CMRPC staff members developed this Central Massachusetts Model Village District Bylaw after interest in developing and implementing village district-related zoning was brought forth by a number of our member communities. Thanks to CMRPC’s Physical Development Committee for funding under the CMRPC’s District Local Technical Assistance (DLTA) program. The development of our Model began by review of existing models, including the existing State Model Village Bylaw, and examples of village-based zoning that have been implemented across the Commonwealth. We convened a March 30, 2015 Village District Bylaw Initiative Kick-off Meeting / Workshop that included attendance of representative of five of seven of our communities who were interested in participating in this initiative and a team of technical experts who volunteered their time (eight such experts attended with five others who provided their input either via telephone or email communication). The meeting notes from the workshop have been provided as Appendix A to this Model Village District Bylaw. CMRPC would like to thank all involved in the development of the Central Massachusetts Model Village District Bylaw for their time and energy that helped us develop it.

New England Villages were traditionally settlements based on a pattern of higher density and a mixture of commercial/residential/institutional land uses compared to the surrounding countryside. With the implementation of Euclidian zoning that occurred in most Massachusetts communities initially starting after the 1926 Euclid v. Ambler United States Supreme Court case, but seemed to emerge especially after World War II. The United States then established a new untested model for town development based on the car and zoned our communities according to this model in favor of the time tested elements that had previously allowed our villages to grow and thrive organically to meet market and living conditions. Suburbanization that occurred after World War II and implementation of large lot zoning have, in many communities that have not adopted village-specific zoning, impacted the development of new mixed use village areas. Another impact of Euclidian zoning can be seen in how existing villages are now nonconforming in either use and/or dimensional criteria (Stoneville Village in Auburn is one such example in that no retail business and consumer service uses are allowed under current zoning, but there are a handful of such uses that exist in this former Mill village).

Another important note regarding this bylaw is that it assumes there are certain common regulatory elements elsewhere in the Zoning Bylaw. For example, this bylaw references both a Site Plan Review section and the community’s essential Special Permit procedures that most communities will have in within the bylaw or ordinance. Referencing these sections made it easier to present the most important sections of this bylaw without being distracted by several pages of plan requirements, permit procedures and basic findings.

Based on the input CMRPC received at the March 30, 2015 Workshop, we believe that a goal for communities to consider is to make as many projects and uses as-of-right as feasible (see section 4.0 for the discussion of allowed uses). The opening visualization/visioning process for each village zoning development initiative is a good place to start addressing this consideration. Requiring any Special Permits in the Village District zone, whether a base or overlay zoning district, for any uses that seem reasonable in good faith for village development, can present an extra obstacle. This is especially true for uses that being undertaken in existing built spaces and where an overlay district makes village development optional.
In addition, the Village Zoning Workshop participants noted their support for a streamlined approach for site plan review in cases of change of use within existing structures. The idea is to allow for a simplified review and approval process at the Planning Board or the administrative (Building Commissioner/Zoning Enforcement Officer) level if the allowed use is an as-of-right use, there is no change in use category (i.e. retail, office, industrial, residential, civic), and all dimensional requirements are met. The towns of Concord and Ashburnham provide examples of this approach and their provisions are included as Appendix B.

Format of this Model Bylaw is to be read as follows:

Regular font text to be suggested language

Italic font text to be guidance and commentary

Definitions

There may be some new definitions that towns choose to add to their zoning bylaw and below are some suggested definitions based on the existing State Model and other example bylaws we have researched that included such definitions as “mixed-use” and “live-work space”. CMRPC recommends that any new definitions be added to the main Definitions section of the zoning bylaw rather than made part of the Village District section.

Civic Use: a land use that provides a public, cultural, or institutional benefit to the community. Specific uses may include, but shall not be limited to, government offices, religious institutions, museums, and educational institutions.¹

Floor Area, Gross: The sum of the gross horizontal area of the several floors of a building measured from the exterior face of exterior walls or, from the centerline of a wall separated two buildings but not including interior parking spaces, loading space for motor vehicles or any space where the floor to ceiling height is less than six feet.

Live-Work Space: A dwelling unit in which up to 50% of the floor area is used for the production, showing and sale of art or handcrafted artisan crafts.

Mixed-Use Structure: A single building designed to encourage a diversity of compatible land uses which include a mixture of two or more of the following uses: residential, office, retail, or personal services, with the ground floor used primarily non-residential use.

Multi-Family dwelling: A building or planned development with buildings containing three or more dwelling units, including units that are located over one another. Note that multi-family buildings include garden apartments and high-rise apartment buildings.

Personal Services: Services for everyday affairs including barber shops, beauty salons, launderettes, dry cleaning, shoe repair and other similar service businesses.

¹ CMRPC staff note that some uses included in this definition enjoy particular protections in permitting: educational (the Dover Amendment at the State level); and religious (Dover Amendment and the Federal Religious Land Use and Institutionalized Persons Act, also known as the RLUIPA).
**Transparency:** The amount of transparent space that occupies a building façade including standard street level windows and doorway windows.

**Section 1.0 Purpose**

CMRPC’s Central Massachusetts Model has incorporated some of the existing purpose-related language from the State Model that had emerged in the mid-2000s with the release of the Commonwealth of Massachusetts Smart Growth Toolkit. However, we have incorporated additional purposes based on language included in the DLTA application for this Project and from the 2015 Rhode Island model that address design and housing.

[INSERT NAME OF CITY/TOWN] finds that the revitalization of our village centers will benefit the general health and welfare of our residents and the region by fulfilling existing housing, economic development, transportation and employment needs. Therefore, the Town implements this bylaw and designates certain zoning districts as Village Center (Overlay) Districts to encourage economic and residential growth that fits the character of the Town and to help achieve the Town’s objectives for the village center regarding use, design and functionality.

The purposes of the Village Center Zoning (Overlay) District are to:

A. Build upon the historic development patterns in existing village centers to create attractive, walkable neighborhoods;
B. Encourage adaptive reuse of abandoned, vacant, or underutilized buildings or structures where consistent with the character, massing, and density of the neighborhood;
C. Allow for a mix of land uses that are appropriate to both the needs of the community and the scale of structures in the surrounding neighborhoods;
D. Provide for the development of housing that allows for a full range of housing opportunities for various family, age, ethnic, income, disability, stage of life, and social situations;
E. Provide incentives to develop larger parcels at higher densities and in a coordinated, planned approach;
F. Maintain a consistently high level of design quality throughout the district;
G. Further the Region’s and the Town’s economic development potential by encouraging a vibrant town and village center areas where people can live, shop, eat, conduct business, and enjoy arts and cultural activities; and
H. Create new development and redevelopment that is designed to follow traditional New England village development in terms of its physical design, scale, mix of uses, and visual character.

**Model Commentary:** The purposes listed above are used as part of the decision making criteria for the Planning Board, so communities must be careful to craft these according to their vision and goals for the village center district. Where the district may be used to leverage affordable housing development, these goals should be clearly incorporated into this section and the CMRPC Model includes Purpose D that addresses housing. If the town addresses village / mixed use zoning in its Master Plan, it might be useful to say something about this district being in conformance with that plan.
Section 2.0 Establishment

To create an Overlay or Base Zone? That is the question to be addressed in this section of the Bylaw. If the Town chooses to use a base zone and not an overlay, then establishment of the Village District can be incorporated within the section that describes/introduces all Zoning Districts. This section is designed to provide the location as either a reference to the official zoning map and/or the set of parcels that are included in the new zoning district.

For those not familiar with the overlay zone concept, an overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district (also sometimes referred to as the “base” zoning district). Communities often use overlay zones to protect special features such as historic buildings, wetlands, steep slopes, and waterfronts. Overlay zones can also be used to promote specific development projects, such as mixed-used developments, waterfront developments, housing along transit corridors, or affordable housing. This contrasts with the base zoning, which communities generally adopted long ago to identify sections for residential, commercial or industrial uses would be allowed, for example. One challenge of the implementation of base zoning has been its strict adherence to separating the various uses, which has limited the development and implementation of mixed-use villages.

A more detailed summary of the potential advantages and disadvantages related to base zoning versus overlay districts can be found on the Commonwealth’s Smart Growth/Smart Energy toolkit: http://www.mass.gov/envir/smart_growth_toolkit/pages/mod-zoning.html

Section 3.0 Permit Procedures – Authority

The Planning Board shall act as the administering authority for any Site Plan Review procedure associated with this bylaw (INSERT REFERENCE TO EXISTING SITE PLAN REVIEW SECTION). The Planning Board shall also serve as the Special Permit Granting Authority for any use that requires a Special Permit in the underlying district or any use requiring a Special Permit pursuant to Section 4. Where standards or other requirements listed as part of this overlay district may conflict with those in the underlying district, the overlay provisions shall apply (This last sentence would only be necessary for Village District Overlay zoning districts and not for base zones.).

