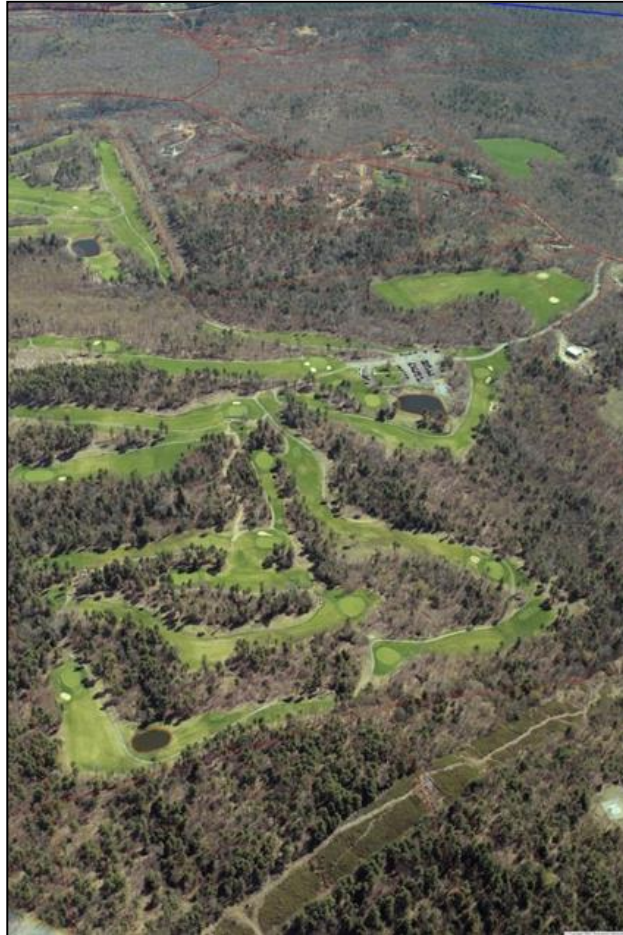


LAND USE & ZONING CHAPTER



The Master Plan Committee completed this chapter in early 2014. This was the last chapter completed before assembling the Implementation Plan.

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EXISTING AND FUTURE LAND USE

Westminster's Existing Land Use Pattern:

Westminster is located in the Montachusett Region of north central Massachusetts, 6 miles west of Fitchburg, 24 miles north of Worcester, 53 miles northwest of Boston and 198 miles from New York City. The total area of the Town is 37.3 square miles (35.51 square miles in land area, the remainder is surface water). Westminster is bordered by Ashburnham to the north, Fitchburg and Leominster to the east, Princeton and Hubbardston to the south, and Gardner to the west.

Major highways that traverse Westminster include state Route 2 (a major east/west corridor) and state Route 140. Other state numbered routes that pass through Westminster include Route 12, Route 2A and Route 31. The Pan AM Railway line (freight rail) parallels Route 2 and provides access to the network of intermodal facilities servicing central and eastern Massachusetts.

Westminster's land use pattern can be divided into two distinct segments: a town center that is truly in the center of Town and the rural outlying areas that are dotted by existing and former farms and orchards.



Westminster's Town Center contains a mixture of commercial, residential and institutional land uses. Loosely defined, the Town Center begins at the three-way intersection of South Street, Main Street and Academy Hill Road, and then extending in a northwest direction to the intersection of West Main Street and State Road West. Adjacent to the Town Center is the Academy Hill Historic District that contains the Town Common.

Most of the Town's businesses are located in the Town Center, although

there are clusters of businesses along State Road West near the Town's boundary with Gardner, at the intersection of State Road East/Depot Road/Bathrick Road, and along Village Inn Road in the east of Town. Industrial development is largely confined to Simplex Drive and the Westminster Business Park, but there are some large industries located elsewhere in Town, such as Ranor Inc., TRW Automotive, and the corporate headquarters for Aubuchon Hardware. Most of the Town's major industries and corporate headquarters are located in close proximity to Route 2.

Outside the Town Center, residential development is scattered and dispersed throughout the rural landscape, although the shoreline of Wyman Pond is densely developed with homes that were once seasonal cottages.

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Historic Overview of Land Development:

Please note that much of the ensuing discussion is taken from the Town's 2000 Master Plan, prepared by Kenneth M. Kreutizer, FAICP.

The area now known as Westminster, along with the southern half of Gardner, was first designated as township Narragansett Number Two in 1728. This land was given to the heirs of those who fought in the King Philip's War. The first permanent settlement of Europeans in Westminster occurred in 1737. First established as the district of Westminster in 1759, the Town was first incorporated in 1770. Due to various refinements over the years, the current boundaries of Westminster were not firmly established until 1870.

The original settlement of Westminster was centered on Academy Hill, where the old town common was laid out and the first meetinghouse was built in 1739. Academy Hill, also known as Meetinghouse Hill, remains one of the most scenic areas in Westminster and hosts some of the Town's most important civic events, such as the weekly farmers' markets and Wednesday night band concerts during the summer months.

The Town Center as we know it today began to grow with the opening of the Fifth Massachusetts Turnpike in 1801. The Turnpike fostered an east-west commercial development pattern and created links to the rest of the region. Between 1820 and 1850, many of the Town Center's most historic structures were built, including the Old Town Hall and the Cracker Factory. To the north of the current Town Center developed an area known in the early 1800's as North Common. At one time this area maintained a church, school, the town farm, several now historic homes, and was located on the stage coach route to Brattleboro Vermont. With the demise of the stage coach and the construction of the Brooks Mill Dam on the Whitman River, vitality as a community center waned yet historic significance and the early development pattern still remain.

Other early settlements in Westminster include the area in the southern part of town at Lanes and Davis Roads known as Merriamville. This area is comprised of a cluster of 18th and 19th century buildings associated with the Whitney and Merriam Families. A saw mill and chair factory operated here and the area was also a destination for summer residents and boarders in the late 19th and early 20th centuries. Three miles northeast of the town center at South Ashburnham and Whitmanville Roads was Whitmanville, also known as Scrabble Hollow. Once the location of a mill and tavern owned by the Whitman Family, the village focused on the manufacture of chairs at a factory which remained in operation until it burned in 1926.

Industry was not a dominant focus in Westminster, but a number of manufacturing operations did take place over time. At one point during the 1800s, there were over 40 chair and cabinet shops in Town! The making of Bonnets was a significant cottage industry during the first half of the 19th century. The landmark Westminster Cracker Factory began operation in 1828. The building is the only historic cracker bakery remaining in New England.

In the late 1840's the Vermont & Massachusetts Railroad placed a line in the Whitman River Valley, to the north of Westminster village. The Town Center's placement on the ridge made direct railroad access economically unfeasible. This condition hampered the Town Center's advancement as a major center of commerce. However, the railroad did stimulate development at

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an area known as Westminster Depot, where several structures were erected including a post office, grain store, a lumber mill, and the Valley Hotel as well as the depot itself. The station burned in 1908, and in 1930 the Boston & Maine Railroad closed the depot.

There were two industrial villages that thrived in the latter half of the 19th century.

