

History of Changes to the Draft Zoning Language – October 2019 – August 2020

The Planning Commission (PC) began the Commercial District (CD) project early in 2015. It started with a questionnaire survey of the public in early 2015, followed with a study conducted by Landworks land consultants in 2016-17. Work continued into 2018 with another consultant, this time DuBois & King, to dive deeper into the District's potential growth. Through a series of public meetings, a new vision statement and a Commercial District Master Plan were developed, and they were approved by the Selectboard in August 2019. This was followed by adopting amendments to the Town Plan which incorporate the new purpose and findings of the CD studies and master plan. The Commercial District project next shifted to the current phase: amending the Zoning Regulations to match the Town Plan and the CD Master Plan, so new development will fulfill the District's updated vision and purpose.

What follows in this document is a summary of the evolution of the proposed draft zoning changes from the consultant's initial recommendations on October 2, 2019 to the most recent draft of August 18, 2020. The Planning Commission will hold a public hearing on this final draft on September 8, 2020 at 7:00 pm via Zoom. Details on how to participate in the public hearing can be found at the end of this document.

October 2019 Advisory Committee meeting and November 2019 PC meeting: Project consultant, Chris Sargent, met with the Advisory Committee (AC) to discuss potential zoning approaches. The AC consisted of CD landowners including businesses and residents, a member of the Selectboard, two members of the PC, and two volunteers from the public that have no personal or financial interests in the area. Mr. Sargent presented the findings that were specifically related to zoning from the Master Plan that should guide the zoning amendments. He suggested a point system like Westford's hybrid code.

The consultant noted that the Master Plan is based on a few key concepts that need to be implemented through zoning or other tools:

- Connectivity (street standards would be changed)
- Higher Density (allow more dwellings per acre, contingent on shared wastewater. Also, the current Planned Unit Development standards already allow higher density in certain situations, but PUD should be amended to include multi-family housing for PUDs in this District)
- Multi-Story (with appropriate scale) and Mixed Use (handled through PUDs, uses trimmed down,)
- Respectful of Landscape (limit height along RT 15, encourage shared parking, screened parking)
- Promote Outdoor Recreation (PUD to require public outdoor recreation space, Official Map to include paths and trails)
- Renewable Energy Generation (requirements in PUD or require rooftop solar)
- Prioritize Village Centers' development (limit uses in the CD that would directly compete with Village Centers, such as limit retail in the CD)

December 2, 2019, Zoning Approach materials from Chris Sargent – At the December 2, 2019 PC meeting, Chris Sargent presented more detail on his basic approach to the zoning changes he discussed in October and November (see above). He suggested a "Smart Code Mixed-Use Zoning District" as a base to address Building massing and form, combined with the scoring system which is used in the R5 district of Westford's Land Use and Development Regulations. Massing and size would be based on Floor Area Ratio, which would encourage multi story development. He also suggested capping building size at 15,000 sq ft. as most compatible with the existing context and community preferences, and most likely marketable. He did not suggest adding new limits to uses allowed in the CD. He suggested site planning and design standards that would utilize a point system like Westford's zoning. There would be a list of standards that a project would need to address, and each project would need to earn a certain amount of points to be approved. Each standard would have multiple tiers which award more points for proposed developments that meet the higher criteria. The he proposed the following standards:

- Access – This standard would encourage limited accesses, giving points for shared access and access on internal roads rather than Route 15.
- View – This standard would reward developments that are adequately screened from Route 15 and/or are designed to minimize their visual impact on

distant views. Details and illustrations would provide objective criteria.

