

**Center Committee: Proposed Changes**

Updated: October 28, 2009

Changes Highlighted in Yellow.

CN CRS CS CB CLO CRO CM

The following use table recommendations (pages one and two) are intended to encourage food establishments to locate in the Center, while continuing to regulate all necessary aspects of their operations. Many aspects of the food establishment industry are regulated, including noise, parking, trash, and food safety. Additionally, the landscape of the food-service industry is changing, expanding service types to include fast-casual restaurants, restaurants with catering and takeout components, and specialty gourmet food shops with on-site preparation. These changes are an initial step to modernize our zoning code.

**Part 1: Restaurant Operations**

**Restaurant Use, allow by right (Table 1B, Eating and Drinking Section)**

Current	9.11	Restaurant	N	SP	N	SP	N	SP	SP
Proposed	9.11	Restaurant	N	SP	N	Y	N	SP	SP

**Discussion:**

The Board of Selectmen, General Bylaws, Historic Districts Commission, Building Commissioner, Zoning Enforcement Officer and the Board of Health all regulate parts of restaurant operations such as parking, noise, dumpster location, alcohol service and trash collection; each regulation requires a separate application and has a separate permitting process. The proposal is to remove the Special Permitting process through the Zoning Board of Appeals and to allow restaurants by right. This will eliminate duplicate review which typically adds 120 days to the permit process.

**Current Definition for reference**

RESTAURANT – An establishment primarily for serving by a waiter or waitress and consumption of meals at tables or at a counter, on the premises.

**Fast Food, conform to definition (Table 1B, Eating and Drinking Section)**

Current	9.12	Fast-food or takeout service serving enough food to comprise a meal	N	SP	N	SP	N	N	SP
Proposed	9.12	<b>FAST-FOOD SERVICE</b>	N	SP	N	SP	N	N	SP

**Discussion:**

This change is to adopt the existing language in the definitions section of the bylaw to improve clarity and consistency.(See definition below)

**Current Definition for reference**

FAST-FOOD SERVICE – An establishment primarily for self-service or purchase of food or beverage at a counter for consumption on the premises.

**Takeout Food, conform to definition (Table 1B, Eating and Drinking Section)**

			CN	CRS	CS	CB	CLO	CRO	CM
Current	9.13	Takeout or fast food service serving food or beverages, such as coffee, snacks, ice cream or donuts , but not enough to comprise a meal	SP	SP	SP	SP	N	N	SP
Proposed	9.13	<b>TAKEOUT FOOD SERVICE</b>	SP	SP	SP	<b>Y</b>	N	N	SP

**Discussion:** *This change is to adopt the existing language in the definitions section of the bylaw to improve clarity and consistency of language. The activity generated by this use is beneficial to the center in generating foot traffic and bustle. The potential issues with this use are actively overseen by the Board's of Health, Zoning Enforcement Officer and other Town officials.*

**Current Definition for reference** *TAKEOUT FOOD SERVICE --- An establishment primarily for dispensing prepared food to persons carrying the food away for consumption elsewhere.*

**Catering, allow by SP (Table 1B, Eating and Drinking Section)**

Current	9.14	Caterer or other establishment preparing meals for groups of people	N	N	SP	N	N	N	Y
Proposed	9.14	Caterer or other establishment preparing meals for groups of people	N	N	SP	<b>SP</b>	N	N	Y

**Discussion:** *The operations of catering businesses are very similar to restaurants and other types of food service establishments, and should similarly be allowed by special permit in the Center. All regulations that currently apply to food service establishments apply to caterers as well. The special permit process will enable the special permit granting authority to control the circulation issues that may arise with such a use.*

**Part 2: Other Commercial Uses**

**Advertising office, allow (Table 1B, Office Uses Section)**

Current	6.15	Advertising, editing, composition, but not including printing or other reproduction service	N	N	N	N	Y	Y	Y
Proposed	6.15	Advertising, editing, composition, but not including printing or other reproduction service	N	N	N	<b>Y</b>	Y	Y	Y

**Discussion:** *The advertising use is a sub-category of office use, and all other office uses are permitted in the CB district. As an advertising use has the same parking ratio and other impacts as other types of office space, it should be allowed.*

**Dry Cleaner/Laundry, allow (Table 1B, Services)**

Current	7.12	Laundry or dry cleaning pickup station with processing done elsewhere; laundry or dry cleaning with processing on the premises subject to the development standards for the district; self-service laundromat or dry cleaning	Y	Y	Y	N	N	N	Y
Proposed	7.12	Laundry or dry cleaning pickup station with processing done elsewhere; laundry or dry cleaning with processing on the premises subject to the development standards for the district; self-service laundromat or dry cleaning	Y	Y	Y	<b>Y</b>	N	N	Y

**Discussion:** Dry cleaning services already exist in the Center. This change would recognize the current uses in the Center, while continuing to regulate the necessary components of the dry-cleaning process.