Wachusettville, along Narrows Road two miles east of Town Center, was first the site of textile manufacture and a grist mill. Later in the century, Franklin Wyman operated a paper mill which spurred the growth of the village. Wachusettville included a school, post office, several stores and a number of homes. In 1892, the mill was sold to the city of Fitchburg for water supply protection purposes. The mill was razed but many other buildings and historic sites remain. Much of the land in this area is now permanently protected for the purpose of water supply protection. Steam Valley was located at Spruce and South Streets, south of Westminster Center. Artemas Merriam established a chair factory in the 1850's and a village quickly grew to include blacksmith shops, fire station, post office, and several homes. The factory was destroyed by fire in 1897 and the surrounding village declined. Most of the buildings were removed and much of the land was sold to the City of Fitchburg for water supply protection purposes and remains so today.



Over time, agricultural activity has sustained Westminster's economy. In addition to the farms that currently remain in operation, there exist many barns and out-buildings in various, aesthetically pleasing, states of repair, and the landscape of Westminster is laced with miles of stone walls. Support services that further attest to the importance of the agrarian community included The Farmers' and Mechanics Association, a local club operated from 1878 to 1934 and supported the Westminster Cattle Show and Fair, which was held annually until 1927. Westminster

Grange No. 203 formed in 1894. Finnish immigrant farmers established the Westminster Cooperative Farmers Inc., a membership organization that purchased supplies and machinery, promoted local agriculture and served as a social organization.

Operation of the Gardner, Westminster and Fitchburg Street Railway Company, beginning in 1899, brought new growth in the Town Center as well as areas adjacent to the lines. The Forbush Memorial Library and the Upton School were constructed around this time. By 1913, Westminster was on a streetcar system that stretched from Fitchburg to Athol. Two branches of the line passes through Westminster: one line ran down South Ashburnham Road connecting South Ashburnham and Fitchburg, while the main line passed through the Town Center and included spurs to Westminster Depot, South Westminster, and Wachusett Park. Wachusett Park was a recreational destination that had been gaining in popularity since the 1870's. This was a resort area on Wachusett Lake that, while at its peak, consisted of two hotels and many seasonal residences. The park closed after the discontinuation of the line in 1923.

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In the mid-1920's the construction of the Mohawk Trail (now State Route 2A through Town) and the creation of the Midstate Forest & Field Club hiking trail in 1927 brought increased recreational, seasonal and automobile tourism activity. The Old Mill Restaurant, a local landmark on State Road East, began operation as a tea house around 1924, and later became a restaurant in the 1940's. Parks and summer picnic groves were established around Wyman pond. Thereafter, scores of summer cottages were constructed in areas such as Bakers Grove, Lakewood Park and Leino Park. At Wachusett Mountain, an auto road to the summit was completed in 1926. In the 1930's the Civilian Conservation Corps cut the first ski trails. Seasonal residents and temporary boarders were commonplace and Westminster's role as a vacation destination was firmly established.

In 1940, Westminster had 2,126 residents. Since that time, Westminster has grown steadily but has managed to retain much of its agrarian and recreational character. In 1963, the Commonwealth opened State Route 2 that currently bisects the Town and serves as a replacement for the local roadway, now Route 2A, that directly connects Westminster center to other towns in the region.

Land Use Statistics

The table below presents a breakdown of Westminster's development pattern as of 2001. The land use pattern was delineated from an orthophotograph of the Town taken in 1999 by the University of Massachusetts – Amherst as part of a statewide land use mapping effort. The UMass land use maps were further refined by the Montachusett Regional Planning Commission (MRPC) in 2001, using its Geographic Information System (GIS). A graphic depiction of Westminster's land use can be seen on the map on the following page (Existing Land Use Map).

**Table LU-1
Westminster Development Pattern – 2001**

<u>Developed Land</u>	<u>Permanently Protected Land*</u>	<u>Land With Environmental Constraints (non-buildable)</u>
3,892 acres	6,987 acres	5,094 acres
2,717 acres of residential		1,324 acres of waterbodies
79 acres of commercial		1,840 acres of wetlands/floodplains
632 acres of industrial		548 acres of river buffers
464 acres institutional		1,382 acres of steep slopes

* = Permanently Protected Lands: State-owned Wildlife Management Areas, Town-owned conservation properties, and non-profit lands having conservation easements.

Source: MRPC GIS analysis (March 2001) based on 1999 UMass land use data, except for the permanently protected land total which was recalculated by MRPC in 2013.

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Table LU-2
Westminster Land Use 2001 – Breakdown of Total Town Land Area

Total Land Area:	22,720 acres
Total Amount of Developed Land:	3,892 acres (17.1% of total land area)
Total Amount of Permanently Protected Land:	6,987 acres (30.7% of total land area)
Other Non-Buildable Land:	5,094 acres (22.4% of total land area)
Remaining Amount of Vacant Developable Land:	6,747 acres (29.7% of total land area)

Source: MRPC GIS analysis (March 2001) based on 1999 UMass land use data.

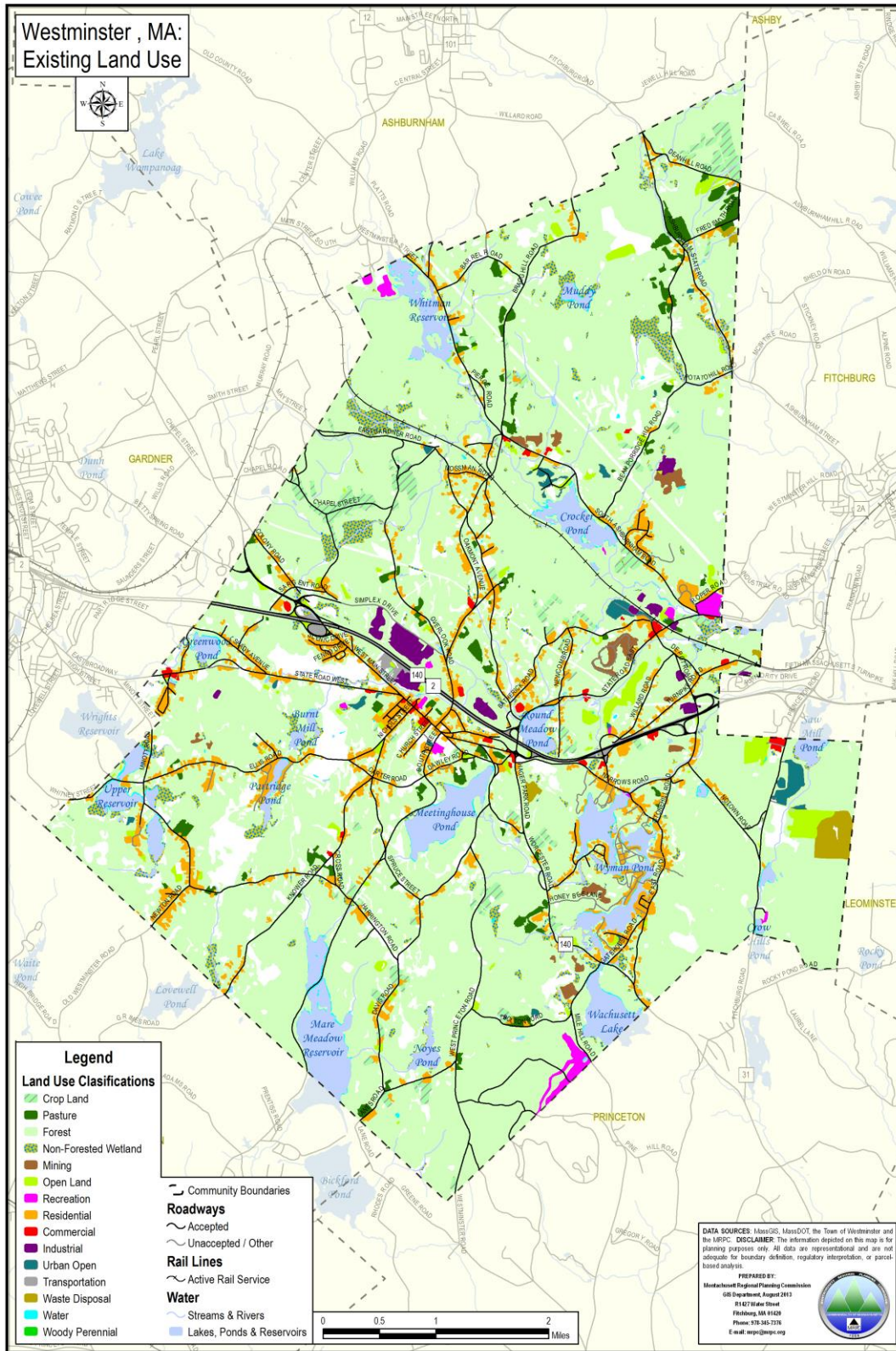
According to the table above, Westminster's developed land currently consists of approximately 17% of the Town's total land area. The "developed" land category includes four types of development: residential, commercial, industrial and institutional (municipal buildings, schools, churches, etc.). Subtracting the Town's developed land (3,892 acres), permanently protected land (6,987 acres) and land that cannot be built on due to environmental constraints (5,094 acres) from the Town's total land area (22,720 acres), leaves 6,747 acres of vacant developable land, or approximately 30% of the Town's remaining land area. A graphic depiction of Westminster's land use can be seen on the Land Use Map. A graphic depiction of Westminster's protected lands and recreation areas can be seen on the Open Space Inventory Map in the Open Space & Recreation chapter of this document.