- Buildings – This standard would encourage development to fit within the landscape by minimizing the visual impact from Route 15 and would allow taller buildings by integrating lower stories into the slope downhill from the road. Could also be used to encourage a more Vermont-style of architecture.
- Parking – Would award more points for efforts to screen parking from the Road (Route 15 and internal roads as well) through the choice of location of parking and screening and landscaping. Would encourage shared parking and on-street parking, to minimize impervious surfaces.
- Service Areas – Would award more points for efforts to minimize the visual impact of service areas (such as loading docks, trash, equipment, utilities, etc.)
- Outdoor Storage – More points for commercial and industrial developments that do not store materials outdoors in highly visible areas.
- Off-Site Impacts – Points are awarded for minimizing off-site impacts such as traffic, noise, light, etc.
- Connectivity – Points would be awarded for developers who incorporate connectivity into their designs, including the development of planned segments of shared use paths that may cross their property, or by providing locations where the public can congregate (pocket parks, outdoor recreation areas).
- Renewable Energy and Conservation – Points could be awarded to developers who incorporate renewable energy generation into their site plan (solar) and/or exceed state standards for energy efficiency in their building design.

The PC and the AC provided comments to Chris Sargent on his proposed approach. They had concerns about switching to the Floor Area Ratio approach, limiting building size and the scoring system which seemed complicated. Based on the AC and PC feedback in Fall 2019, Mr. Sargent began work on his first draft of zoning amendments to consider.

Below is a summary of the evolution of the drafted zoning changes, from the consultant's first draft dated February 18, 2020 to the current draft of August 18, 2020. The draft evolved, based on several months of PC meetings that included public comment, plus research of issues with the Regional Planning Commission and other Town Planners, additional public feedback, consultant input, landowner participation, Jericho's Zoning Administrator review, and PC deliberations.

	February 18, 2020 Edits/Suggestions	May 11, 2020 Edits	June 12, 2020 Edits	July 3, 2020 Edits	July 16, 2020 Edits	August 18, 2020 Edits
1.	Suggestion of adding a definition of Mass/Massing	Definition of Mass/Massing added	No change	No change	No change	No change
2.	Formula Retail/Restaurant: defined & regulated	New Formula Retail/Restaurant terms were removed, no new limits on these Uses in the CD	No change	No change	No change	No change

	February 18, 2020 Edits/Suggestions	May 11, 2020 Edits	June 12, 2020 Edits	July 3, 2020 Edits	July 16, 2020 Edits	August 18, 2020 Edits
3.	Question asked about how to include universal access and design for senior housing	Edited definitions for Senior Apartment Complex, Senior Housing Development and Senior Housing Unit: that these developments should support aging in place through design features for universal access	No changes	No change	No change	No changes
4.						Added definitions for “shall/must” and “should/encourage”
5.	3.2.6: Edits made to purpose of the Commercial District to reflect the new Purpose in the Master Plan	3.2.6: Further refinement of the purpose of the district	3.2.6: No changes	3.2.6: No change	3.2.6: No change	3.2.6: No change
6.		4.2 and 4.3: Text added to clarify that the <u>existing</u> review process is to require site plan review for most new uses	4.2 and 4.3: No change	4.2 and 4.3: No change	4.2 and 4.3: No change	4.2 and 4.3: No change
7.	Walkable Mixed-Use Development: created this new Use by adding a definition and a new section 4.7.17 and in the PUD section (10.13.2.4, 10.13.7)	Walkable Mixed-Use Development term and related regulation removed.	No change	No change	No change	No change
8.	Table 4.4: Some permitted uses changed to conditional to provide more review and abutter participation	Table 4.4: Uses changed back to permitted uses and other uses changed to conditional uses	4.4: Electric Vehicle Charging Station added as an allowed accessory use and structure. Definition also added.	4.4: No change	4.4: No change	4.4: No change