Above is where the language from the State model gives the Planning Board the authority to review projects under site plan review and also act as the Special Permit Granting Authority (SPGA). CMRPC staff supports the idea of streamlined permitting, e.g. to have a “one-stop shop” if there is to be a Special Permit required for certain uses. The State recognized this approach noting “This section clearly identifies a single agency, in this case the Planning Board, as the primary oversight for all permit review.”

2 https://www.planning.org/divisions/planningandlaw/propertytopics.htm
Section 4.0 Use Provisions / Allowable Uses

Generally a community separates land uses into the various categories, such as allowed:

- as-of-right\(^3\)
- allowed subject to special permit approval, or
- not allowed.

Sometimes this is achieved by a Table of Use Regulations which inserts the new zoning district into that table and then lists which of those uses would be allowed in the new Village-based district. CMPRC staff notes that a community planning exercise can lead to an agreement on many of the uses that would be appropriate to a village district. One thing to consider is that a Use Table found in most of our community’s zoning bylaw may be too specific, and therefore might unintentionally leave out opportunities for good uses. For example, if a Zoning Ordinance lists very specific offices like architects, financial services, lawyers, etc., then other similar uses that are NOT listed might be seen as “prohibited” by the zoning enforcement officer. This could have unintended negative consequences and should be carefully reviewed by local communities.

\(^3\) Sometimes referred to as “by-right”

a) As-of-Right Uses –

The following uses are allowed as-of-right (subject to any site plan review requirements listed [REFERENCE EXISTING SITE PLAN REVIEW BYLAW; See discussion above regarding considerations for elimination or reduction of full site plan review requirements in cases of a change of use] and all applicable dimensional, density and design provisions listed in this bylaw.

1) Mixed Use Structure (Communities could put in a certain # of units or density rate which allows a certain number of units by-right with a threshold before a Special Permit would be
required. Again, communities are strongly encouraged to allow as much housing as possible as-of-right.

2) Convenience Stores and related dry goods
3) Pharmacies
4) Art Galleries
5) Grocery Stores (Communities may want to cap the size of a grocery store or all retail related businesses in a Town Center area; given they probably do not want to see development of a super grocery store in such a location; CMRPC staff suggest 15,000 square feet).
6) Business or Professional Offices, including small medical offices/clinics
7) Retail Sales and Services
8) Personal Services
9) Cafés, Restaurants, Taverns or other establishment providing food and beverage within a building (Communities may want to add related definitions such as bar, brew pub, distillery, microbrewery, nanobrewery, etc. In addition, some communities may want to require a Special Permit for this designation to address noise, operating hours, etc.)
10) Outdoor seating associated with Cafés, Restaurants or Taverns subject to applicable licensing requirements (CMRPC believes such outdoor seating use is more like an accessory use and should be incorporated into a community’s accessory use provisions; we can assist communities in developing appropriate standards upon request.)
11) Live/work space
12) Civic uses

Model Commentary: The uses listed above illustrate the types of land uses that may be considered conducive to village center redevelopment. Including multiple as-of-right uses provides many opportunities for property owners to redevelop through an administrative permit process. These uses should be examined carefully against all uses in a city/town’s use table as well as those allowed in the underlying districts to ensure that all desirable uses are included and unwanted uses excluded.

b) Uses Subject to Special Permit Approval

1) Two-Family Dwelling Units; (CMRPC staff note that reference to street/siting/location maybe useful. Design elements can be incorporated into the community’s Design Guidelines that allow for two-family homes to look like single-family homes. Appendix C on Design Guidelines includes such elements. With Design Guidelines in hand, communities may allow for housing units by-right with site plan review, in order to ensure the design guidelines are met.)
2) Multi-Family Dwelling Units / Apartment House; (see comments above for two-family homes; the same set of comments generally applies for multi-family dwelling units and apartment houses as well.)
3) Movie Theatre;
4) Wine or spirits retailer;
5) Outdoor Markets subject to applicable licensing requirements; (CMRPC staff support the idea of Farmer’s Markers be permitted on an as-of-right basis)
6) Indoor Recreational Facilities and Health Clubs; (CMRPC staff believe a cap is needed for such facilities in Village Centers; see retail size cap discussion above)

Model Commentary: These uses are provided to illustrate the sort of land uses that may or may not be compatible with the district depending on site specific conditions. Of particular interest are the two-family homes, multi-family homes and apartment complexes. The State rationale for including these as Special Permit uses was to ensure that areas better suited for mixed use are not overcome by an aggressive housing market.
However, during the March 30th Workshop, participant Russ Preston noted that “looking at differences between single-family and multi-family use, a good design of a New England four-square house can be made to look like a single-family or multi-family.” He noted how “use” becomes a dangerous place to start a conversation and character is a big issue. To him “form” is more important and Russ is a proponent of Form-based zoning. A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. For more information visit: http://formbasedcodes.org/

Although further consideration of Form-based zoning is outside the scope and budget for CMRPC’s village center zoning bylaw initiative, CMRPC did host a Form-based zoning workshop on November 19, 2015, thanks to the Citizen Planner Training Collaborative. See the Design Guidelines in Section 7.0 and Appendix C for more specific guidance on residential unit design.

The State model noted how established “Main Street” environments will need to maintain a multi-story mixed use profile in order to harness the full economic potential of the area. If communities are concerned about the local support associated with this approach, the overlay could be divided into two sub-districts. The outer portions of the overlay could then become their own sub-district in which housing of all types are allowed by-right. An alternative could be two village zones established:

1) a village center commercial-core based zoning district, and
2) a more residential-oriented village district surrounding that commercial-core zoning district.

It is critical that communities consider the market conditions for any individual village and an even a cursory market study can be extremely helpful in determining the extent to which housing and commercial use will be viable. These considerations will have a direct effect on whether housing allowances are more permissive. For example, if a small suburban or rural village simply cannot support significant commercial activity, the village may focus more on residential development.

c) Prohibited Uses

1) Single Family Homes; (CMRPC staff suggests to limit this prohibition to the commercial core of the village center. Outside of such core, communities could allow single-family homes but on the smaller lots sizes commonly found in such village centers. If such single-family homes are currently located within a community’s village center another option is to allow single-family homes subject to Special Permit approval. For example, Mill owners’ single-family residences were often located in the middle of the Mill Village. )
2) One-story buildings;
3) Drive-through restaurants;
4) Auto related uses, such as auto repair/sales and gas stations;
5) Adult entertainment uses.

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4 A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. For more information visit: http://formbasedcodes.org/

5 Alternatively, rather than include this as a prohibited use, the community could include a specific design standard/guideline that all newly constructed buildings shall have a minimum of two habitable floors.
Section 5.0 Dimensional Requirements

Common Village Centers have an environment that often features zero front-yard building setbacks and considerations should be given to promote a regulatory framework to match existing setback conditions. Another factor is to have a maximum front yard setback requirement, or a “build-to” line whereby new construction must be built to a specified front-yard setback in order to create a consistent street edge. Twenty (20) feet has been a common standard for a maximum front-yard setback. However, if parking is prohibited within the front setback – which is often the case in such village districts and recommended by CMRPC staff – 20 feet for a maximum setback may be too much. If such space can’t be used for parking (which is reasonable) it may end up being largely unproductive space. Depending on the location, between 5 and 10 feet (no need to stick to multiples of 5) could be the right number. The design guidelines provided as an appendix give further guidance on this issue.

CMRPC staff believe that, ultimately, existing conditions are an important factor in deciding what the appropriate setback requirements should be. Therefore we recommend that our communities have existing conditions analysis prepared. We will be able to assist the set of seven (7) communities in the second half of 2015 with such an analysis that will allow them to tailor the set of dimensional requirements based on their existing conditions and the goals for their respective village center(s).

The following provisions could be incorporated into a community’s Village Center Bylaw to address nonconformity (the first clause) and also to allow for flexibility in determining maximum front yard (clause 2) and in general for setback and dimensional consideration (clause 3). We understand each community will want flexibility and the ability to base standards on goals but also existing conditions; allow for some setbacks that have a patio or courtyard treatment (plaza).

a) Existing structures, or those for which valid building permits have been issued, as of (Insert Town Meeting date here), with front, side, and rear setbacks that do not meet the requirements herein shall be permitted to maintain those setbacks.

b) Maximum front yard: New structures shall not be set back more than 10 feet or more than the average of the front yard setbacks of existing buildings on the abutting lots on either side, whichever is less.

c) Each request to develop (a property / new building) in this district shall be given individual consideration in regards to setbacks and other dimensional requirements to ensure that infill and replacement dwellings are compatible with the dimension of the adjacent dwellings, the block and the neighborhood.6

In addition, each community will need to add a set of height standards, but CMRPC understands that exact dimensions will be a function of what each town wants in their respective village district. For example, Webster’s downtown is characterized by 3-4 story buildings with a zero front yard setback. In comparison West Boylston’s Town Center is characterized by 2-story buildings with front yard setbacks closer to twenty feet.