While Westminster has a significant amount of permanently protected land (6,987 acres or 30.7% of the Town's total land area), there are another 1,674 acres having "limited" protection due to the large number of landowners that participate in the State's Chapter 61 taxation program. The landowners of these parcels receive a lower land valuation as long as their land remains undeveloped and actively used for either farmland or forestland. However, these lands can be pulled out of the Chapter 61 program at any time and sold for development once a tax penalty is paid, the Town is notified of the

landowner's intent, and the Town declines its right-of-first refusal to purchase the property. Thus, the term "limited protection" is applied to these lands. While the Town is given the right of first refusal when Chapter properties are pulled out of the program, Westminster has found it difficult to mobilize the financial resources necessary to acquire former Chapter properties before they are sold for development (as is the case for many rural communities in Massachusetts).

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Table LU-3
Westminster Land Use Changes Over the Years

1971	1985	% Change 71 – 85	1999	% Change 85 - 99	% Change 71 - 99
2,396 developed acres	3,183 developed acres	+ 32.8%	3,892 developed acres	+ 22.3%	+62.4%
1,685 acres residential	2,163 acres residential	+ 28.4%	2,717 acres residential	+ 25.6%	+61.2%
454 acres comm./ind.	661 acres comm./ind.	+ 45.6%	711 acres comm./ind.	+7.6%	+56.6%
257 institutional	359 acres institutional	+39.7%	464 institutional	+29.2%	+80.5%
18,080 acres forestland	17,390 acres forestland	- 3.8%	16,657 forestland	-4.2%	-7.9%
1,166 acres farmland	1,103 acres farmland	- 5.4%	992 acres farmland	- 10.0%	-14.9%

Source: UMass-Amherst land use data for 1971, 1985 and 1999.

The previous table indicates that Westminster's amount of developed land grew from 2,396 acres in 1971 to 3,892 acres in 1999, while losing 174 acres of farmland during this timeframe. The period between 1971 and 1985 was one of rapid growth for Westminster, and while all of the developed land categories added acres between 1985 and 1999, the growth rate was not as dramatic. In terms of sheer acreage, residential development accounted for the majority of the newly developed land between 1971 and 1999. It is worth noting that Westminster's loss of farmland occurred at a slower rate (-14.9%) than Worcester County as a whole (-21.6%) between 1971 and 1999. Westminster's growth rate for its developed land categories was quite similar to what Worcester County as a whole experienced between 1971 and 1999.

EOEEA-Sponsored Build-Out Analysis for Westminster:

In 1999, the Massachusetts Office of Energy and Environmental Affairs (EEOEA) began a statewide effort to prepare a buildout analysis for each community in the Commonwealth. In short, a buildout analysis attempts to determine the number of developable building lots and a community's total population at full buildout, that is, if the community were to be completely developed under the standards of its current zoning. Existing developed lands, protected lands and lands with environmental constraints (waterbodies, wetlands, floodplains, steep slopes, etc.) are removed from the equation and the remaining developable land is divided by the standards of the local zoning bylaw. A buildout analysis does not attempt to determine *when* a community will reach full buildout - it simply attempts to determine what the community would look like if it were fully built out according to the town's current zoning policies.

The regional planning commissions from across the State were contracted to perform buildout studies for each community in their respective regions and, in Westminster's case, the Montachusett Regional Planning Commission (MRPC) completed the Town's buildout analysis in the spring of 2000.

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**Table LU-4
Summary of 2001 Buildout Analysis**

Buildout Impact for Westminster	2000	Additional Impact	Future Total
Population	6,907	15,251	22,158
Students	1,331	2,941	4,272
Households/dwelling Units	2,627	5,801	8,428
Residential Developable Land Area (sq. ft.)		500,512,722	
Residential Developable Land Area (acres)		11,490	
Commercial/Industrial Buildable Floor Area (sq. ft.)		15,941,102	
Potential Employment		44,930	
Water Demand (gallons per day)	216,000	2,339,408	2,554,729
<i>Residential Water Use (gallons/day)</i>		1,143,825	
<i>Comm./Ind. Water Use (gallons/day)</i>		1,195,583	
Municipal Solid Waste (tons/year)		7,824	
<i>Non-Recycled Solid Waste (tons/year)</i>		5,563	
<i>Recyclable Solid Waste (tons/year)</i>		2,260	
Road Miles	110	107	217

Source: MRPC GIS analysis, March 2000.

Remaining Development Potential:

Residential Development: According to the US Census, Westminster's population for the year 2000 stood at 6,907 residents (and now stands at 7,277 residents). According to the 2000 buildout analysis, Westminster has enough vacant developable land to accommodate an additional **15,251 new residents** under its current zoning standards. This would mean that Westminster could potentially have as many as 22,158 total residents at full buildout. However, it should be noted that Westminster has permanently protected approximately 735 acres of land since the 2000 buildout analysis, meaning there is less land available for future development. When factoring the land protected since the 2000 buildout, the amount of new residents that would occur at full buildout is reduced by approximately 1,000 residents. Of the three residential zoning districts in Westminster, the R-II and R-III districts have the most future development potential.

Commercial/Industrial Development: Westminster's economic development zoning districts still have a great deal of future development potential, with slightly more than half of the industrially-zoned land still available for industrial development and slightly less than half of the commercially-zoned land still available for commercial development. In fact, Westminster has enough vacant developable land in its commercial and industrial zoning districts to accommodate approximately 16 million square feet of new floor space and 45,000 jobs upon full buildout, although it is highly unlikely that Westminster will ever achieve full buildout in these areas.