	February 18, 2020 Edits/Suggestions	May 11, 2020 Edits	June 12, 2020 Edits	July 3, 2020 Edits	July 16, 2020 Edits	August 18, 2020 Edits
9.	4.5: Question if the PUD standards are sufficient when applied to larger mixed-use buildings	4.5: Determined that the PUD standards are sufficient. 4.5 Text added to clarify that residential density requirements are also calculated for mixed use buildings that include residences	4.5: No change	4.5: No change	4.5: No change	4.5: No change
10	4.7.13: Suggestion to change required minimum distances from Fuel Sales to add certain additional neighboring uses	4.7.13: The Fuel Sales change not accepted	4.7.13: No change	4.7.13: No change	4.7.13: No change	4.7.13: No change
11	4.7.15: Suggestion to change distances for Motor Vehicle Repair from certain uses	4.7.15: The Motor Vehicle Repair change not accepted	4.7.15: No Change	4.7.15: No Change	4.7.15: No Change	4.7.15: No Change
12	5.6: To encourage affordable and senior housing, language added to allow the size of a development to be calculated by lot coverage rather than density per acre. Existing provision for Village Center district	5.6: No change	5.6: No change	5.6: No change	5.6: No change	5.6: No change
13.		Table 5.7: dimensional standards reduced (e.g., smaller setbacks) for the CD to encourage more compact, denser development envisioned in the Master Plan	Table 5.7: No change	Table 5.7: No change	Table 5.7: No change	Table 5.7: No change

	February 18, 2020 Edits/Suggestions	May 11, 2020 Edits	June 12, 2020 Edits	July 3, 2020 Edits	July 16, 2020 Edits	August 18, 2020 Edits
14.	Table 5.8: Change building heights in PUD table in certain areas in CD. Increased lot coverage allowed and reduced side yard requirements for CD	Table 5.8: Building height change not accepted. Lot coverage and side yard requirements accepted	Table 5.8: No change	Table 5.8: No change	Table 5.8: No change	Table 5.8: No change
15.	5.9: Added CD to existing provision which allows smaller distances between structures on abutting parcels in certain Districts.	5.9: No change	5.9: No change	5.9: No change	5.9: No change	5.9: No change
16.	7.3.1.1: Removed confusing language about non-conforming uses. 7.3.2: Need new language to allow non-conforming structures to be structurally modified. (aka “grandfathering”)	7.3.1.1: No change. 7.3.2: Still need new language for non-conforming structures	7.3.1.1: No change. 7.3.2.1: Added new language to allow non-conforming structures to expand or alter, with some limits (road, property line).	7.3.1.1: No change 7.3.2.1: Under recommendation of Zoning Administrator, for greater clarity, removed last sentence of existing text	7.3.1.1 and 7.3.2.1: No change	7.3.1.1 and 7.3.2.1: No change
17.		10.2.1: Clarifies existing practice that an applicant for a zoning permit must comply with the Section 11 standards	10.2.1: No change	10.2.1: No change	10.2.1: Further clarification for existing practice that an applicant for a zoning permit must comply with any applicable Overlay District standards	10.2.1: No change
18.		10.2.3: Clarifies existing practice of the ZA determining if a zoning permit requires site plan review	10.2.3: No change	10.2.3: No change	10.2.3: No change	10.2.3: No change