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6 This approach is also known as producing a contextual setback.
Section 6.0 Parking

The following are a number of the ways that parking should be addressed in a village environment:

- Shared parking – Examples of shared parking provisions are included in Appendix D.
- Reduction of conventional parking requirements, which are usually tied into shared parking and common parking availability considerations.
- Increase of standard distance from use existing/common parking spaces can be counted (The RI Model provided up to 1,000 feet with some good language; CMRPC staff notes that we have other models to utilize, some of which utilize 500 feet as the maximum distance threshold).
- Parking Maximums – See the examples below.

Based on language from the RI Model, our Model recommends the following clause to provide for no minimum requirements and maximums:

There shall be no minimum parking requirements in the Village District except that at least one parking space shall be provided for every residential unit. Parking in the Village District shall not be provided in amounts that exceed the following:

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum allowable Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail and Office</td>
<td>One space per 250 square feet of gross floor area</td>
</tr>
<tr>
<td>Restaurant</td>
<td>One space per four seats</td>
</tr>
<tr>
<td>Others as necessary…</td>
<td></td>
</tr>
</tbody>
</table>

Commentary: Many communities across the country have recognized the problem with using typical minimum parking requirements while trying to design walkable, village-style communities. In many cases, communities are, instead, applying maximum parking allowances to limit the amount of area dedicated to parking. The table above shows how this would be structured within a bylaw or ordinance. The table above only addresses three of the more common uses found in a village setting and would need to be completed to suit the needs of an individual municipality. Each community would need to carefully look at each allowable use to determine what the appropriate maximum parking limit would be.

Language of elements to allow shared parking and provide for a regulatory mechanism in your community’s zoning bylaw are as follows:

Required parking for uses in the Village District may be provided off-site under the following conditions:

a) A covenant or easement between property owners shall be presented in advance of final approval or may be required as part of a conditional approval before any certificate of occupancy is issued.

7 CMRPC staff supports use of parking maximums in locations with some amount of public and/or on-street parking, but if this is not the case communities should be cautious about the use of maximums. For new construction, it may be necessary to provide certain parking ratios in order to get project financing as indicated to us by Angus Jennings, AICP, Planning Consultant.
b) Off-site parking shall be within 1,000 feet of the front entrance of the use it is proposed to serve as measured along an easily accessible and well-lit pedestrian pathway. In order to satisfy this requirement, an applicant may propose improvements to existing pedestrian access within the permitting process, with any such improvements completed prior to issuance of certificate of occupancy.

c) Parking areas shall be designed in accordance with the Planning Board’s Village District Design Standards and Guidelines as part of the Subdivision Regulations.

Section 7.0 Design Guidelines/Standards

The State model had three design elements: (Buildings, Signs, Site Design). CMRPC also recently researched the Dracut Center Overlay District, which has adopted set of design guidelines with more detailed elements. Design guideline elements for two-family and multi-family units were noted above and we recommend communities consider adopting such design guidelines accordingly. The set of detailed recommended design guidelines are incorporated as Appendix C. CMRPC has introduced this set of design guidelines based on the State Model and other elements we felt were important to include. We have kept these at a high level but would work with each community individually to tailor according to their existing conditions and their goals. CMRPC realizes that design guidelines elements could even vary between villages within a community.

Section 8.0 – Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.
Appendix A:

Meeting Notes -
March 30, 2015 Village District Zoning Bylaw Project
Workshop Meeting
Village District Bylaw Initiative Kick-off Meeting
Monday, March 30, 2015, 3:00pm-5:00pm
Union Hall

Meeting Notes

1) Welcome, Call to Order

This was provided by Christopher J. Ryan of the Central Massachusetts Regional Planning Commission (CMRPC). He provided a high level introduction to the Project as well.

2) Introduction of Participants

Attending from CMRPC was: Christopher J. Ryan, CDAP Program Manager; Eric R. Smith, Principal Planner; Dominique DuTremble, Planning Assistant (she filmed the meeting).

Outside participants were as follows:

Representing our member communities:

- Leon Gaumond, West Boylston Town Administrator;
- Chris Olson, West Boylston Planning Board;
- Joe Laydon, Grafton and Millville Town Planner;
- Blythe Robinson, Upton Town Administrator;
- Otto Lies, Holden Planning Board;

Expert/Peer participants:

- Bill Reyelt, Mass. Department of Housing and Community Development (DHCD);
- Elaine Wijnja, DHCD;
- Nate Kelly, Horsley Witten Group;
- Angus Jennings, AG Jennings, LLC;
- Russell Preston, the Principle Group;
- David Dixon, Stantec;
- Ralph Willmer, VHB; and,
- Larry Field, MA Smart Growth Alliance.
3) Project Introduction

Chris noted how Eric and he have been researching examples of other communities and existing models related to Village District zoning. The question we began to explore is how could we come up with a Village zoning concept that could work for everybody but be adaptable to a specific community as part of fostering a great sense of place and helping to promote economic development.

Chris noted how we were having conversations with the towns of West Boylston and Upton. Each was interested in development of a village overlay zoning district in their respective community. Then we put the call out to other CMRPC communities to have a collaborative project and achieve economies of scale.

CMRPC staff’s intention is to use the State Model as a base, determine areas that can be updated and improved, and then work with each community with the revised model. It is a two-phase project and DLTA funding has already been provided for the first phase. Again, the first phase takes a look at the existing State Smart Growth Toolkit Village District Bylaw, critiques it to see if there is anything we can improve upon and enhance. Then for phase two, we will be working with interested communities utilizing the enhanced model and tailoring it for their needs.

4) Introduction to the Communities (West Boylston, Upton, Dudley, Holden, Grafton, Millville)

**West Boylston:** Eric noted the Town’s 2005 Master Plan Land Use & Zoning Chapter goals identified during CMRPC’s assistance with a 2014 update of that chapter. One goal included to “Create Village zoning districts for Oakdale, Pinecroft and the Town Center to insure future development is compatible with the village character of each area.” Eric inquired with the Town if that is still an important goal and he noted that the West Boylston Planning Board said yes. Leon noted they don’t have what is typically called a Town Center. He noted they have existing neighborhoods, such as Oakdale and Pinecroft. The Town Center itself is the crossroads of the town at the intersection of two major routes (Route 12 and Route 140). Chris Olson noted different aspects of this project including a preservation aspect associated with those areas of town, but an eye towards flexibility to changing economic conditions and decreasing family/household size.

**Upton:** Eric presented the relevant recommendations from the Chris Ryan-authored Upton Route 140 PDA in the Power Point presentation: “Consider new zoning for the town center. A village or town center base or overlay zone can ensure that development that fits in with town goals and design expectations can be developed.” Ryan noted that in general he thinks it’s the Town greatest concentration of commercial activities and seems an ideal location to put something like this in place. There is so much opportunity, especially given their place in the Boston Metro Area. Blythe Robinson agreed with Chris, though she noted they are not going to cancel the override vote because they will be spurring so much economic development that it will solve the Town’s fiscal problems. But she said they definitely have missed opportunities that could be capitalized on, if done in the right away, that respects the look of the town and its history, but make it (Upton Village Center) more inviting for folks to think about revitalizing a plaza or redeveloping a couple abutting parcels.

**Dudley:** Eric indicated the Dudley Town Planner could not attend the Workshop. He noted how the 2013 West Main Street PDA Report prepared by CMRPC had goals that related to fostering a village,
walkable environment including “Consider allowing mixed uses” “Adopt design guidelines to guide town and developers” and “Invest in sidewalk (and water) infrastructure.”

Holden: Eric introduced one of the Town’s Master Plan goals: “In some selected land along Main Street rezone both commercial and residential to ‘village’ which permits mixed use.” He noted that the Town does have an existing Village zoning provision; but any property to be eligible for it requires minimum of 5 acres and has an algebraic formula requirements for open space provisions. Otto Lies represented that the Town does not have any zoning along Main Street and the Town actually has four town centers/neighborhoods, not just Main Street. So we want to take a look at all such areas beyond only Main Street.