**Post Box Services, allow (Table 1B, Services)**

			CN	CRS	CS	CB	CLO	CRO	CM
Current	7.28	Private postal services (See definition)	N	Y	Y	N	Y	Y	Y
Proposed	7.28	<b>PRIVATE POSTAL SERVICES</b>	N	Y	Y	<b>Y</b>	Y	Y	Y

**Discussion:** The addition of private postal services to the Center may generate additional foot traffic in the area. Allowing private postal services in the Center will provide a frequently-used service that can increase retail sales at nearby center businesses.

**Current Definition for reference:** PRIVATE POSTAL SERVICES – A retail use which includes private postal box rentals and mailing services. Such facility shall not be used as a distribution center, parcel delivery or commercial mail delivery center but shall remain as a retail convenience store for consumers.

**Artisan Work, new permitted use (Table 1B, Services)**

Current		Use not currently mentioned.							
Proposed	<b>8.22</b>	<b>Artisan work, including production</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<b>N</b>

The production of artisan crafts such as paintings, pottery, jewelry, etc. could currently be classified as light manufacturing, which is prohibited in the Center. By adding this use, artisans could locate in the Center and possibly in a first-floor location, providing both aesthetics interest and vibrancy to the Center. This approach will allow for the continued exclusion of other types of light manufacturing from the Center. Health, noise, or safety issues are regulated through other boards and departments, such as the Board of Health and the Fire Department.

**Discussion:**

**Artisan Work, definition**

Proposed	<b>135-8 Definitions</b>	<b>ARTISAN WORK</b> , an establishment used for the creation, finishing, refinishing or similar production of custom or hand-made commodities, together with the retailing of such commodities.
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**Lawn and Garden (Table 1B, Sale of Goods Section)**

Current	8.20	Lawn and garden supplies and equipment	N	Y	Y	N	N	N	N
Proposed	8.20	Lawn and garden supplies and equipment	N	Y	Y	<b>Y</b>	N	N	N

Lawn and garden supplies and equipment are a component of hardware store operations, and it is unlikely that the Center will be able to attract a hardware store without allowing the sale of lawn and garden supplies and equipment. The sale of supplies such as lawn fertilizer will be regulated through the Board of Health and the Fire Department.

**Discussion:**

**Indoor athletic use, allow (Table 1B, Recreation and Entertainment Section)**

Current	10.12	Indoor athletic and exercise facilities, weight reduction salon	N	SP	Y	N	N	N	Y
Proposed	10.12	Indoor athletic and exercise facilities, weight reduction salon	N	SP	Y	<b>Y</b>	N	N	Y

Indoor athletic and exercise facilities can increase the sense of vibrancy in the Center and increase retail sales at nearby businesses. They have become a common tenant in downtown districts. An additional parking factor will be developed in section 135-64 for the appropriate number of spaces.

**Discussion:**

### Parking Factor for new indoor athletic use

**Current** Parking 135-64 No parking factor: Indoor athletic and exercise facilities, weight reduction salon

**Proposed** Parking 135-64 **Parking factor: Indoor athletic and exercise facilities, weight reduction salon, 6 spaces per 1,000 square feet.**

### Part 3: Modifying Limitation on Office Uses

#### Offices Prohibited from Store Front Space

			CN	CRS	CS	CB	CLO	CRO	CM
<b>Current</b>	6.21	Office located on a street level floor	Y	N	N	N	Y	Y	Y
<b>Proposed</b>	6.21	Office located on a street level floor*	Y	N	N	Y*	Y	Y	Y

**\*In CB, office shall not be permitted in a Center Store Front. A Center Store Front is defined as the portion of the ground floor level of a building in the CB district that has frontage on a public way or a public parking lot.**

*Certain first-floor locations in the Center are too deep or too far away from high-traffic locations; such spaces are viable locations for office uses in the Center. However, in order to ensure vibrancy along the pedestrian way in the Center, offices will be prohibited from locating in a Center Store Front, as defined.*

**Discussion:**

### Part 4: Other Proposed Bylaw Changes

#### Traffic Study exemption in CB District

**Current** S. 135-71 No building permit shall be granted for the erection of a new building or the enlargement or renovation of an existing building with the result that there are 10,000 square feet or more of gross floor area on the lot, including any existing floor area, but not including any floor area devoted to residential use or to off-street parking, or there are 50 or more dwelling units, or their equivalent, in a development, including any existing dwelling units, the number of parking spaces is increased by 25 or more and there are 50 or more parking spaces, including any existing parking spaces, on the lot, unless a specific permit with site plan review has been granted and the SPGA has made a determination that the streets and intersections affected by the proposed development have, or will have as a result of traffic improvements, adequate capacity as set forth in Section 135-73, to accommodate increased traffic from the development.

**Proposed Insertion** S. 135-71 Notwithstanding the foregoing, the requirements of this Article XII shall not apply to the Center Business (CB) district.

**Discussion:** *The Center Committee wishes to increase the vitality of and reduce the vacant space in the Center. The traffic special permit section (135-71) would require every building to undergo the three month special permit process in order to fill their vacant space. Overall this would subject 12 buildings to a special permit process to fill the space. This proposed change would exempt the CB district from the traffic special permit provision. According to the zoning, significant development in the Center (development of 10,000 square feet or more) would not be subject to the special permit provisions of the bylaw.*