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It should be noted that the Westminster Business Park has plans to build approximately 1.5 million square feet of new industrial floor space in its current location off Bathrick Road. There is still a great deal of work to be done to make the Park ready for development including earth removal and levelling of the land, and the installation of the necessary infrastructure and utilities. The owners estimate that the Park will be fully ready for tenants sometime around 2024. There are still several large undeveloped parcels in the Simplex Drive industrial zoning district, and a large tract of undeveloped land in the rear of the Rowtier Drive industrial park off Route 31 in the eastern part of Town. The Route 140 and Village Inn Road commercial districts also have a great deal of future development potential.

How Land Gets Developed in Massachusetts and Westminster

The Massachusetts Subdivision Control Law (Massachusetts General Laws, Chapter 41, Sections 81K through 81GG) allows two options for creating new building lots:

Subdivision: When a new road is proposed and the newly created lots will have frontage on the new road, this is your classic subdivision. For Massachusetts communities, it is the Planning Board that reviews and approves new subdivisions. In Westminster, new subdivisions are governed by Chapter 231 of the Town's General Bylaws (first adopted in 1970), which sets forth the Planning Board's Rules and Regulations for new subdivisions. The last subdivision approved by the Planning Board was Brookside Farms off Bean Porridge Hill Road.

The one exception for subdivision approval is if the development project will have at least 25% of the new lots deemed "affordable" under the State's affordable housing law (MGL Chapter 40B, Section 21), in which case, the Zoning Board reviews and approves the new subdivision and issues a Comprehensive Permit for the project. It should be noted that under State law, affordable housing projects do not have to comply with local zoning. The Zoning Board has approved a handful of affordable housing projects, but only one has actually been built: the Meadows at West Hill off South Ashburnham Road near Monty Tech.

Approval Not Required (ANR) Plans: When a new lot is proposed that has frontage on an existing road, it is not considered a subdivision under State law and Planning Board review and approval is not required. Such lots only need to meet the zoning district's minimum frontage requirement, be located on a Town road or "way" defined by law, and have adequate access to the buildable portion of the lot. Such plans must be prepared by a licensed surveyor and are submitted to the Planning Board for a simple endorsement. The vast majority of building lots in Westminster were created through the ANR process.

Backland Development: Westminster's Zoning Bylaw (Section 205-13) does allow for backland lots to be developed with less than the minimum frontage required by the underlying zoning district, as long as:

- The new lot meets the Town's minimum access requirement (54 feet of frontage) and the width of the access is maintained all the way to the buildable portion of the lot.
- The lot contains two and a half times the land area required by the underlying zoning district.

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- No more than two such lots are allowed next to each other.

Variance: If a newly proposed lot does not or cannot meet the dimensional requirements of the underlying zoning district due to the circumstances of the land (wetlands, topography, etc.), then the owner needs to seek a Dimensional Variance from the Zoning Board.

Types of Land Uses: Under State law, there are two types of allowable uses: those uses that are allowed “By Right” and those allowed by “Special Permit”. The term “By Right” refers to land uses that are allowed in a particular district without discretionary review, meaning that such uses do not need Planning Board or Zoning Board approval and the owner simply goes to the Building Department to obtain a Building Permit.

Uses allowed By Right cannot be prohibited. In Massachusetts, the term “Special Permit” refers to those land uses that must be reviewed and approved either by the Planning Board or the Zoning Board, which serve as the Special Permit Granting Authority (SPGA). According to Massachusetts statute, applications for a Special Permit may be denied, approved, or approved with conditions, whereas “By Right” uses cannot have conditions imposed on them. A community’s Special Permit provisions *must* include the following elements within the bylaw:

- Criteria for Approval (how will the SPGA determine if the use is appropriate?)
- Lapse provision specifying the period of time when a special permit will lapse (most Special Permits in Westminster have a two year time limitation).
- Authority (in Westminster, it is the Zoning Board that serves as the SPGA, except for cluster housing developments, adult uses and commercial wind power facilities, where the Planning Board serves as the SPGA).

Site Plan Review: In Westminster, Site Plan review and approval from the Planning Board is required for new or expanded commercial, industrial, municipal, institutional and recreational uses, as well as new or expanded multiple dwelling structures (i.e., apartments). Site Plan review cannot be used to deny a land use, only to shape how it is designed. For example, the Site Plan process may establish landscape, stormwater management, parking, and noise level standards for a commercial development. These are clear and fair standards that the developer needs to address when proposing a project. As part of the Site Plan process, large-scale development projects are typically the subject of at least one technical review meeting, where representatives from each department meet with the applicant to review the site plans together.

Westminster’s Existing Zoning Scheme:

A graphic depiction of Westminster’s zoning arrangement can be found on the following page (Zoning Map). The table on the following page provides the acres for each zoning district in Westminster along with its percentage of the Town’s total land area.

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Table LU-5: Westminster Zoning Districts

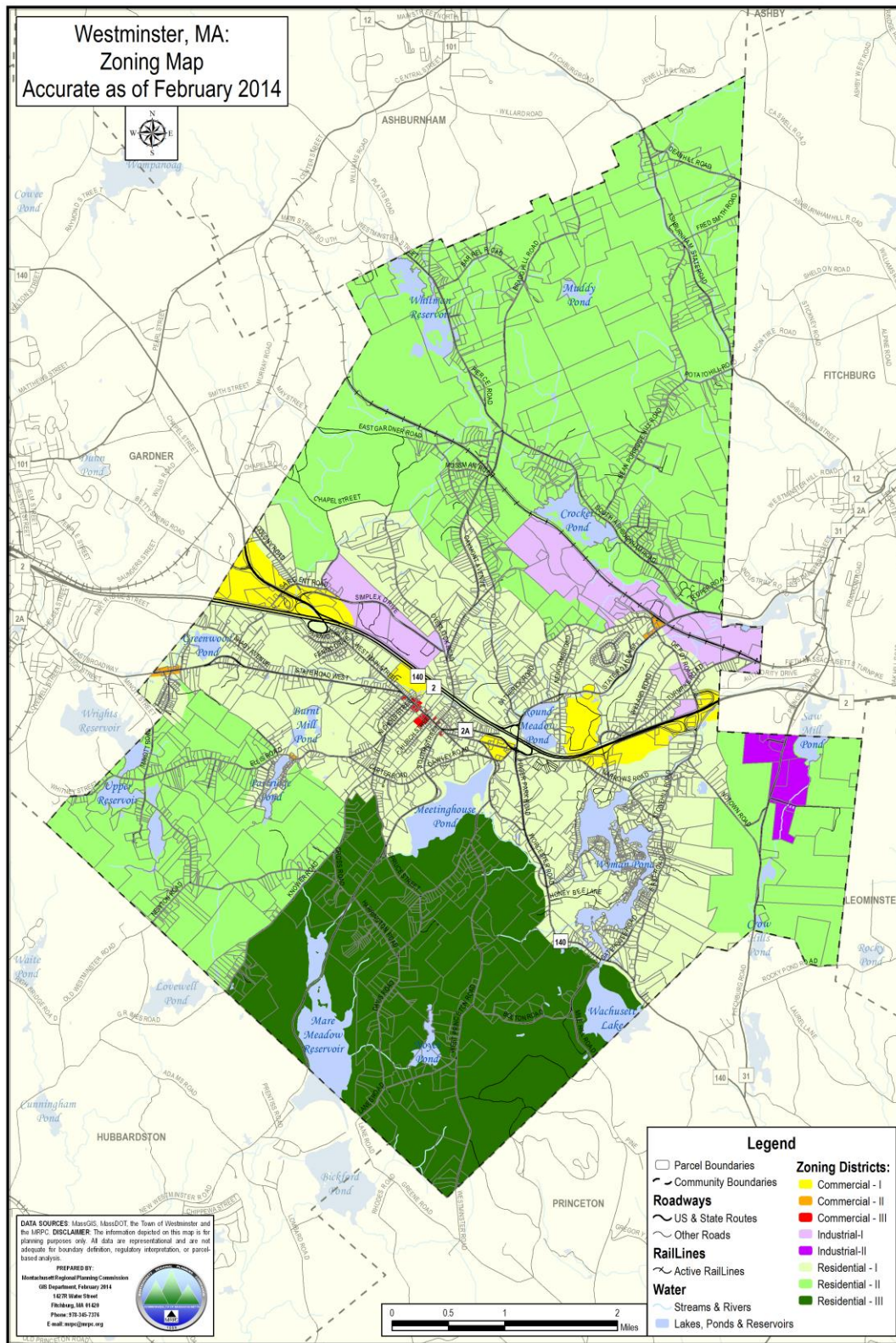
District	Name	Area Acres	Percent of Town
R-I	Residential One	6,225	27.4%
R-II	Residential Two	10,497	46.2%
R-III	Residential Three	4,317	19.0%
C – I	Highway Business	568	2.5%
C – II	Neighborhood Business	22	0.1%
C – III	Downtown Business	13	0.05%
I – I	Industrial One	818	3.6%
I – II	Industrial Two	190	0.8%