Grafton: Eric introduced the two areas the Town is looking to develop with additional Village-type of mixed-use development: a) Saundersville, located along Main Street in South Grafton and b) Worcester Street. Joe Laydon noted that Saundersville is the “small poor child” of South Grafton (comparing it to the Fishersville 40R District area with all the attention it has received). The zoning in Sandersville area actually got changed in the 1980s from a village-type of zoning district to more strip commercial based. Joe noted how Worcester Street is the Gateway to the Town via the MassPike. There is a series of auto sales station that could do better in terms of design and uses, same with a shopping center. Chris Ryan noted the Town will be participation in a Visual Preference Survey (VPS) that CMRPC is facilitating in June.

Millville: Eric introduced the community’s goal for participating in this project, which is to enhance their traditional Town Center with mixed-use zoning that reflects existing built conditions. Joe Laydon noted there is the bridge separating two village development areas. The Town has been working on the Master Plan to assist in bringing back the village feel. Joe noted how the town is halfway through with development of zoning amendments and is looking to bring an overlay district in this area. Density, aesthetics and character are important issues to address.

5) Round table discussion of Existing State Model Village Bylaw Components / Elements

A. Village District Bylaw as an Overlay or New District

Eric introduced this topic by showing the Ashburnham Village Zoning as an example of a new base district (Town initially adopted their first Village Zoning District in 2004; significant amendments were subsequently adopted in 2009) with the Town of Dracut’s Town Center Neighborhood Overlay Zoning District as an overlay example.

Mr. Ryan noted the ‘tension’ between the overlay and the base zoning when trying to create a village center. He felt the base zoning approach is cleaner from a regulatory and bureaucratic perspective and easier to administer. He noted the understanding that transforming an existing zoning district creates a significant number of nonconformities (such as uses and dimensional requirements). If he had a preference, he would recommend communities create a new base zone. The overlay approach, with its creating two sets of standards for each property, could be confusing people to the point of non-action.

Leon Gaumond noted the importance of selling such zoning as an important aspect. The new zoning language could be very complicated and the plans could sit on a shelf. He is hoping for some sort of
outcome that would utilize CMRPC’s assistance in selling the village district zoning to the Town’s residents.

David Dixon noted besides working with larger communities, he is working with some suburban communities. They want town centers. There is the need to show how much demographics and housing preferences have changed. He noted in Newton that 100% of the housing needs are for multi-family. Overall 4/5 of all housing formation will be 1 or 2 person households. Housing is the engine for everything. The zoning that virtually everyone has was built around a different set of housing demographics.

Ralph Willmer: Anytime zoning is changed there will be nonconformities, so we can’t run away from that issue.

Nate Kelly: He noted that a lot of communities they work with go for the overlay. They feel then they are not violating property rights. But he believes the base zoning approach is cleaner and easier to administer. One way to try and soften (communities resistance to the base zoning approach in favor of the overlay district) is to be a bit more permissive on the non-conformities with permit release valves.

Otto Lies: Most zoning was adopted in the 1950s or 1960s and the demographics have changed tremendously. When he moved to Holden many women did not work. Standard today is having two parents work. There was a younger marriage age then too. Our Zoning Bylaws are completely outdated, antiquated, and require major revisions.

David Dixon: It does take some time for people to understand why they should look at their zoning.

Blythe Robinson: Is our decision point here to decide if we either are going to go with a base or overlay? Is that what we deciding first? She noted that she did not ask her Planning Board first before attending the Workshop.

Chris noted he wanted to provide flexibility with the Model. CMRPC staff could ultimately provide a dual path. We could come up with a nice solid base district model, but also an overlay option. Our goal will be to come up with one of each.

B. Allowed Uses: Special Permit versus By-right (with Site Plan Review)

Eric introduced this topic by taking a section of the State’s Model Bylaw showing a section with by-right uses and then some uses allowed only with Special Permit approval. Then he provided an example of Charlton’s Village District Bylaw, one of the more recently adopted village-based zoning districts in the Central MA Region. The Charlton provisions allow single family, two family and accessory apartments by-right. Then mixed uses, such as dwelling units over first floor commercial uses are allowed by site plan review.

Angus Jennings provided a word of caution regarding definitions. Communities should review their definitions as part of reviewing their uses. Make sure terms are defined. Sometimes communities have different definitions sections (A general definitions section but then put others in a specific section, such as within their cell tower bylaw provision, for example).
Chris Ryan seconded the point Angus made on the different definitions sections. He suggested putting potential uses in appendix (such as based on the type of center, e.g. historic tourist center, economic core center or arts center).

Ralph Wilmer indicated he has seen the same term defined in two different ways in the same zoning bylaw.

Eric noted how the Town of Ashburnham utilized the Art Galleries definitions from the State model as part of the Town’s effort to try and encourage creative-based economic development.

Angus responded on how a Building Inspector could then trigger that use as a place of assembly which could then require onerous parking requirements.

Russ Preston asked communities represented here today if one of their goals is to make their Villages more walkable. Leon Gaumond responded that within the places we are talking about, yes.

Nate Kelly believes that the goal should be to make as many uses by-right as feasible. The opening visualization/visioning process for each village zoning development initiative is a good place to start. Chris Ryan agreed, noting that by doing the due diligence up front, you want to make sure you have the buy-in and that people have a fairly downhill slide to implement. Requiring any Special Permits to be applied for in the overlay for any uses that seem reasonable in good faith for village development, Chris believed should not have to undertake the extra obstacle.

Angus Jennings: Another thing to keep in mind is if change of use will require Board review. He has seen that before, noting the Westford example for requiring appearances before the Planning Board for a simple change of use of existing development. He indicated that the Town of Concord has good language in their zoning bylaw related to issues of changing use in the same use category, which would be exempt from site plan review. He feels that requiring site plan review for change of use – unless it is a major change, such as from one use category to another use category (i.e. commercial to industrial) – represents a hurdle to development, and is unnecessarily bureaucratic.

Eric noted the example of the woman who wanted open a bead shop in existing, vacant retail space in Ashburnham. The Planning Board members looked at him as to why was the woman there and he responded it is what your Bylaw requires. The Town ultimately modified the Site Plan Review Bylaw so that the Building Commissioner reviews change of use administratively.

Russ Preston: Looking at differences between single-family and multi-family use, a good design of a New England four-square house can be made to look like a single-family or multi-family. For him, use becomes a dangerous place to start a conversation. Character is a big issue. To him form is more important.

Chris Ryan asked if you can merge form and Euclidean zoning?

Elaine Wijnja: You can have by-right allowed uses and have design standards which can give the Town what it is looking for related to a village-center character.
Angus Jennings: Even with by-right, you can still have site plan review. It is unconscionable (to require site plan review for change of use). Angus noted how he has seen some potential businesses stay away because of such requirements.

Russ Preston: This goes back to the by-right comment. This is a competitive thing, if you can make it predictable and easy for a business, office and/or homeowner. It is directly related to economic development in your town. Making multi-family by special permit may be an easier political sell, but if you can make such uses look good with quality design, why? Connect this land use conversation to value creation.

Joe Laydon: But tie that in to how you do that. Some towns by default, feel we need some board to be an evaluator of good taste. Grafton has a village mixed-use zoning section that was put in in 2011. But the Building Commissioner hates it as it requires his determination whether the proposal allows for pedestrian accommodations, historically relevant lighting appropriate for period, for example. But he does not have any design guidelines to work with. He would refer the proposal to the Planning Board. Eric indicated his opinion that it seems the design guidelines portion is missing with this zoning provision.

Bill Reyelt: Weighting the by-right versus special permit matter, to the extent it is a concern related to MGL Chapter 40B Site Eligibility Letters, the Subsidizing Agency does look to see what uses are allowed by-right. There have been 3 communities with 40R districts that the Subsidizing Agency denied a 40B “Site Eligibility” because of the fact there was the by-right option available in the community’s 40R district.

C. Typical Elements (parking, building placement/dimensions, use profile, etc.)

Eric’s introduced this topic to begin a roundtable discussion related to parking (in which village-scale zoning would want to encourage to have parking located on the side or rear of the buildings and allow for shared parking) building placement / dimensions (the goal is to usually try to push for zero setbacks, also maximum building setbacks to provide the flexibility in site specific situations). He noted that we already covered the use discussion but can also talk about other issues related to typical village center zoning elements.

Angus: Related to proximity to parking, I have written a couple of bylaws in Marshfield and Fitchburg where applicants could satisfy some portion of their parking within a certain linear feet of the use. It was extended if the Board found high quality pedestrian access (lighting, sidewalks) from off-site parking areas. These were written in neighborhoods in areas that had common parking available with the goal to make that useable. He noted zoning adopted in 2013 for the Lower Broadway section of the City of Everett as another example.