	February 18, 2020 Edits/Suggestions	May 11, 2020 Edits	June 12, 2020 Edits	July 3, 2020 Edits	July 16, 2020 Edits	August 18, 2020 Edits
19.	10.13.1: Expanded the purposes of PUDs to include mixed use and connectivity in the CD	10.13.1: Additional PUD purpose of senior housing, clarifying language about what pedestrian oriented PUD would look like	10.13.1: No change	10.13.1: No change	10.13.1: No change	10.13.1: No change
20.		10.13.2.1, 11.3, 11.3.2, 11.9: added language about development conforming to “the purpose of the district”. This is already a frequently used term throughout the regs	10.13.2.1, 11.3, 11.3.2, 11.9: No change	10.13.2.1, 11.3, 11.3.2, 11.9: No change	10.13.2.1, 11.3, 11.3.2, 11.9: No change	10.13.2.1, 11.3, 11.3.2, 11.9: No change
21.	10.13.5.2: Requirement for open space in PUDs in the Commercial District. Also, open space is encouraged for connections, trails, and anything shown on an Official Map in 10.13.1.1, 10.13.1.8, 10.13.4.3, 10.13.7.2.(d), 10.13.8(c), 10.13.13.1, 10.13.13.5	10.13.5.2: The requirement for the CD was removed, to encourage compact dense development. Instead, where open space in PUDs are noted, it is “encouraged” for connections, trails, and anything shown on an Official Map. 10.13.1.8, 10.13.4, 10.13.4.3, 10.13.5.3, 10.13.5.5, 10.13.6.1(b), 10.13.7.2(d), 10.13.8(c), 10.13.9.8, 10.13.10, 10.13.12.1, 10.13.12.5	10.13.1.8, 10.13.4, 10.13.4.3, 10.13.5.3, 10.13.6.1(b), 10.13.7.2(d), 10.13.8(c), 10.13.9.8, 10.13.10, 10.13.12.1, 10.13.12.5: No changes	10.13.1.8, 10.13.4, 10.13.4.3, 10.13.5.3, 10.13.5.5: 10.13.6.1(b), 10.13.7.2(d), 10.13.8(c), 10.13.9.8, 10.13.10, 10.13.12.1, 10.13.12.5: No changes	10.13.1.8, 10.13.4, 10.13.4.3, 10.13.5.3, 10.13.6.1(b), 10.13.7.2(d), 10.13.8(c), 10.13.9.8, 10.13.10, 10.13.12.1, 10.13.12.5: No changes 10.13.5.5: added “especially” for clarity of purpose	10.13.1.8, 10.13.4, 10.13.4.3, 10.13.5.3, 10.13.5.5: 10.13.6.1(b), 10.13.7.2(d), 10.13.8(c), 10.13.9.8, 10.13.10, 10.13.12.1, 10.13.12.5: No changes

	February 18, 2020 Edits/Suggestions	May 11, 2020 Edits	June 12, 2020 Edits	July 3, 2020 Edits	July 16, 2020 Edits	August 18, 2020 Edits
22	10.13.7: PUD density for affordable and senior housing based on Lot coverage and not density, same change as for 5.6. Also 10.13.7.2(d): added reference to adoption of an official map	10.13.7 and 10.13.7.2: No changes	10.13.7: No changes	10.13.7 and 10.13.7.2: No changes	10.13.7 and 10.13.7.2: No changes	10.13.7 and 10.13.7.2: No changes
23	10.13.8(c): Added opportunity to earn Density bonus for providing “enhanced connectivity to existing or planned public outdoor recreational facilities”	10.13.8(c): Density bonus text changed to “or establishes, builds, provides or improves public access and connectivity to existing or planned public outdoor recreation facilities” Also added, 10.13.8(d): Density bonus for a PUD containing a multi-story, mixed use building in the CD	10.13.8: No changes	10.13.8: No changes	10.13.8: No changes	10.13.8: No changes
24	10.13.11: New section for specific standards for PUDs in the CD. Lots and building layout create and pedestrian friendly streetscape and streets. Road layout for connections to other properties and sidewalks and paths	10.13.11: Removed and CD specifics. Instead CD added to 10.13.10, standards which already apply to the Village Center. Additional clarifying language was added to encourage multi-story, mixed use buildings, connectivity, active transportation, and access to transit facilities	10.13.10: No changes	10.13.10: No changes	10.13.10: No changes	10.13.10: No changes

	February 18, 2020 Edits/Suggestions	May 11, 2020 Edits	June 12, 2020 Edits	July 3, 2020 Edits	July 16, 2020 Edits	August 18, 2020 Edits
25.	11.1: Suggestion/Question on how to deal with road design standards – either new standards for CD or update Public Works Specs	11.1.1: The CD Master Plan discussed the importance of Complete Streets. The Riverside CB Zone includes street types not otherwise described in the Public Works specs, but which may be appropriate in the CD. Need further analysis to determine best way to streamline. Further edits to be developed	10.13.7.2(d): Added language to require new CD PUD streets to be developed according to the CD4 CBZ standards and any adopted Official Map. 11.1.1: Added language for new streets in CD to meet the design standards of the CD4 in the CBZ. Also reconfigured the wording in this section. Changed the word “conservative” to “restrictive” to meet the intent of the section 11.3.2: Added clarifying language to future sidewalk construction. In CD it should comply with the CD4 CBZ standards	10.13.7.2(d), 11.3.2: No changes 11.1.1: changed “shall” to “must”	10.13.7.2(d), 11.3.2, 11.1.1: No changes	10.13.7.2(d), 11.3.2, 11.1.1: No changes
26.	11.1.3: Clarified that new roads identified on a future Official Map would be public roads	11.1.3: No change	11.1.3: No change	11.1.3: No change	11.1.3: No change	11.1.3: No change
27.		11.1.8.2: Changed “major streets” to “Major Roads,” a defined term in the Zoning	11.1.8.2: No change	11.1.8.2: No change	11.1.8.2: No change	11.1.8.2: No change