Source: MRPC Zoning Layer, dated 2008

Residential Zoning: Westminster has three types of residential zoning districts, each having its own dimensional requirements. All told, Westminster has zoned 92.6% of the Town’s total land area for residential purposes. The details about Westminster’s three residential zoning districts can be found below and on the following pages.

Residential-I	
Percent of Town’s Land Area:	6,225 acres or 2.5% of Town’s total land area
Location:	Large swath of land on either side of Route 2
Required Lot Size:	50,000 square feet
Minimum Required Frontage:	150 linear feet
Allowed By Right:	Single-family homes, two-family homes, duplexes, conversion of single-family homes to two-family dwellings, institutional uses, public utilities owned by a public service corporation, agricultural uses, customary home occupations, home offices, family day-care facilities, residential wind power facilities, and personal service establishments run from residential dwellings.
Allowed By Special Permit:	Uses allowed by Special Permit from the Zoning Board include attached single-family dwellings, apartments, bed & breakfast establishments, conversion of single-family homes to more than two-family dwellings, public utilities not owned by a public service corporation, child care facilities, private non-profit libraries and museums, private non-profit community buildings and education uses, hospitals, infirmaries, nursing homes, convalescent homes and assisted living facilities, private trade and professional schools, private non-profit social clubs, country clubs and recreation facilities, studios for arts and handicrafts, marinas, mortuaries and funeral homes, flower sales and garden supplies, beauty parlors and barbershops, newsstands, and accessory uses for scientific research, development or related production. Cluster housing is also allowed by Special Permit, with the Planning Board being the Special Permit Granting Authority.
Municipal Water & Sewer:	The majority of this district is served by municipal water and sewer.

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Residential-II	
Percent of Town's Land Area:	10,497 acres or 46.2% of Town's total land area
Location:	Three locations: north of Town, west of Town between Ellis Road and Knowler Road, and east of Town on either side of Route 31.
Required Lot Size:	60,000 square feet
Minimum Required Frontage:	175 linear feet
Uses Allowed By Right:	The same uses as allowed in the R-I district.
Uses Allowed By Special Permit:	Uses allowed by Special Permit from the Zoning Board include bed & breakfast establishments, conversion of single-family homes to more than two-family dwellings, public utilities not owned by a public service corporation, child care facilities, private non-profit libraries and museums, private non-profit community buildings and education uses, hospitals, infirmaries, nursing homes, convalescent homes and assisted living facilities, radio or television transmission, private non-profit social clubs, country clubs and recreation facilities, veterinary establishments and kennels, studios for arts and handicrafts, marinas, flower sales and garden supplies, and accessory uses for scientific research, development or related production. Wind power facilities and cluster housing are also allowed by Special Permit, with the Planning Board being the Special Permit Granting Authority.
Municipal Water & Sewer:	A small portion of the northern R-II district is served by municipal water (but not sewer), and a small portion of the eastern R-II district is served by municipal sewer (but not water).

Residential-III	
Percent of Town's Land Area:	4,317 acres or 19.0% of Town's total land area
Location:	One contiguous district in the south of Westminster.
Required Lot Size:	86,000 square feet
Minimum Required Frontage:	200 linear feet
Allowed By Right:	Single-family homes, conversion of single-family homes into two-family dwellings, institutional uses (government buildings, schools, churches, etc.), public utilities owned by a public service corporation, child care facilities, agricultural uses, customary home occupations, home offices, family day-care facilities, residential wind power facilities, and personal service establishments run from residential dwellings.
Allowed By Special Permit:	Uses allowed by Special Permit from the Zoning Board include bed & breakfast establishments, conversion of single-family homes to more than two-family dwellings, public utilities not owned by a public service corporation, private non-profit libraries and museums, private non-profit community buildings and education uses, hospitals, infirmaries, nursing homes, convalescent homes and assisted living facilities, private non-profit social clubs, country clubs and recreation facilities, radio and television transmission, studios for arts and handicrafts, marinas, veterinary establishments and kennels, flower sales and garden supplies, and accessory uses for scientific research, development or related production. Cluster housing is also allowed by Special Permit, with the Planning Board being the Special Permit Granting Authority.
Municipal Water & Sewer:	Not available.

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Commercial Zoning: Westminster has three types of commercial zoning districts: Highway Business (C-I), Neighborhood Business (C-II) and Downtown Business (C-III) All told, Westminster has zoned 2.7% of the Town's total land area for commercial purposes. The details about Westminster's three commercial zoning districts can be found below and on the following pages.

Highway Business (C-I)	
Percent of Town's Land Area:	568 acres or 2.5% of Town's total land area
Location:	Multiple locations on either side of Route 2.
Required Lot Size:	40,000 square feet
Minimum Required Frontage:	150 linear feet
Allowed By Right:	Motels and hotels, bed & breakfast establishments, conversion of single-family homes into two-family dwellings, institutional uses, private non-profit museums and libraries, public utilities owned by a public service corporation, child care facilities, private trade and professional schools, private non-profit social clubs, country clubs and recreation facilities, for-profit entertainment and recreational facilities, farms and agricultural uses, medical offices and clinics, business-professional-financial offices, research and development, retail stores, breweries with restaurant, restaurants, marine supply stores, service businesses, studios for arts and handicrafts, marinas, mortuaries and funeral homes, lumber and building supply yards, glass sales and repairs, business services, motor vehicle sales and rentals, auto repair shops, car washes, garden supply and flower sales, drive-in banks and eating establishments, wholesale business and storage, residential wind power facilities, accessory uses, home occupations, home offices, beauty parlors and barbershops, newsstands, and family day-care facilities.
Allowed By Special Permit:	Uses allowed by Special Permit from the Zoning Board include conversion of single-family homes to more than two-family dwellings, public utilities not owned by a public service corporation, private non-profit community buildings and education uses, hospitals, infirmaries, nursing homes, convalescent homes and assisted living facilities, radio/television studio and transmission, veterinary establishments and kennels, gasoline service stations, fabrication and sales of gravestones, and shops for plumbing-carpentry-electrical work.
Municipal Water & Sewer:	The majority of this district is served by municipal water and sewer, except for the western district that abuts the City of Gardner.