Ralph: related to dimensional regulations, he noted looking at one community’s downtown zoning, in which the allowable minimum lot size was exceeding the actual lot size in every single lot. There was no legal way that the buildings could take advantage of the zoning.

Eric then noted the Ashburnham example of the GFA Credit Union. Their project required GFA to go to the ZBA for two separate matters, and it took them a year for permitting for a use that everyone in the
community supported. He noted one tool is the existing conditions analysis, which is discussed later in the workshop.

Chris wanted to hear in terms of parking as a political component. The existing businesses want to protect what is there already. How do people handle this from political and sales consideration?

David Dixon: There are lots of data out there presenting what kinds of savings are being achieved from shared parking strategies. When we are working with clients, Nelson\Nygaard Consulting Associates among others has data and towns should use that data as part of discussion. Then there are tradeoffs, as for every 300 square feet of parking is 300 square feet less of building footprint, for example. On the community side what most of the people want more than anything else is a walkable neighborhood. On the merchant side, communities should be asking developers to fund parking use studies.

Russ noted his firm is working with Davis Square and Union Square in Somerville and they prepared parking use studies. They know parking will be an issue given they are working on Transit Oriented Developments (TODs). They realized there is plenty of parking. Some people were not using it due to signage, wayfinding and/or parking hours posted were wrong. Just building more parking is not the solution. One tool he noted is to develop a table for shared parking.

David Dixon noted a design solution of providing fewer curb cuts and adding connections between existing buildings’ parking areas.

Elaine: I worked in Somerville for 14 years. You may not be able to park in front of the eyeglass shop, but you could park three spaces away. It does come down to education.

Blythe: In an older community like ours (Upton) parking was never really thought about, it just happened as land got developed. Plus not a lot of parking on a state road, in which parking is supposed to be not allowed, you can see the difficulty. She gave an example of hairdresser salon in Upton that she noticed a sign out front saying “Parking for Hairdressers Only”, but that is not really enforceable. She believes you have to find a balance.

Nate Kelly: Could introduce some power point cartoons to show a couple of arguments. One is economic development. Show how parking requirements will take up to 75% of the lot. The other is to do some research on the data side. Find out how many people are in the study area and find out how many business/buildings are nonconforming.

Angus Jennings: It would be helpful to illustrate to the Board/Public what the actual effects of your current dimensional standards are now as applied. Is what you are requiring what you want? Angus noted a redevelopment study in Chelmsford. The Planner knew the situation (that the required parking ratios and setback requirements, etc., combined to make redevelopment virtually impossible in many instances), but he needed to show and get support. Chelmsford’s Bylaw stated an allowable FAR (Floor Area Ratio), but if you took a sample lot and measured off building setbacks and parking requirements then the actual allowable FAR would be to put up only a hot dog stand. Angus then indicated he had a question for the group, inquiring if folks have seen that actual binding requirements were required as part of the process for allowing shared parking to count toward an applicant’s parking requirements. Do we need to have legal rights for the shared parking or can it be done more informally, as a shared resource?
David Dixon: Generally, whoever is being encumbered by parking permits if they either need the zoning approval, a building permit or obtaining financing, need to show they meet the parking requirements. So the requirements are reduced based on shared parking opportunities. Easier to do for one mixed-use development. But the government can say for this area we are reducing all our parking requirements by say, a 1/3, given that there is known common parking available.

Angus: In an urban environment parking can be a premium. But what about more of a suburban environment, where anecdotally there is plenty of parking. In such cases Angus wondered if that is asking too much to require a study?

David: The challenge comes in making land use and build out decisions based on whether there is not enough parking by statute when in fact in reality there is plenty of parking. This is used to introduce a reality of use into a regulatory climate. Working with suburban communities it is very important when redevelopment is occurring, for example of a series of failed shopping malls. There are parking requirements that are non-sensical.

Joe Laydon provided an example of a legal agreement of someone giving 20 parking spaces to another establishment. But in another area parking was more communal, so the Town did not worry about it as they knew there was plenty of street parking. But especially in the case of a restaurant, there was concern about peak demand.

Angus noted some factors to consider: is there available on-street parking common parking; proximity to neighborhoods (and potential that inadequate parking requirements could result in spillover and inconvenience to adjacent neighborhoods). If the area is geographically isolated what is the public concern about not enough parking, at least in his view.

Russ: If you plan for cars you get cars. If you want people then plan for people; For example if you require 2 parking spaces for each residential unit then you will get people who have 2 cars, but if just require 1 parking space per residential unit you will get those people too. David: You have then made it more expensive for housing, or then have fewer units you could have with the lesser parking requirement.

D. Design Considerations (Design Guidelines, Design Review Process)

Eric introduced the topic, noting some communities have general design guidelines. Town of Ashburnham is one example that has design guidelines but only for the Village Center area. Another element to consider for design review is to have a separate committee versus the Planning Board taking on that role. See design-related quote from Thoreau taken from the Town of Dennis’s site and architectural design guidelines that was provided in the power point presentation.

Chris Ryan noted at the recent CPTC Conference at the session on design guidelines, there was a general recommendation, especially in communities that don’t have any existing design guidelines to first develop a set of loose design guidelines and then work your way up to actual requirements. That way the community can get some experience in working with the regulatory body, and then have the political will to ramp it up.
Russ: You can put a great traditional molding and trim package on a suburban strip mall, but it is still not going to make it fit into your traditional village center. So for me design guidelines are for after you have the “form” right. All of the photos being shown on the Power Point are all of a village on a street, and that is an outdoor room we are creating. So the question for me is how the (existing State) model does not talk about the relationship with building and the street in any way. He indicated that a key element for a “village” to “feel right” is how you arrange the right-of-way, sidewalk and buildings to each other? If you can get that form right, then all buildings will respect that urban realm or street container and even if there are duds they will fit in. Design guidelines are icing on the cake. Especially if we are talking about walkability, mixed use, shared parking, all of that is interrelated and goes back to the traditional New England street.

Chris Ryan observed how a town of 3,000 has no capacity to develop a form-based system. For one, they don’t have the money to put it in place. Then there is limited administrative capacity. Chris asked if there is a way to hybridize or a cafeteria style approach utilizing form-based elements. Is there any way to take the Euclidean system but throwing a form-based textual element to it that comes close to what you are talking about?

Nate Kelly: I see the need for education with the community. As from the moment you are doing dimensional standards, you are designing. So the design process is a lot earlier (than most people think). There are things that we must do related to the design perspective, do to this kind of village-based zoning: relationship between building placement, parking placement and massing are things we must take care of. Then from there, what should we do? Then that is when the design guideline piece comes in play. As I said we are doing design already given there are setback requirements, for example.

Chris Ryan asked if you can get a form-based result with just a dimensional table? Without drawings or illustrations?

Russ: Here is an example where I would caution everyone, in the (existing State) Model Bylaw it says if you are not mixed-use you default to the existing zoning setbacks (The exact language is as follows: “Setbacks for Residential Uses (Exclusive): The setbacks for proposed development that is exclusively residential shall comply with the setback requirements in the underlying zoning districts”). Well what if those setbacks suck? That is why I think form-based should not be a scary word.

Russ then outlined a task to take the 5 or 10 best buildings you have in the District and go measure them. You then have 5-10 building types in the code. That building may have one-foot setback and then maybe to address flower boxes you don’t have encroachment into the right-of-way. For any non-conformities uses, would be just like any other non-conformities. They (the nonconformities) are not the traditional or characteristic types of that neighborhood. There are probably two dozen types for New England.

Russ indicated there is a perception that Form-based zoning is so different. But many of the communities codes are so cobbled together and they are even more difficult to work with. Russ noted how Somerville is throwing out its entire zoning bylaw.

Elaine: You can get a building form through dimensional requirements. Having a 20-foot front yard setback will not get you a Village-scale environment. So to develop a Village Overlay Bylaw, you don’t want the 20-foot setback.
Eric noted how MassGIS has a building structure GIS shapefile available now. He indicated he used this building footprint layer for a dimensional analysis in Sturbridge and it brings the availability of a resource to smaller communities who may not have had a GIS budget before. CMRPC Staff could even help some of the smaller towns who do not have town planners undertake a similar dimensional analysis of their village area.

A question was asked about whether changing standards for one area could be considered spot zoning.

