

Summary of Planning Board Sponsored Articles

Article 29: Swimming Pool: Definition and Setback
Article 30: Article 3 "Housekeeping"
Article 31: Drive Through Restaurant Windows
Article 32: Private Wastewater Treatment Facilities -
"Housekeeping"

Annual Town Meeting
June 8, 2015



Wrentham Planning Board

Planning Board ATM Warrant Article 29
Swimming Pool: Definition and Setback

Summary

At the request of the Building Commissioner, this amendment would create a definition for swimming pool, and would also establish minimum setback requirements for swimming pools to property lines.

- The Planning Board is proposing to create a new definition of swimming pool, as follows:

SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground SWIMMING POOLS, hot tubs and spas.

- The proposed definition was taken from the Massachusetts State Building Code. Currently the Zoning Bylaw does not contain a definition for swimming pool.
- In addition to the new definition, the Planning Board is proposing to amend Article 6.9 of the Wrentham Zoning Bylaws by adding a new paragraph at the end of the section, so the entire section would read as follows (new text is shown with underline):

6.9 ACCESSORY BUILDINGS/SWIMMING POOLS

No ACCESSORY BUILDINGS including air-supported, air inflated, membrane-covered cable and membrane-covered frame structures shall be located within the required FRONT YARD SETBACK area. No ACCESSORY BUILDING shall be located nearer to the side or rear LOT line than the greater of the height of such ACCESSORY BUILDING or ten (10) feet.

All ACCESSORY BUILDINGS as defined under Article 2 and pursuant to Article 4.2, in all residential DISTRICTS will be further limited to a total GROSS FLOOR AREA of 1,200 square feet. The Board of Appeals may issue a SPECIAL PERMIT if the proposed construction of an ACCESSORY BUILDING is in excess of 1,200 square feet GROSS FLOOR AREA. ACCESSORY BUILDINGS shall be located no less than ten (10) feet from another ACCESSORY BUILDING or principal BUILDING.

Swimming Pools shall be located no less than 40 feet from the front LOT line and not less than ten (10) feet from the side or rear LOT lines. Measurement shall be from the water's edge.

- The Zoning Bylaw does not currently stipulate a setback for pools, but the Building Department's policy has been to require a 10 foot setback. This amendment would formalize the 10 foot setback policy into an enforceable regulation.

Planning Board ATM Warrant Article 30
Article 3 “Housekeeping”

Summary

The Article 3 changes are “housekeeping” in nature.

- Article 19 (Highway Commercial Zoning District) was adopted in June 2012 as a standalone section of the Zoning Bylaws. The Planning Board is proposing to add a reference to Highway Commercial to the list of all districts found in Article 3.1. No changes to the Highway Commercial district are proposed with this amendment (new text is shown with underline).

3.1 Establishment of DISTRICTS

For the purposes of this Bylaw, the Town of Wrentham is hereby divided into the following ZONING DISTRICTS:

| <i>Title</i> | <i>Abbreviation</i> |
|--|---------------------|
| Residential DISTRICT | R-30 |
| Residential DISTRICT | R-43 |
| Agricultural and Residential DISTRICT | R-87 |
| Retail Business DISTRICT 1 | B-1 |
| Retail Business DISTRICT 2 | B-2 |
| Commercial-INDUSTRIAL DISTRICT1 | C-1 |
| Commercial-INDUSTRIAL DISTRICT 2 | C-2 |
| Commercial-INDUSTRIAL DISTRICT 3..... | C-3 |
| <u>Highway Commercial DISTRICT (see Article 19).....</u> | <u>HC</u> |
| Conservation, Recreation, School and Park DISTRICT | CRSP |
| WATERSHED Protection DISTRICT (overlay)..... | W |
| AQUIFER Protection DISTRICT (overlay) | A |
| Special USE DISTRICT (overlay)..... | SU |
| Medical Marijuana Special USE DISTRICT (overlay)..... | MMSU |

- The Zoning Map was updated last year. The Planning Board proposes to amend Article 3.2 (Zoning Map) of the Wrentham Zoning Bylaws by replacing the words “AECOM, Concord, MA” with “PeopleGIS, Woburn, Mass” and changing the map date from “July 2009” to “June, 2014” so the article would now read:

Said DISTRICTS are located and bounded as shown on a map entitled "TOWN OF WRENTHAM, MASSACHUSETTS, ZONING DISTRICTS," dated June, 2014, and prepared by PeopleGIS, Woburn, Mass, and as most recently amended, and on file with the OFFICE of the Town Clerk. The ZONING MAP, with all explanatory matter thereon, is hereby made part of this bylaw.

**Planning Board ATM Warrant Article 31
Private Wastewater Treatment Facilities - "Housekeeping"**

Summary

In 2014, amendments were made to Article 4.2 of the Zoning Bylaws regarding Private Wastewater Treatment Facilities. Some housekeeping is required to ensure numbering and permitting requirements are accurate.