Neighborhood Business (C-II)	
Percent of Town's Land Area:	22 acres or 0.1% of Town's total land area
Location:	Three locations: a handful of lots in the State Road East/Depot Road area; two lots along Ellis Road, and several lots on either side of State Road West at the Gardner city line.
Required Lot Size:	10,000 square feet
Minimum Required Frontage:	100 linear feet
Allowed By Right:	Mixed use buildings (commercial & residential), and the same uses as allowed in the C-I district except: marine supply stores, lumber and building supply yards, motor vehicle sales and rentals, auto repair shops, and wholesale business.

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Allowed By Special Permit:	Uses allowed by Special Permit from the Zoning Board include boarding houses, conversion of single-family homes to more than two-family dwellings, public utilities not owned by a public service corporation, child care facilities, private non-profit community buildings and education uses, hospitals, infirmaries, nursing homes, convalescent homes and assisted living facilities, radio/television studio and transmission, veterinary establishments and kennels, gasoline service stations, and shops for plumbing-carpentry-electrical work.
Municipal Water & Sewer:	The eastern C-II district is served by both municipal water and sewer, while the western C-II district is only served by municipal water.

Downtown Business (C-III)	
Percent of Town's Land Area:	13 acres or 0.05% of Town's total land area
Location:	A handful of lots in Town Center
Required Lot Size:	None
Minimum Required Frontage:	None
Allowed By Right:	Single and two-family homes, motels and hotels, bed & breakfast establishments, conversion of single-family homes to more than two-family dwellings, retail stores, drive-in banks and restaurants, institutional uses, private non-profit libraries and museums, public utilities owned by a public service corporation, child care facilities, private trade and professional schools, private non-profit social clubs, country clubs and recreation facilities, for-profit entertainment and recreational facilities, farms and agricultural uses, medical offices and clinics, business- professional-financial offices, research and development, retail stores, breweries with restaurant component, restaurants, marine supply stores, service businesses, studios for arts and handicrafts, marinas, mortuaries and funeral homes, glass sales and repairs, business services, car washes, flower and garden supply stores, , drive-in banks and eating establishments, mixed use buildings (commercial & residential), residential wind power facilities, customary home occupations, home offices family day-care facilities, and personal service establishments run out of residential dwellings.
Allowed By Special Permit:	Uses allowed by Special Permit from the Zoning Board include attached single-family dwellings, apartments, boarding houses, conversion of single-family homes to more than two-family dwellings, public utilities not owned by a public service corporation, private non-profit community buildings and education uses, hospitals, infirmaries, nursing homes, convalescent homes and assisted living facilities, radio/television studio and transmission, veterinary establishments and kennels, gasoline service stations, and shops for plumbing-carpentry-electrical work.
Municipal Water & Sewer:	All of the lots in the C-III district are served by municipal water and sewer.

Industrial Zoning: Westminster has two types of industrial zoning districts: Industrial-I and Industrial-II. All told, Westminster has zoned 4.4% of the Town's total land area for industrial purposes. The details about Westminster's two industrial zoning districts can be found on the following pages.

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Industrial-I	
Percent of Town's Land Area:	818 acres or 3.6% of Town's total land area
Location:	Two locations: Simplex Drive in the west and a large area on either side of the railroad line in the east.
Required Lot Size:	40,000 square feet.
Minimum Required Frontage:	200 linear feet.
Allowed By Right:	Institutional uses, public utilities owned by a public service corporation, child care facilities, farms and agricultural uses, business/professional/financial offices, research and development, breweries with restaurant component, business services, large vehicle storage and repair, drive-in banks and eating establishments, fabrication and sales of gravestones, laundries and dry-cleaners, printing- binding and publishing facilities, bottling of beverages, shops for plumbing-carpentry-electrical work, manufacturing and assembly of goods, facilities for printing/binding/publishing, wholesale establishments, residential wind energy facilities, customary home occupations, home offices, family day-care facilities, and personal service establishments run from residential dwellings.
Allowed By Special Permit:	Motels and hotels, public utilities not owned by a public service corporation, private non-profit libraries and museums, private trade and professional schools, private non-profit social clubs, country clubs and recreation facilities, for-profit entertainment and recreation facilities, medical offices and clinics, radio/television studio and transmission, retail sales, restaurants, marine supply stores, studios for arts and handicrafts, marinas, mortuaries and funeral homes, veterinary establishments and kennels, lumber yards and building supply stores, glass sales and repair, adult book/video stores and live entertainment, self-storage facilities, gasoline service stations, auto repair shops, large vehicle storage and repair, car washes, flowers and garden supply stores, wholesale business, truck terminals, recycling facilities, and airports.
Municipal Water & Sewer:	Both of the Industrial-I districts are served by municipal water and sewer.

Industrial-II	
Percent of Town's Land Area:	190 acres or 0.8% of Town's total land area
Location:	One location on either side of Route 31.
Required Lot Size:	40,000 square feet.
Minimum Required Frontage:	100 linear feet.
Allowed By Right:	The same as allowed in the Industrial-I district.
Allowed By Special Permit:	The same as allowed in the Industrial-I district.
Municipal Water & Sewer:	The Industrial-II district is served by municipal water and sewer.

Zoning of Neighboring Communities Bordering Westminster:

A review of how the communities abutting Westminster have zoned their land along the shared boundaries lines reveals only a few minor conflicts (mostly along the shared boundaries with Fitchburg and Gardner), that do not require immediate attention, but conflicts could arise in the future. A description of the zoning of neighboring communities along Westminster's borders is presented on the following pages.

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Princeton: All of the land in Princeton that borders Westminster is zoned Residential-Agricultural. There are no zoning conflicts with Princeton.

Leominster: All of the land in Leominster that border Westminster is zoned Rural-Residential. There are no zoning conflicts with Leominster.

Fitchburg: From its northern boundary with Westminster all the way down to Route 2A, Fitchburg has zoned this area Rural-Residential, which is consistent with Westminster's zoning (Residential-II). On either side of Route 2A, Fitchburg has zoned this area for industry (Limited-Industry), which is consistent with Westminster's zoning (Industrial-I). The zoning on the north side of Route 2 in Fitchburg is Industrial and the south side is zoned Limited-Industrial. This presents a minor conflict because Westminster has zoned this area for highway commercial uses (Commercial-I). Commercial uses next to industrial uses do not present a significant conflict, unlike residential areas located next to industrial areas. West of Sawmill Road in Fitchburg is zoned Limited-Industrial. There is one large lot in Westminster that is zoned Residential-II, so there is a conflict here, but then the zoning becomes Industrial-II in Westminster on either side of Route 31. To the east of Sawmill Pond, the zoning reverts back to residential in both Fitchburg and Westminster.