	February 18, 2020 Edits/Suggestions	May 11, 2020 Edits	June 12, 2020 Edits	July 3, 2020 Edits	July 16, 2020 Edits	August 18, 2020 Edits
28.					11.2.1: Added the encouragement of parking under or integrated into buildings for efficient land use	11.2.1: No change
29	11.2.2.1: Multi-family use parking requirement reduced to 1.5 from 2.0 per unit (+1 per every 8 unit standard remains unchanged)	11.2.2.1: No change	11.2.2.1: No change	11.2.2.1: No change	11.2.2.1: No change	11.2.2.1: No change
30	11.2.3.1(b): Question about how to deal with the existing language regarding ½ distance in CD side setbacks	11.2.3.1(b): Removed prohibition of parking in ½ of the side yard in the CD. Draft now allows parking in the side yards unless property is adjacent to other zoning districts (that adjacent standard is not new)	11.2.3.1(b): No change	11.2.3.1(b): No change	11.2.3.1(b): No change	11.2.3.1(b): No change
31	11.2.3.3: Added language for CD to restrict parking in the front yard.	11.2.3.3: Changed drafted language to allow parking in the front yard as long as it isn't directly in front of the building – It can be on the side and forward of the building, but behind the front setback	11.2.3.3: No change	11.2.3.3: No change	11.2.3.3: No change	11.2.3.3: No change
32.		11.2.5.2: Allows CD parking to be 100% off site.	11.2.5.2: No change	11.2.5.2: No change	11.2.5.2: No change	11.2.5.2: No change

	February 18, 2020 Edits/Suggestions	May 11, 2020 Edits	June 12, 2020 Edits	July 3, 2020 Edits	July 16, 2020 Edits	August 18, 2020 Edits
33.		11.2.2.3, 11.2.5.1: Allows Zoning Administrator the new authority to review and approve some parking standards that current zoning requires DRB review	11.2.2.3: Returned to existing authority for DRB to modify parking standards. 11.2.5.1: No change	11.2.2.3, 11.2.5.1: No changes	11.2.2.3, 11.2.5.1: No changes	11.2.2.3, 11.2.5.1: No changes
34.	11.2.5.3: Added language to permit on street parking in the CD	11.2.5.3: No change	11.2.5.3: No change	11.2.5.3: No change	11.2.5.3: No change	11.2.5.3: No change
35.	11.3.1.1: Added language related to infrastructure on a future Official Map.	11.3.1.1: Removed suggested text as this section deals with pedestrian easements only	11.3.1.1: No change	11.3.1.1: No change	11.3.1.1: No change	11.3.1.1: No change
36.		11.3.3.5: Added text to allow pedestrian easements on any street in the CD	11.3.3.5: No change	11.3.3.5: No change	11.3.3.5: No change	11.3.3.5: No change
37.	11.4.7: Change to prohibit development of new curb cuts with direct access to RT 15	11.4.7: This text was not added but instead, language added to 11.1.6.3, 11.1.8.8, 11.4.8.1: The CD Master Plan encourages vehicle accesses and building orientation to existing and new streets and not RT 15. Language allows NEW curb cuts only for new streets and single- or two-family residences.	11.4.7, 11.1.6.3, 11.1.8.8, 11.4.8.1: No changes	11.4.7: No change 11.1.6.3: Changed to allow new curbs for any residential uses. 11.1.8.8: changed “shall” to “must” 11.4.8.1: Added clarifying text for new streets to be developed to the appropriate standards	11.4.7, 11.1.8.8, 11.4.8.1: No changes 11.1.6.3: Added language to clarify that the preferred access for new residential development is still via side streets and not directly from RT 15, to encourage walkable connections and limit turning conflicts (Rt 15 speed limit is 50 mph in most of the District)	11.4.7, 11.1.6.3, 11.1.8.8, 11.4.8.1: No changes