- In June 2014, a definition for Private Wastewater Treatment Facilities ("PWTF") was added to Article 2 of the Zoning Bylaws, and two uses (commercial and industrial PWTF) were added to the Use Regulation Schedule found in Article 4.2. The first use, PWTF, under Commercial Uses, was to be numbered 27; however this resulted in a duplicate number 27. The Planning Board is proposing to amend the Use Regulation Schedule to renumber PWTF under Commercial Uses as 29 to eliminate the duplication.
- Also in June 2014, when PWTF were authorized in the Use Regulation Schedule in Article 4.2, there was a typographical error in which the Planning Board was not listed as the permit granting authority. The Planning Board is proposing to amend the Zoning Bylaws to list the Planning Board (PB) as Special Permit Granting Authority for all PWTF proposed in Commercial and Industrial districts by adding "(PB)" under all SPA/SPs for the PWTF uses. The line items in Article 4.2 would read as follows:

| (Commercial Uses) | R-30 ¹ | R-43 ¹ | R-87 ¹ | B-1 | B-2 ³ | C-1 ² | C-2 | C-3 | CRSP |
|---|-------------------|-------------------|-------------------|-------------|------------------|------------------|-------------|-------------|------|
| 29. PRIVATELY OWNED WASTEWATER TREATMENT FACILITY (PWTF) designed and approved in accordance with 314 CMR 5.00, as amended. | N | N | N | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | N |

| (Industrial Uses) | R-30 ¹ | R-43 ¹ | R-87 ¹ | B-1 | B-2 ³ | C-1 ² | C-2 | C-3 | CRSP |
|---|-------------------|-------------------|-------------------|-------------|------------------|------------------|-------------|-------------|------|
| 11. PRIVATELY OWNED WASTEWATER TREATMENT FACILITY (PWTF) designed and approved in accordance with 314 CMR 5.00, as amended. | N | N | N | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | N |

Planning Board ATM Warrant Article 32 Drive Through Restaurant Windows

Summary

Drive Through Restaurant Windows are gaining in popularity. No longer are restaurants such as McDonald's or Burger King only interested in a drive through window; now restaurants such as Dunkin Donuts, Panera Bread and Starbucks also want to provide drive through service.

Wrentham's Zoning Bylaw is silent on drive through restaurant windows, with the exception of them being expressly prohibited in the B-2 zoning district through a single footnote. Other uses utilize drive through windows (e.g., banks, dry cleaners, pharmacies), however the demand found at drive through restaurant windows is often so intense that negative impacts are anticipated without mitigation or regulation. Lines of cars stacked at drive through restaurant windows are often quite long, up to twenty vehicles, and may extend into a street, causing traffic safety problems. We do not see the same intensity issues with other uses and are therefore only addressing drive through restaurant windows with this amendment.

Proposed Amendment Text – With Explanations in *Italics*

- **All restaurant establishments with a drive through window shall be located on a parcel containing at least four (4) acres.** *This larger lot size was deliberately chosen to ensure there will be adequate area on site to handle lines of traffic, parking spaces and infrastructure. Most lots in downtown Wrentham (B-1) are smaller than four acres because the downtown area is designed to be pedestrian oriented/scaled. Drive through restaurant windows are not pedestrian oriented and therefore are not being encouraged downtown through smaller lot size requirements.*
- **Minimum drive through queue on site shall accommodate a minimum of 10 cars. The Planning Board shall have the right to require more than the stipulated minimum queue space if they find that a proposed user would exceed the specified queue during peak periods.** *In certain instances, we have been told that Dunkin Donuts drive up windows have warranted stacking space for up to 20 cars. This provision gives the Planning Board the ability to increase requirements, as needed.*
- **Each queue space shall be a minimum of twenty (20) feet in length and ten (10) feet in width along straight portions. Queue spaces and lanes shall be a minimum of twelve (12) feet in width along curved segments.** *Self-explanatory. These minimums will ensure that the queue line will be long enough and wide enough.*
- **Queue lines may not pass through and/or divide parking areas.** *This will ensure that patrons who are parked in spaces are not blocked in by a line of cars waiting for drive through window service.*
- **A by-pass lane a minimum of twelve (12) feet wide shall be provided. Subject to Planning Board approval, a by-pass lane may not be required if the queuing lane is adjacent to a parking lot drive aisle which could function sufficiently as a by-pass lane. If required, the by-pass lane shall be clearly designated and distinct from the queuing area. A by-pass lane allows a car in the drive through line to leave the line and exit the site. Oftentimes, once you enter a drive through line, you are stuck there. This situation should be avoided.**

- **All buildings, parking and circulation areas shall be set back a minimum of 50 feet off the roadway. This area shall remain undisturbed except for where the Planning Board gives permission for alterations.** *Oftentimes drive through restaurants are on small lots with minimal landscaping and maximum pavement. This setback, combined with the four acre lot minimum lot size, will ensure that drive through restaurant window sites have ample space for aesthetic relief.*
- **Landscaping and other aesthetic means shall be utilized to contain and screen the queue line.** *See above. We are attempting to minimize negative impacts for this automobile-oriented use.*
- **On site circulation plans shall carefully minimize conflicts between drive through customers and walk in customers as well as deliveries to the site.** *Oftentimes it seems pedestrian/customer access is an afterthought. This provision requires that the site designer consider and plan for customer access by foot, not just by vehicle.*
- **For stand-alone businesses, a minimum 50 foot buffer shall be maintained along all side and rear lot lines. This area shall remain undisturbed except for where the Planning Board gives permission for alterations. A larger buffer may be required in areas abutting residential uses to further reduce visual and audible impacts.** *As stated previously, oftentimes drive through restaurants are on small lots with minimal landscaping and maximum pavement. This buffer, combined with the four acre lot minimum lot size, will ensure that drive through restaurant window sites have minimal, if any, negative effect on abutters.*
- **Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 100 feet of any residential property line.** *Self-explanatory. Want to ensure that negative impacts are minimized.*
- **Footnote 6 in Article 4.2 is proposed to be amended to read (new text is shown with underline): “⁶Any and all DRIVE-UP WINDOWS are not allowed, except in compliance with Article 4.10.”** *This is the text of the proposed amendment.*