Gardner: The zoning of Whitney Road upon entering Gardner is Rural-Residential, which is consistent with how Westminster has zoned this area (Residential-II). Around the shoreline of Gardner's portion of Wright's Reservoir and extending to the other side of Minott Street is zoned Single Family Residential, which again is consistent with how Westminster has zoned this area (Residential-II). After Minott Road, the zoning reverts back to Rural-Residential all the way up to Route 2, and this includes Route 2A (State Road West in Westminster and East Broadway Street in Gardner). There is a minor conflict here in that either side of Route 2A in Westminster is zoned for neighborhood commercial uses (Commercial-II). However, once into Gardner along Route 2A, there are extensive wetlands on either side of the road that preclude development. The north side of Route 2 in Gardner is zoned Industrial all the way up to Betty Spring Road. This is a minor conflict because the north of Route 2 in Westminster is zoned for highway commercial uses (Commercial-I). Between Betty Spring Road and Route 140 in Gardner, the zoning reverts back to Rural-Residential. This is consistent with Westminster's zoning in this area, which is Residential-I. The zoning on either side of Route 140 in Gardner is Industrial and this presents a minor conflict with Westminster's zoning for the area, which is highway commercial (Commercial-I). Just north of Route 140 in Gardner and all along its remaining boundary with Westminster, the zoning reverts back to Rural-Residential which is consistent with Westminster's residential zoning (Residential-II) for this area.

Ashburnham: The zoning along the shared boundary line with Ashburnham is primarily residential on both sides. There is a small portion of Ashburnham just west of the Whitman Reservoir that is zoned Industrial, however in terms of actual land use, this is the location of Oakmont Regional High School and the land will likely continue to be used as a school for the foreseeable future. Thus, there are no zoning conflicts with Ashburnham.

Hubbardston: All of the land in Hubbardston that borders Westminster is zoned Residential-Agricultural. There are no zoning conflicts with Hubbardston.

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Zoning Issues:

Westminster enacted its first Zoning Bylaw at a Town Meeting held on January 22, 1974. While the Planning Board has made numerous revisions over the years, the Zoning Bylaw still largely resembles that of a small town circa the 1970s. The Bylaw is antiquated, poorly organized, confusing to read, presents limited options for all types of development and does not contain many of the Smart Growth techniques and tools being promoted by the State and the national planning community. Towns should expect to get what they zone for, and a poorly conceived zoning scheme usually results in an inefficient land use pattern that further results in a myriad of problems that the community will need to spend a great deal of money, time and human capital to sort out and correct.

The primary flaws of the Zoning Bylaw include:

- Dimensional standards for new lots are scattered throughout the Bylaw.
- The site plan provisions are not clear and are subject to individual interpretation.
- No provisions or requirements for affordable housing.
- No provisions for “building green”.
- The sign bylaw is antiquated and confusing and does not require New England village style signage for the Town Center.
- No design standards for the Town Center.
- Zoning in Town Center does not allow for a mixture of land uses; either you’re zoned commercial (C-III) or residential (R-I).
- Parking standards require too much land to be used for parking and are inconsistently applied from district to district.
- Existing set of definitions is limited, poorly worded and antiquated.
- Limited and antiquated economic development options.
- Lack of site plan development standards for commercial and industrial uses.

Although there are numerous issues with the Zoning Bylaw, the spatial layout of Westminster’s various zoning districts is actually very well thought out: commercial districts are located in close proximity to Route 2 and Route 140, industrial districts are located close to Route 2 and the railroad, denser residential development in the Town Center and on either side of Route 2, and then rural residential development as one moves further away from the Town Center. Thus, while the Zoning Bylaw has numerous flaws that need correction, there is no need to rezone any areas of Town at the present time, with the exception of the Town Center, which would benefit from having its various zoning districts consolidated into a single Village Center zoning district that would allow for a mixture of land uses (residential, commercial and institutional).

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Land Use Goals

- Westminster desires a walkable thriving New England-style village center that provides service-shopping-dining opportunities for residents and visitors alike;
- Commercial & Industrial districts that support existing businesses and industries while attracting new economic enterprises that will provide tax revenue for the Town and living wage jobs for the residents of Westminster and the region;
- A rural countryside that preserves the Town's working landscapes and scenic vistas; and
- Updated Zoning Bylaws, regulations and permitting systems that accomplish the above.

Land Use Objectives

- Enact zoning tools that will create a vibrant and lively village center containing a mixture of residences, businesses, service providers, municipal offices and institutional uses.
- Ensure that new growth does not outstrip the Town's ability to provide quality municipal services to its residents.
- Recognize farming as an integral part of Westminster's economy and rural character, and work towards preserving the long-term viability of the Town's agricultural resources.
- Ensure that development on and near agricultural lands is sensitive to the value of the agricultural resource.
- Encourage development that provides work, live and play opportunities for residents of all income levels.
- Welcome new economic development that can integrate itself into the fabric of the Town and reflect Westminster's community character.
- Welcome new development that can help the Town address and achieve its municipal and infrastructure needs.

Land Use Recommendations

1. Village Zoning for Town Center: The Town should consider consolidating the various zoning districts that comprise the Town Center into a single mixed-use district with development standards that would encourage a more traditional New England village center development pattern. Our current Town Center is divided into residential and commercial zoning districts (including some commercial districts that would qualify as "spot zoning", i.e., parcel-specific zoning), each with its own set of dimensional standards and allowed uses. The Town would

benefit economically from having more people and businesses in the Town Center. Development standards to consider for this district could include: zero front yard setbacks, minimum side setbacks, discouraging stand-alone commercial operations that require large amounts of parking, locating buildings in front of the lot with parking in the rear, façade design standards, signage and lighting standards, shared parking, mixed use buildings (shops on first floor, apartments above). When considering what design standards to adopt for a newly created village center district, the Town would benefit from having a design workshop that would utilize the talents of landscape architects to help citizens visualize their preferred aesthetics for the Town Center. From the Master Plan citizen survey, it is clear that Westminster residents prefer the following uses for the Town Center: restaurants, small-scale retail stores, service establishments (tailors, dry-cleaners, financial services, etc.) and professional offices (doctors, dentists, lawyers, etc.). The Zoning Bylaw's table of uses for a new village center should be expanded to include more of these opportunities. Responsible Municipal Entities: The Planning Board in conjunction with the Board of Selectmen.

2. Investigate Taking Over Jurisdiction of Main Street: If the Town truly wants to determine the fate of Main Street (how it's used and what it looks like), it may need to take over its jurisdiction from the State, which will require filing a petition with MassHighway. Right now, the Town has no say over how the road is maintained, the matter of on-street parking, and even the signs that are posted within Main Street's right-of-way. If the Town wanted to plant street trees, add bike lanes, add or alter crosswalk locations, allow on-street parking or bury utilities, it cannot do so without obtaining State approval. If MassHighway is reluctant to incorporate the Town's preferred design elements into a re-design for Main Street, then the Town should consider seizing its own destiny and petition the State to take over Main Street's jurisdiction. It should be noted that if the Town were to take over Main Street, the road would still be eligible for Federal highway aid. If and when the Town wanted to give Main Street a facelift, the project would unfold much like how the recent South Street project worked, where the Town paid for the design, placed the project on the regional Transportation Improvement Plan (TIP), and MassHighway paid for the construction. This would likely be a long-term project, as it would take about ten years for the project to move up the TIP list and get funded for construction. It should also be noted that taking over Main Street will undoubtedly result in increased maintenance responsibilities and costs for the Town that are currently borne by the State and this needs to be factored into the Town's decision regarding the fate of Main Street. Responsible Municipal Entities: The Public Works Commissioners in conjunction with the Board of Selectmen.