Angus noted for spot zoning in general the rule of thumb is if there is a reasonable and planning rationale about what you did and document your findings, if there is a challenge, the courts will not likely find the rezoning is spot zoning and being arbitrary for one landowner. It was then noted that MGL 40R is generally understood to be immune to spot zoning challenges, given all the application work, state review and then Town Meeting. Elaine noted that even single property 40R site wouldn’t likely be counted as spot zoning, as there is the public purpose/benefit (as a result of the inclusion of affordable housing).

6) Round table discussion: how could more complex zoning tools be folded in to CMRPC’s Model?

A. Form-based zoning

Eric noted how we already had started organically to have the Form-based zoning discussion.

Russ asked if everyone knows what a Form-based zoning code is. Given there were some responses indicating no, he went on to provide a definition. Russ indicated currently we regulate on use. But the container (e.g. development site) is like play-dough, we allow so much FAR, so much height and there are setbacks and parking requirements. The approach is not good for making cohesive places. Form-based zoning looks at regulating the private realm either by building type or by street type. By building type in the Village district you may have the shop-front house that is 36-foot wide, 2 1/2 story storefront shop. So that is allowed in the District. Or the Townhouse or the Commercial house (e.g. 40-foot wide, with office above commercial). Think about Lego blocks that are plugged in. Street types provide that certain streets have certain frontage with some that are allowing storefronts, stoops, and front yards with fences. The outdoor container of the street feels like it is together.

Form-based zoning defines what we want. It is connected to a community design. Euclidean zoning defines what we don’t want. Russ pointed to the transect example of Miami provided in the Power Point presentation noting how Downtown Worcester would have a different set of conditions than smaller villages for example.

The planning work we do is to make sure there is a strong vision, informs how you are mapping the zoning. Then guide the townhouse standards (e.g. Back Bay versus being in suburban town center). We have a regional advantage over the rest of the country as we have established building types.

Chris Ryan noted he spoke with George Proakis when he still was in Lowell about cataloging form types that smaller towns could utilize, so that they didn’t have to full range of design experts come in and spend $10,000+. He thought that someone was interested in that initiative particularly smaller towns.
could be helped out by that concept. Eric noted that maybe we could have George or another Form-based zoning expert come to a future CMRPC-related event.

B. Inclusionary Zoning

Eric introduced the topic by providing an example from the Town of Maynard’s Downtown Overlay District, which does allow greater housing density for a development if it includes an affordable housing component.

Angus noted that he is supportive of affordable housing, but the process to get the units onto the (State 40B) Subsidized Housing Inventory (SHI) is very paper-work intensive for municipal staff and for some smaller developers who have not been through the process before. Also when the scale of a project is small, say 3-4 units, requiring one affordable could kill economics of a project. So you really need to think about these issues if you are going to develop an Inclusionary Zoning Bylaw.

Larry Field: If you make it an incentive (versus requirement), such as a density bonus, then the inclusionary zoning concept becomes more doable.

Elaine: If a community adopts inclusionary housing just for the sole purpose of increasing their SHI then it may not be the best tool. But if they adopt it to fill the housing needs that their citizens are lacking, whether they would count on the SHI or not, they are still giving the residents a way to get the housing built that they need.

7) What other communities or models are people aware that should be researched (other good examples to incorporate into the draft Central Mass. Model)

Eric began the conversation by introducing a couple examples. The first is from the Town of Amherst, which has created village zoning for their outlying villages besides the traditional Amherst Center. He showed a mixed-use building recently constructed called Pomeroy Commons that has offices on the first floor and condominium on the upper stories. The second would be the Ashburnham Village Center zoning already introduced.

Angus noted examples of Marshfield (Planned Mixed Use Overlay District) and Cohasset (Village Business District), which address village appropriate standards for setbacks, dimensions and parking.

Another participant noted Yarmouth’s Village Center Overlay, which addresses connectivity and pedestrian spaces.

Ware has a Village Center Bylaw, developed in part by their Town Planner, Karen Cullen.

Eric then concluded by providing the Nantucket example, which developed zoning in the early 2000’s to address all the nonconformities that the existing zoning had created on lots within Nantucket’s downtown zoning.
8) Other considerations: Village Center location market limitations and opportunities, infrastructure constraints, public process: Charrette / Visual Preference Survey / Working Committee / Site Walk, existing conditions analysis, tools that facilitate greater density

Eric started with an introduction to this series of topics that we were looking for input on. For the marketing considerations, he noted that the Town of North Brookfield really wants new restaurants, but do they have a market compared to someplace like Concord.

Eric noted he had the Ashburnham Board of Selectmen create a Working Committee to assist his role as Town Planner with the village zoning bylaw components. Another recommended tool is to conduct a site walk, which provides the value of everyone seeing what a 10,000 square-foot lot looks like and buildings with a zero setback, for example.

We noted that Chris Ryan is conducting the visual preference survey in Grafton this June. Another tool would be to have a regional, multi-town visual preference survey.

Angus: Noted the importance of the idea of physically illustrating to the community of what their zoning requires via setback massing and parking ratios. That can be the most effective “ah ha” moment. Residents have to realize there is something wrong in with the status quo in order to be open to change. I think that is something that can now be done pretty easily using Sketch-Up and GIS. The second thing about visual preference surveys is where the images are all of buildings built 100 years ago. We need to do the work in collecting examples of buildings built in the last 10 years. That’s what we are really talking about: what can you get financed and built today.

Ralph noted that related to infrastructure, specifically water and sewer, there was a CPTC session last year and hopefully we could get the slide presentation and take a look to see if there are any models or information that may be of use for our initiative. He then agreed with Angus on his visual preference survey comments.

He noted attending an APA conference session using a game approach showing images and having participants guess the density. They got it all wrong, because design can make higher density look better than poor design of a development with lower density.

The expert participants all agreed that the existing conditions analysis is important.

For Transfer of Development Rights (TDR), expert participants all agreed difficult to administer especially in Central Massachusetts where there is limited staff. Eric asked Nate to explain his latest work in Rhode Island. Nate first defined the term of TDR. Transfer of Development Rights is a process in which you can take development that would occur one part of the community and transfer it to another part. The area you “send” it from loses the right to develop the land. Say there is important farmland and you could have built 10 houses. So you move those houses into a development center (“receiving area”) and the 10 houses become say 30 multi-family residential units. Nate noted it is probably one of the most complicated planning and development tools.

Nate then noted one of the issues associated with TDR use in Massachusetts is that the state legislation requires a special permit to the TDR. You can’t do it by-right. In Rhode Island they have development
an innovative items to allow a fee in lieu in terms of a density bonus, which provides the community cash for allowing the extra density. That cash can be used for open space protection. But figuring out that number requires a fairly pretty complicated real estate market analysis. The fee in lieu approach has not worked that great in Massachusetts.

Another item to consider is increasing housing options through density and design. One example is the development of community cottage zoning, which was note to be a great way to supplement village center zoning. Those communities can go up to 18 to 20 units of acre. The Concord Riverwalk (in West Concord) and an example from East Greenwich, RI were provided as attractive looking cottage communities.

Russ: in terms of infrastructure constraints, we worked with the Town of Marion, who changed their front yard setbacks to match the certain historical character. But the right-of-way was a State road, which had not come into the context of having a walkable neighborhood/community. That misalignment caused real angst with buildings up close but traffic whizzing by. The State’s Context Sensitive Solutions (CSS) can/needs to be linked into this process (Eric had done some work in New Hampshire related to CSS working with that State’s Transportation Department, noting that a similar approach seems to be lacking with MassDOT’s practices).

Could also be a problem where State policy will not allow parking on the street. Eric noted this matter has come up in recently on Main Streets located in both Sturbridge and Leicester. Do the towns need to pursue special State Legislation if MassDOT will not allow any flexibility?

Angus: Communities want to figure out how they can stimulate the occupancy of vacant upper floors of older downtown buildings. There are many, many obstacles, such as elevators, access, building codes, etc. His advice to the towns is don’t let the zoning be another obstacle. If trying to locate/encourage housing in a downtown and there are vacant spaces, make that housing use by-right, so that developers can focus on the building code and parking issues.

Eric recently found out that New Jersey and Maryland have done some work in this area related to building rehabilitation work and building codes, but I will have to find out where I saw that from though as part of the follow-up. The New Jersey Rehabilitation Code is discussed in the Codifying New Urbanism APA Planning Advisory Service Report Number 526.

Larry Fields: I have talked to a lot of towns in the debate between upper story housing and there was the fear that the Town would be flooded with all these new residential units, but none of them have ever had that occurred. By making it easy as possible, by-right you will not have this population explosion.

Angus: It is tough enough from technical and financing aspects to developing and construction of upper story residential units.

