of trees and/or forest cover.
  - C. Street Classification: 4.3 throughout sub-section, plus Table I—substitute for the existing, minimal street classifications in the Regulations a more modern and broader street classification from AASHTO/DOT Functional Classification System. This must also be coordinated to be consistent with Road and Drainage Standards and the the Towns’ Plan of Conservation and Development.
  - D. In 4.4, insert a Low Impact Development option for providing at least part of the total design to include those recharge techniques, especially with rain gardens, bio-vegetated swales. Consider making it mandatory to at least consider them.
  - E. In 4.7, sidewalks on both sides could be excessive for non-residential subdivisions and an unneeded cost. Street trees can still be on both sides, at least on major public ways or industrial interior drives, placed in planting strips without a sidewalk.
  - F. In 4.10.2.b: List could be expanded to include native maples, ash, other oaks, and linden.
  - G. In 4.11: Non-residential Subdivisions, several of the items in the list immediately above for Section 4 could be incorporated in 4.11, as an option and in abbreviated form, to make requirements clearer to non-residential developers
6. Recognizing the impacts of changing demographics, particularly with regard to seniors and retiring “boomers”, consideration should be given to incorporate principles of “complete streets” into the revised document to address the needs of pedestrians, public transportation and bicycles. The Town should consider creating a separate document as a supplement to the regulations that provides an illustrative view in cross sections of the standards as applied to the hierarchy of streets.

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## NEXT STEPS

Given the daunting task of re-writing the Town’s zoning regulations, it would be tempting for the Town to proceed on a piece-meal basis, addressing the issues identified in this audit individually as time and budget allow. Recognizing that the



problem with the current zoning is due in large part to incremental changes that have been made over time, we recommend against such an approach. We do, however, understand that public sector priorities may need to shift to meet other unforeseen problems. That said, we recommend that the Town craft a series of targeted changes to address town-wide economic development priorities first. Staff, as time is available, can begin to make necessary changes/updates in wording, terminology, etc.

The consultant team feels strongly that from this point forward the Town needs to focus on quality, establishing a high bar to set an example for future work in the Town as well as to address the lethargy that may remain from reliance on past successes. This translates into choosing small projects (less is more) that are achievable and which demonstrate a commitment to high quality design rather than reaching too broadly.

As to the Town's economic development goals, we would recommend the following (this listing appears in an abbreviated form in the Summary at the front of the Audit):

1. Target those areas identified by the Town into short- to mid-term opportunities for economic revitalization by eliminating the Mixed Use (MX) District as currently written and creating the new Mixed Use Special Permit overlay as suggested herein. See Appendix E for an example of an Industrial Mixed Use Overlay that may be applicable to the airport industrial area in particular.
2. Initiate a master plan at staff level for the Route 1 corridor to help understand what is on the ground (including existing rent structure) in terms of future metrics for the Mixed Use Special Permit overlay for the DDD. Consider a "public-private" partnership approach to get a mixed-use "demonstration project" underway on the corridor. The Town should also pursue the applicability of using Tax Increment Financing (TIF) to spur and direct redevelopment in the corridor.
3. Recognizing the emerging expansion pressures in the Waterfront Design District, conduct a staff level planning study for the WDD to better understand the scale of this historic district including existing patterns of lot size, building coverage, setbacks and yards, building height and FAR's. The study can be used to inform the creation of guidelines for new development types in expanding areas. The results may also be brought into a "pattern book" which can provide a visualization of the development goals for the area and will also serve to ease perceptions from existing neighbors.
4. Conduct land use studies in a representative cross-sampling of the built industrial environment to better understand development characteristics (actual floor area, lot sizes, and lot coverage, parking quantities) and compare them to the zoning requirements. This will enable the Town to have a factual/quantitative baseline for making adjustments to dimensional and



density requirements in the zoning regulations. Such analysis is need before industrial or commercial zoning metrics are changed.

5. If there is interest in maintaining the NMDD as a “special” district and targeting new development, consider removing some of the barriers to development that currently exist such as the minimum lot area, and larger, suburban patterned setbacks to bring more into conformance with the type of development that is on the ground and which can contribute to creating a stronger identity and sense of place for the area.
6. Consider creating a process whereby the Planning Commission, Inland Wetlands, Coastal Management and Zoning Board of Appeals (as applicable) can hold joint hearings, which would mean just one set of advertising, public notice and abutter notice, as well as one technical review by staff (and/or outside consultants). The individual boards would then deliberate to write and approve individual decisions. The joint-concurrent hearing process can help to streamline permitting, shorten the time frame and save the developer and even the municipality some time and money.
7. Create a “developers handbook” to assist potential developers negotiate the approval process.
8. Simplify the existing Table of Permitted Uses.
9. Add illustrations to the developer’s handbook to help clarify design intent. This is particularly important in the WDD but applies to other sections as well.
10. Enhance the Town’s ability to use technology in communicating and administrating its land use regulations. Some problems that exist today such as emailing larger files to the Town require adding storage capacity and improving the current system to be more consistent with today’s technology standards. Other changes to consider include adding the ability to do on-line permitting.



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## APPENDICES

- A. Streamlined Table of Permitted Uses (Westborough, MA)
- B. Streamlined Approval Process and Board Consolidation (Devens, MA)
- C. Massachusetts 43D Process
- D. Flexible Multiple Use Overlay District (Westwood, MA)
- E. Industrial Mixed Use Overlay (Bedford, MA)
- F. Suggested Organization (Westborough, MA)
- G. Best Practices
- H. Development Incentives