



CRC Comments on 40R Proposal, as of November 18, 2020

(emailed to Chair, Mandi Jo Hanneke to transmit to Planning Director Christine Brestrup)

Ross Comments and Questions on 40R from 11/17/2020 CRC Meeting

Benefits

- Walkability: parking in the back or on the side is good, as is minimizing curb cuts. Increases walkability in downtown.
- Climate resilience: encouraging green infrastructure, including street trees, low-impact design, rain gardens, and reuse of stormwater for irrigation are part of climate resilience and adaptation and should be viewed through that lens.
- I like the tiered approach with subdistricts and varying heights to transition from downtown to residential areas.
- Greater density achievable in BL district along North Pleasant St. than underlying (even if BL is fixed), and along Triangle St. (via greater height and smaller setbacks)

Concerns

- Should not be an excuse for not fixing the underlying zoning of the BL. Still need to address BL issues.
- 40R should be an incentive to develop, representing an improvement over underlying zoning for developers. Concerned about discussions of down-zoning BG in order to make this happen, as that could make downtown development more difficult and expensive for everyone. 40R should be able to offer some benefit to developer in all districts over current zoning.
- Current proposal does not seem to address maximum building or lot coverage in BL or RG. Without change, I don't see how 40R can achieve the density we hope (unless we fix underlying BL zoning).
- Concerned that the proposal reduces allowable density for some parcels (24 & 18 Kellogg Ave, 177 and 159 North Pleasant St., both of which have significant redevelopment potential). Concerned about any area where 40R would result in lower density than underlying zoning.
- There are other places where it seems like 40R would reduce density vs underlying zoning. Is this accurate and if so, will this hold back the density that could be achieved and dissuade developers from choosing 40R vs underlying zoning?
 - Town Center Sub-district
 - Minimum front setback 15' vs 0' under BG
 - Minimum rear setback 20' vs 10' for BG
 - Residential Neighborhood Sub-district
 - Maximum height facing residential abutters is 25' vs 40' and 35' under current RG and BL.
 - Rear setbacks of 20' vs 10' for RG



Questions

- Does 40R remove minimum lot requirements (both basic minimum lot area and additional lot area/family)?
- Consultant comment on pg 21 (“Do we want to preclude commercial uses with the exception of small scale offices...”), how would this be done and is there a feeling in Planning Dept. that it should be? Seems to me like some businesses would be an amenity to a neighborhood (e.g. coffee shop, barber shop).
- Does footnote a still apply to dimensional regulations stated in 40R?

Mandi Jo Hanneke Notes and Questions on 40R:

Benefits:

- Design Guidelines: I hope we can move more of our bylaws to this type of zoning writing.
- Climate Action: How far can we go to incorporate climate action and sustainability into this overlay district?
 - For example, can we require, instead of encourage, that the native species and landscaping be bio-swales or raingardens, instead of encourage
 - Another example, in Section 11.4.1.4.1 – Materials, can we allow only carbon neutral building materials, or give even more incentives if only carbon neutral materials are used? Are there materials that we can prohibit from use solely because of their impact on the environment?
 - I like Section 11.4.1.7.7. Pervious Paving for its encouragement for storm water management.
 - Should Section 11.4.1.7.8 - Storm water management incorporate upcoming storm water management bylaw? And, if so, how do we do that if, by law, as 40R is supposed to be self-sufficient and not refer to other parts of the bylaw?
- Section 8.4: Review and comment period for other boards
 - I like that it requires PB to provide application to TC for comment within 60 days
 - I wonder why it does not require DRB review or Historical Commission Review
- Tiering: I like the tiering, which mirrors the BL / BG tiering, but hopefully does a better job at it.

Concerns:

- Overlay Map:
 - Looking at the Zoning map, I am curious why the BG between Main and Kellogg wasn't included in Sub District 1 or the overlay district at all?
 - I also wonder the reasoning behind why the BG area behind Post Office isn't part of Sub District 1? It seems strange to identify this as Sub District 2, when it is currently BG and is across the street from and close to South Pleasant Street than the 5 story Ann Whalen apartment house. The differences between BG and the Sub District 2 overlay are tremendous, meaning that in this section on Kellogg, the overlay doesn't have a lot of



- advantages at all, since it would result in tremendous downsizing of buildings (3 floors max vs. 5 in the BG, a larger rear setback, and likely a larger setback requirement)
- Similarly, it seems that if the BG portion behind the post office is re-designated as Sub District 1, would it make sense to add the two lots next to the one RG lot adjacent to the BG lot on Kellogg Street as Sub District 2? These two lots are directly across from the Ann Whalen 5 story apartment building and along the rest of the road, before it makes a sharp turn, so it appears somewhat logical to include them in the overlay district.
 - Dimensional Requirements:
 - If the RG zone permits 3 story, 40 foot buildings, why are the Sub District 2 height limits for the RG section of the overlay only 25 feet, 2.5 stories? Many of these old stately homes, especially on the west side of N. Prospect, have walk-up attics and are essentially three story buildings, at least in height, since many have the first story a half-story above ground, so a 3-story, 30 or 35 foot limit would appear more appropriate.
 - Why is the rear set back in Sub District 2 20 feet, when even in RG, the rear setback is only 10 feet? What is the purpose of a larger rear setback?
 - It is unclear to me which height limits would apply to the Kellogg Street Sub District, given the changing height limits in the Bylaw. This would need clarified and would hopefully be in line with the fact that the Ann Whalen 5 story apartments are across the street.

General Questions (some of these demonstrate my newness to zoning jargon):

- Section 3.2 outlines subdistricts. I was confused reading this because it lists VCR, RN, and RO, but doesn't list RG and RG is actually in one of the subdistricts and VCR, RN, and RO are not.
- Section 5.2. as a whole - do we want to define a minimum % of total gross floor area that needs to be the non-residential portion, in order to avoid the "bike parking" or "ATM" concern? Although once a full residential use is allowed, how likely is this type of minimum "mixed-use" to happen?
- Reading the current zoning bylaws, it was unclear to me whether a 3 family is currently allowed anywhere in town, since it's not specifically mentioned in the use table. If so, what is it considered – a 2-family or a multi-family? Two, three family and multi-family allowed in both SD; mixed use allowed in both SD.
- Consultants mention no parking requirements right now – how does this overlay fit in with Parking Overlay District?
- Section 11.3 Intro - What is the rural-to-urban transect?
- Section 11.4.2.2.5 - what does it mean to be "Facing small scale existing residential construction"?
 - For example, North Prospect has some very large houses - is that considered "small scale residential construction"?
 - What about the apartment buildings on Kellogg?
 - What is the 40" spacing between buildings? Is that front to front (across streets) or side to side? If side to side, why so large - if this is a transition zone, shouldn't it aim to meet in the middle of the residential 40' spacing and the town center 0' spacing?



- Are setbacks determined from porches or main buildings? Can porches be within the setback? If we're encouraging porch-type elements, should they be allowed within setback?
- Does this really mean side facades need to comply? Do they comply-ish on the other side of the street (ie, do houses right now mimic the front façade differences, or are the sides of houses more uniform in style)