9) Final Thoughts

Eric thanked for all the participants for their participants and asked if there were any final or parting thoughts. Chris Ryan noted we would provide a summary of this meeting and send the notes around and ask for your input. Also give the chance for folks who could not attend today to provide their thoughts.
10) Project Next Steps

Chris Ryan reiterated that CMRPC would work towards both approaches (base and overlay approach for village district zoning). Eric showed the timeframe slide. The goal will be to have a draft model by early-mid June and then the second half of the year will be to work with interested communities on tailoring Model for their community. Chris noted we would share an initial draft and put up on Dropbox and love your thoughts/comments.
Appendix B:

Site Plan Review Model Provisions for Change of Use
Appendix B-
Site Plan Review model provisions
to allow for a streamlined approach for change of use applications

1. **Town of Concord**

   Concord’s provision to allow a streamlined approach for change of use within existing space is found within Section 11.8.3 (Interpretation):

   “Change in use means a change in part or all of an existing building or lot from one use category to another. **However, in a mixed or multi-use building, change or rearrangement of uses that does not result in an increase of required parking or loading spaces shall not be construed as a change of use** (emphasis added as this clause allows the exemption to occur for project looking to fill a vacant space from site plan review).”

2. **Town of Ashburnham**

   Ashburnham’s provision streamlines the change of use review by allowing for the Building Inspector to administer the process, which can occur as part of a building permit application:

   “In addition, for Site Plan Review applications that involve a change of use or for new construction that is less than or equal to 500 square feet, the Applicant shall submit a request for a Plan Review to the Building Inspector on an application determined by the Building Inspector, along with sufficient plans and documentation to fully describe the proposed use and/or structure and its site. Upon submission of an application the Building Inspector shall transmit copies of such application, plans and documentation to those Town Officials as specified in Section 5.103 as well as the Planning Board. The Building Inspector shall have thirty (30) days from of completed application to review and make determination on such Plan Review Applications.”
Appendix C:

Design Guidelines
Appendix C – Design Guidelines

DRAFT

CMRPC staff notes that the Design Guidelines / Standards presented here are illustrative of the types of design guidelines / standards that communities could adopt and apply to development within the Village Center (Overlay) District, where applicable. The Design Guidelines / Standards could be incorporated into the community’s zoning bylaw (hence the Section 7 of our model bylaw is entitled Design Guidelines/Standards) or adopted as an independent standalone set of guidelines that are utilized during development review of projects in the Village District.

As indicated our Section 7 guidance text, the State model had three design elements: Buildings, Signs, Site Design. We provide these below with elements added to address the two/multi-family residential units. A brief discussion on other elements follows. At this stage of our Village District Model Bylaw, these are the draft design guideline / standard elements we are presenting. However, we anticipate the design guideline component to be an iterative process and welcome feedback and input for additional elements to include. For the final version we intend to include photo and graphical examples.

A. Buildings

1) All buildings shall have a principal façade and entry (with operable doors) facing a street or open space. Buildings may have more than one principal façade and/or entry.

2) Building finish materials shall be appropriate to traditional New England architecture and may include, but shall not be limited to brick or high-quality brick face, wood, stone or high-quality stone-face. Vinyl, unfinished metal or fiberglass as a primary finished surface shall not be used.

3) Blank walls adjacent to streets, alleys or open spaces shall not be permitted. Where windows are not possible or appropriate to the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls.

4) New retail buildings shall have one of the following features along the front surface at intervals sufficient to provide continuity to pedestrians: awning, marquee, arcade and/or colonnade.

5) Flat roofs may be allowed on multi-story buildings as long as the roofline projects outward from the building surface as a decorative cornice or parapet.

6) Larger buildings with multiple non-residential tenants on the first floor shall articulate the façade in a manner that distinguishes the location of these tenants through the use of decorative raised or depressed vertical surfaces, variations in acceptable signage, awnings, marquees, colonnades or arcades.

7) Newly constructed building façades for non-residential use shall have a transparency of at least sixty percent (60%).

8) Outside the Village Commercial Core area, two-family housing units shall blend in with single-family neighborhoods based on design elements for the buildings to appear as single residences. To accomplish this design element, a large central entrance shall be created on the front façade, together with a secondary entrance on one side.
B. Signs

1) Primary signs shall be flat against the façade, or mounted projecting from the façade.

2) Signs that project from buildings shall have at least ten (10) feet of clearance from the ground level.

3) Signs shall be externally lit from the front. Back lighting of signs shall not be used.

4) Neon, flashing signs, moving signs and roof signs shall not be used.

5) Temporary signs with a specific date of expiration, such as sandwich boards, shall be allowed, after approval by the Zoning Enforcement Officer.

6) Signs shall be made of attractive materials consistent with the character of the district. Materials may include wood (painted or natural), stone, copper, brass, galvanized steel, painted canvas or paint/engraved on façade surface.

7) Signs may only be incorporated into the skirt of awnings and not on the primary angled surface.

C. Site Design

1) Parking areas shall be located in the rear of buildings.

2) Street level frontage shall be devoted to entrances, shop windows or other displays.

3) Clear pedestrian pathways shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian pathway throughout the district.

4) Where residential neighborhoods abut commercial, office or mixed use developments, appropriate transitional features shall be used and may include landscaping, open space or parks, or streets with clearly designed pedestrian features.

5) Primary entrances to proposed and existing buildings are situated on pedestrian amenities (e.g., sidewalks, plazas or open space) with a minimum width of 10 feet.

6) Setbacks are consistent with the fabric of the existing street and do not preclude pedestrian access.

7) Adequate access for loading and emergency vehicles is maintained on one side of the building.

8) Adequate natural lighting and air circulation for businesses and residents is maintained,

From the State Model Commentary: The range of setbacks and minimum sidewalk width listed above assume that the right-of-way will not be providing any pedestrian amenity for the site. For example, if the right of way is owned by the state, then the community will need to rely exclusively on their power to regulate design within the front setback for pedestrian movement. If the community does own the right of way and has five-foot sidewalks along the edge of pavement, then the minimum setbacks can be reduced to account for those sidewalks. In the end, the pedestrian realm must be at least ten feet wide to have a properly functioning sidewalk that includes primary walking space, space for landscaping or street trees, space for lighting, signage areas, etc.
While developing the Central Massachusetts Village District Model Bylaw CMRPC had researched the Dracut Center Overlay District, which has adopted set of design guidelines with more detailed elements. Below are what the Town of Dracut adopted the following elements for their Dracut Center Overlay District:

- Building Design Guidelines
- Storefronts
- Doorways and Entrances
- Windows
- Materials and Color
- Utility and Building Structures
- Signage
- Lighting
- Parking and Access
- Sidewalks
- Crosswalks
- Bicycle Circulation and Racks
- Landscaping Plantings
- Landscape and Open Space
- Landscape Material Suggestion
- Bollards
- Fences
- Seating and Benches
- Trash Receptacles
- Screening of Utilities and Service Areas
- Traffic Signals

Other design guidelines we reviewed included:

- The City of Lowell’s Residential Development Guidelines for Traditional Neighborhoods
- Village Design Manual: Guidelines for Planned Village Development, Exeter, RI
- A Jamestown Vision: Pattern Book & Design Guidelines for Building in the Village, Jamestown, RI.
- Seattle Design Guidelines, Seattle, WA

We welcome input of additional design guidelines as resources to build our library of design guidelines. Finally, we realize that the set of design guidelines will vary by community, and in many case, by villages within each community.
Appendix D:

Shared Parking Example Bylaws
Appendix D: Shared Parking Example Bylaws and Background Information

Town of Ashburnham

Section 5.34 Parking in the Village Center Zoning District and in a Planned Unit Development (PUD):

The standards of Section 5.32 must be met for the additional parking demand created by new buildings, additions or changes of use unless, in performing a Site Plan Review and Approval under Section 5.10 or issuing a Special Permit under the provisions of Section 5.19, Planned Unit Development (PUD), the Planning Board determines that special circumstances dictate a different provision in order to meet all parking needs. In performing a Site Plan Review and issuing a PUD Special Permit, the Planning Board may authorize a smaller number of parking spaces because of staggered hours of use or other circumstances. The Planning Board shall determine all parking space calculations based on information in the most recent edition of the Parking Generation manual by the Institute of Transportation Engineers (ITE), on studies and surveys done by qualified persons regarding parking, on parking requirements and use for similar facilities in the Montachusett region and/or other appropriate information.

(Revision approved by ATM 5-5-12, approved by Attorney General 8-30-12)

Town of Maynard

Section 9.4 is the Downtown Mixed-Use Overlay District (DOD). Section 9.4.9.3 is the section that addresses Mixed Use and Shared Parking and that references Section 6.1 for more information. Section 6.1 is the Town’s Parking and Loading Standards section of the Zoning Bylaw.