	February 18, 2020 Edits/Suggestions	May 11, 2020 Edits	June 12, 2020 Edits	July 3, 2020 Edits	July 16, 2020 Edits	August 18, 2020 Edits
38.	11.4.10: Removed “steel pipes” from the monumentation requirement for corner lots	11.4.10: No change	11.4.10: No change	11.4.10: No change	11.4.10: No change	11.4.10: No change
39.	11.8.3: Added language within section regarding the visibility of parking areas in the CD	11.2.3.2, 11.2.3.4, 11.8.3: Language clarified about minimizing visibility of parking areas from roads and pedestrian ways	11.2.3.2, 11.2.3.4: No changes 11.8.3: added language to explain what the buffering and screening could consist of and why it is being proposed	11.2.3.2 and 11.2.3.4: No changes 11.8.3: Additional clarifying language explaining the purpose of screening and buffering	11.2.3.2, 11.2.3.4, 11.8.3: No changes	11.2.3.2, 11.2.3.4, 11.8.3: No changes
40.					11.8.7: Added language to encourage the use of native plants and prohibit planting invasive species	11.8.7: changed the text to cite state regulation of invasive and noxious plants
41.	11.9.3: Language added to screen views of new development from RT 15 in CD. Also, Question raised about where to address site layout and design standards.	11.9.3: The CD Master Plan discussed the importance of site layout and building design that meet the purpose of the District. Added clarifying guidance to existing CD site layout and building design section to meet the purpose of the District. Includes both “required” standards and “encouraged” standards, to provide clear direction with flexibility	11.9.3: Further clarifying language to why these standards are included. Reformatting to clarify what standards are required and which are encouraged.	11.9.3: Further clarifying language to why these standards are included	11.9.3: Further clarifying language to why the standards are included. 11.9.3.1: specific change to clarify that a new building still is required to meet the setbacks.	11.9.3: No changes

	February 18, 2020 Edits/Suggestions	May 11, 2020 Edits	June 12, 2020 Edits	July 3, 2020 Edits	July 16, 2020 Edits	August 18, 2020 Edits
42.	11.9.4: Language added for the installation of EV charging stations	11.9.4: The new language was removed, but instead placed in 11.2.3.1(e), where EV charging should be considered	11.2.3.1(e): No change Definition added of EV Charging Station See above for addition to Table 4.4	11.2.3.1(e) and definition: No change	11.2.3.1(e): No change	11.2.3.1(e): No change
43.		11.11.10: New Language added referring to keeping lighting levels as low as possible to protect the night sky	11.11.10: No change	11.11.10: No change	11.11.10: No change	11.11.10: No change

How to Participate in the 7:00 pm September 8, 2020 Public hearing: Zoom is free to the public and does not require registration or log-in. Public comment at this meeting is welcomed and encouraged using the following methods:

1. Access the Zoom meeting for free on your computer, smartphone or tablet: <https://us02web.zoom.us/j/88451845445>. No password is required when using the above link. This method allows for video and audio connection.
2. Call-in to the webinar: (646) 558-8656 or (301) 715-8592, enter the Zoom webinar ID #884 5184 5445, and press # when prompted. This option allows for audio only connection.
3. MMCTV live video recording on YouTube: <https://www.youtube.com/user/MMCTV15/live> and live on the MMCTV local Comcast Cable Channel 1086. Note that these MMCTV options will not allow for live public comment.
4. Email public comments ahead of time to be delivered to the PC to Katherine Sonnick, Planning Director, at ksonnick@jerichovt.gov