See Section 6.1.7 “Mixed Use Requirements and Shared Parking” – which reads as follows:

The use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged, and allowed through Site Plan Approval.

1. Parking requirements for a proposed development may be met if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other generally accepted studies).

2. A request for shared used parking to meet minimum parking requirements much be made through the site plan review application.

MAPC’s Shared Parking Website:

The Metropolitan Area Planning Commission (MAPC), which is the Regional Planning Agency that serves the greater Metro Boston area and has an extensive shared parking website: http://www.mapc.org/resources/parking-toolkit/strategies-topic/shared-parking

Three local examples are provided within their Shared Parking Resource webpage, which are presented as follows:

Summary: The City of Marlborough allows shared parking in all districts for uses with different peak periods, allowing reductions of up to one-half of the minimum parking required for the uses separately. The city requires documentation of the reduced parking demand as well as additional provision of open space for each parking space not provided as a result of shared parking.

Full Text:

B. Application of Parking Requirements.

(3) [amended 4-23-90 by Ord. No. 89/90-3111] Common Parking Areas and Mixed Uses. Parking required for two (2) or more buildings or uses may be provided in combined parking facilities where such facilities will continue to be available for the several buildings or uses and provided that the total number of spaces is not less than the sum of the spaces required for each use individually, except that said number of spaces may be reduced by up to one-half (1/2) such sum if it can be demonstrated that the hours or days of peak parking need for the uses are so different that a lower total will provide adequately for all uses served by the facility. The following requirements shall be met:

(a) Evidence of reduced parking needs shall be documented and based on accepted planning and engineering practice satisfactory to the City Planner and Engineer.

(b) If a lower total is approved, no change in any use shall thereafter be permitted without further evidence that the parking will remain adequate in the future, and if said evidence is not satisfactory, then additional parking shall be provided before a change in use is authorized.

(c) Evidence of continued availability of common or shared parking areas shall be provided satisfactory to the City Solicitor and shall be documented and filed with the Site Plan.

(d) The determination of how a combined or multiuse facility shall be broken down into its constituent components shall be made by the Planning Department.

(e) If any reduction in the total number of parking spaces is allowed as a result of this subsection, then one hundred fifty (150) square feet of open space (per parking space reduced) shall be provided in addition to that required by lot coverage provisions of this Chapter.

Waltham, MA: Shared Parking from Town’s Zoning Code, Part III. ARTICLE V. Parking Requirements, updated 8-2006

Summary: In the City of Waltham, the parking requirement for any mixed use parcel or building is calculated based on the method described at MAPC’s Shared Parking Website Toolkit. The ordinance provides the time table of parking requirements by use.

Full Text:

Sec.5.2. Off-street parking requirements.
5.22 Footnotes.

(c) Notwithstanding any other parking requirements set forth in this chapter for individual land uses, when any land or building is used for two or more distinguishable purposes (i.e., joint or mixed use development), the minimum total number of parking spaces required to serve the combination of all uses shall be determined in the following manner.

Multiply the minimum parking requirement for each individual use (as set forth in the applicable section of this chapter for each use) by the appropriate percentage (as set forth below in the Parking Credit Schedule Chart) for each of the five designated time periods and then add the resulting sums from each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

| Parking Credit Schedule Chart |
|-------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                               | Weekday          | Weekday          | Weekday          | Weekend          | Weekend          |
|                               | Night            | Day             | Evening          | Day             | Evening          |
|                               | Midnight to      | 7:00 a.m. to    | 5:00 p.m. to    | 6:00 a.m. to    | 6:00 p.m. to    |
|                               | 7:00 a.m.        | 5:00 p.m.       | Midnight         | 6:00 p.m.       | Midnight         |
| Residential                   | 100              | 60              | 90              | 80              | 90              |
| Office/Industrial             | 5                | 100             | 10              | 10              | 5               |
| Commercial/Retail             | 5                | 80              | 90              | 100             | 5               |
| Hotel                         | 70               | 70              | 100             | 70              | 100             |
| Restaurant                    | 10               | 50              | 100             | 50              | 100             |
| Restaurant associated with    | 10               | 50              | 60              | 50              | 60              |
| hotel                         |                  |                 |                 |                 |                 |
| Entertainment/recreation      | 10               | 40              | 100             | 80              | 100             |
| (theaters, bowling allies,    |                  |                 |                 |                 |                 |
| cocktail lounges and similar) |                  |                 |                 |                 |                 |
| Day-care facilities           | 5                | 100             | 10              | 20              | 5               |
| All other                     | 100              | 100             | 100             | 100             | 100             |

Stoneham, MA: Flexible Requirements and Shared Parking included in the Town’s Zoning Bylaws, §6.0 General Provisions Affecting All Districts

Summary: The Town of Stoneham allows shared parking by special permit with the approval of the Planning Board. Up to 50% of required spaces may be shared with uses having different operating hours. The parties must sign a joint use agreement.

Full Text:

6.3 Off-Street Parking Requirements:
6.3.8 SPECIAL PERMITS FOR PARKING

6.3.8.1 Special permit for a change in parking space requirements: the number of off street parking spaces required by section 6.3.3, of this bylaw for a use or uses in the Central Business District and in the Commercial I District for Banquet Facilities, Function Halls and Dinner Theaters may be changed by Special permit in accordance with the following provisions:

(1) Special permit criteria: The Planning Board, by special permit, may allow remote parking lots, or shared parking lots which it deems reasonable, based on the following criteria, and other applicable provisions presented in this subsection:

(a) The capacity, location and current level of use of existing parking facilities, both public and private;

(b) The efficient and maximum use in terms of parking needs and services provided;

(c) The relief of traffic and parking congestion;

(d) The safety of pedestrians;

(e) The provision of reasonable access either by walking distance or shuttle vehicle arrangements;

(f) The maintenance of the character of the area.

(2) The following are allowed by Special Permit:

A. The substitution of parking spaces within municipal parking lots in lieu of or in reduction to the parking requirements of this section, provided they are located within 1600 feet of the building which is intended to be served.

B. A reduction in parking space requirements: The number of off-street parking spaces required by Section 6.3.3 of this bylaw for a use or uses in the non-residential districts may be reduced by special permit in accordance with the following provisions:

(1) Shared parking: Shared private parking facilities for different buildings or uses may be allowed by Special Permit, subject to the following provisions:

(a) Up to fifty percent (50%) of the parking spaces serving a building may be used jointly for other uses not normally open, used or operated during similar hours. The applicant must show that the peak parking demand and principal operating hours for each use are suitable for a common parking facility.

(b) A written agreement defining the joint use acceptable to the Planning Board of the common parking facility shall be executed by all parties concerned and approved by the Planning Board as part of the special permit process. Such agreement shall be recorded at the Middlesex Registry of Deeds.

(c) Any subsequent change in land uses for which the shared parking proposal was approved, and which results in the need for additional parking spaces, shall require a new special permit application under this subsection.
(2) Remote parking: Remote (satellite) parking areas may be authorized by the Planning Board by special permit, subject to the following provisions:

(a) The satellite parking spaces will be used solely by the employees and, where practicable, clientele of the commercial use;

(b) The off-site parking spaces shall be located to adequately serve the proposed use and shall be within six hundred (600) feet of the building served for clientele of the commercial use. Off-site parking for employees of the business may be located within a distance of one thousand two hundred (1,200) feet, unless shuttle vehicle arrangements are provided as a condition of the special permit. The parking distance shall be measured by the shortest route of pedestrian access, entrance to entrance.

(3) Pedestrian access: Any proposals submitted, which, in the opinion of the Planning Board, provide direct and vital pedestrian access to other abutting commercial properties and serve to improve pedestrian accessibility may reduce the number of parking spaces required by fifteen percent (15%). Pedestrian access shall be provided enough improved pathways, stairway access or other physical improvements, and such access shall be clearly marked.

**Urban Land Institute (ULI) Model**

CMRPC is aware of the ULI model for shared parking calculations, but it is proprietary and we were not able to locate/purchase it. See the MAPC link that provides reference to this model and info for purchase: [http://uli.bookstore.ipgbook.com/shared-parking-products-9780874209396.php?page_id=21](http://uli.bookstore.ipgbook.com/shared-parking-products-9780874209396.php?page_id=21) Cost is $69.95.

**Chicago Metropolitan Agency for Planning Shared Parking Resource**

Shared Parking is a topic in the Chicago Metropolitan Agency for Planning (CMAP)’s April 2012 “Parking Strategies to Support Livable Communities” Report and page 22 provides some additional background information on the shared parking concept.