3. Modernize and Update Zoning Bylaw's Table of Uses: The current table of uses in the Zoning Bylaw was prepared in the early 1970s and, as such, is out of date and does not include many types of businesses and industries that have come into existence within the last 40 years (biotechnology, computer technology, medical device manufacturing, etc.). The Zoning Bylaw's table of uses should be revised to update and expand the types of commercial and industrial uses the Town wants to encourage. The Town already has a head-start on this effort with the 2010 report, Analysis of Table of Use Schedule and Dimensional Regulations in Industrial and Commercial Zones, prepared by Planning Consultant William Scanlan from funding made available through MRPC's Technical Assistance Program. This report should be revisited as a first step in revising the table of uses. Responsible Municipal Entities: The Planning Board in conjunction with the Economic Development Committee.

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4. Revise the Dimensional Standards for the Industrial Districts: The previously mentioned 2010 Scanlan report also evaluated the Zoning Bylaw's dimensional standards as they relate to the Town's two types of industrial districts. The report found three flaws in the dimensional standards: 1) restricting industrial buildings to two stories is self-defeating. Increasing the limit to four stories will provide greater opportunity for first class office and research-development space. 2) The setbacks required for the industrial districts are very restrictive and provide little benefit. Reduced setbacks will enable more intensive use of valuable industrial land. 3) The Town should consider providing a density bonus to those industrial uses that will include pervious surfaces (porous pavement that allows for groundwater discharge) for a portion of their parking needs. One last flaw identified by the Town Planner and Building Commissioner is the 50-foot height restriction in the Zoning Bylaw as it relates to cell tower antennas that extend from principal and/or accessory structures. Currently, industrial property owners must obtain a height variance from the Zoning Board in order to construct such antennas. Overall, there is a need to revise the Zoning Bylaw's dimensional standards to allow for greater use of the Town's industrial-zoned land. Again, revisiting the 2010 Scanlan report would be a wise first step for this endeavor. Responsible Municipal Entities: The Planning Board in conjunction with the Economic Development Committee.

5. Revise and Clarify the Zoning Bylaw's Dimensional Standards for New Housing Lots: There are numerous dimensional standards for new building lots scattered throughout the Zoning Bylaw. To fully understand the Town's current dimensional standards, applicants must familiarize themselves with all of the definitions that go with the term "lot" (lot, lot coverage, lot frontage, lot line-front, lot line-rear, lot line-side, and lot width – all found within Section 205-4), then review the minimum building requirements for a subdivision (Section 205-13), and then review the land-space requirements in the back of the Bylaw including the footnotes (Section 205, Attachment 2). This has resulted in confusion for landowners trying to build on their land, conflicting interpretations from Town staff as to which section is primarily applicable, and even the Town's Planning Board members struggle interpreting the Bylaw's various dimensional requirements. It is highly recommended that the Bylaw's various dimensional standards be consolidated and streamlined for the sake of clarity. Responsible Municipal Entity: The Planning Board.

6. Update the Town's Sign Bylaw: The Town's signage provisions within the Zoning Bylaw have not been updated since their adoption in the early 1970s and are very much out of date. In 2009, the Historical Commission spent a considerable amount of time working with local business owners to draft a new sign bylaw; however, it was never brought to Town Meeting for adoption. The Commission's draft sign bylaw would make an excellent starting point for the Town to begin updating its signage provisions. Responsible Municipal Entities: The Planning Board in conjunction with the Historical Commission, Economic Development Committee, Building Commissioner, Zoning Board and the local business community.

7. Update the Zoning Bylaw's Definitions Section: Again, the vast majority of the terms found in the Zoning Bylaw's Definitions section were written in the 1970s when zoning was first introduced to Westminster. Many new types of land uses have come into being since the 1970s (such as computer technology, biotechnology, green energy, etc.), and yet the Zoning Bylaw does not account for them. Further, many definitions crafted in the 1970s have undergone significant

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revisions based on new planning techniques, court decisions and new interpretations from the MA Attorney General's office. It is highly recommended that the Town update the Definitions section of the Zoning Bylaw. Responsible Municipal Entity: The Planning Board.

8. Investigate Natural Resource Protection Zoning: In the 1990s, many Massachusetts municipalities adopted cluster housing bylaws that allowed for smaller lot sizes in exchange for protecting large swaths of open space. Westminster adopted a cluster housing provision as part of its Zoning Bylaw back in 2000, and it has been utilized for a handful of cluster housing projects during the past decade (Harrington Heights, Rebanna Road and the Village at Old Mill). However, many communities have found that their cluster housing bylaws have not delivered on their promise. Much of the lands protected under cluster development are inadequate to fulfill their resource protection purposes, whether to sustain farming or forestry or protect habitats, scenic views, or water supplies. Further, reliance on the underlying zoning for purposes of determining allowable lot counts often yields too many housing units, an insufficient amount of protected open land, and layouts that destroy the natural resource and environmental value of the remaining land. In response, planners for rural communities have developed a successor to the cluster housing concept: "Natural Resource Protection Zoning" or NRPZ for short. NRPZ can take a number of forms, but the essence is to combine low underlying densities with compact patterns of development so that significant areas of land are left permanently undeveloped and available for agriculture, forestry, recreation, watershed, and wildlife habitat. The Town should investigate whether it makes sense to adopt NRPZ as a successor to the Zoning Bylaw's cluster housing provision. Responsible Municipal Entities: The Planning Board working in conjunction with the Open Space Committee, Conservation Commission, Zoning Board and Building Commissioner.

9. Revise the Town's Parking Standards: While the parking standards in the Town's Zoning Bylaw have been modified several times over the years, two major flaws still exist: first, the parking setback standards only apply to two zoning districts (C-I and I-1), meaning that parking in the other zoning districts can be built right up to the edge of a lot line. This could lead to situations where large-scale institutional uses (churches, schools, etc.) and economic enterprises could locate their parking along a lot line shared with a residential home owner. The Town's parking standards should be revised to require parking setbacks for all zoning districts, with the exception of the Town Center where the current flexibility to determine parking needs on a case by case basis should be maintained. Secondly, the Town requires that business and industrial uses provide much more parking than what is necessary to serve such uses. This has resulted in large parking lots made up of impervious surfaces (i.e., pavement) that don't allow rainwater to sink directly into the ground, larger than necessary stormwater management devices, as well as large and unsightly swaths of pavement. The Town should revise its parking standards to reduce the required parking for new business and industrial uses. Responsible Municipal Entity: The Planning Board.

10. Consider Adopting a Demolition Delay Bylaw: As a means of preserving historically significant buildings in Westminster, the Town should consider adopting a demolition delay bylaw. Many New England communities have adopted such bylaws, and they typically target only those buildings that are at least 100 years old. The bylaw would give the Town some time (typically six months to a year) to review its options for preserving a historic property before it

gets torn down. These bylaws can target specific areas of Town (like historic districts), or be applied town-wide. As Westminster has a number of historic structures scattered throughout Town, a demolition delay bylaw may be an appropriate tool for their preservation. Responsible Municipal Entity: The Historical Commission working in conjunction with the Building Department.

11. Consider New Zoning Provisions to Encourage Affordable Housing: There are several zoning tools the Town could adopt to encourage new affordable housing. Westminster only has 3% of its housing stock deemed affordable by the State, which is considerably lower than the 10% threshold established under the State's affordable housing law (MGL Chapter 40B). This makes the Town susceptible to large housing developments proposed under the State's Comprehensive Permit process, which allows affordable housing to be built anywhere in a community regardless of zoning. In an effort to increase its stock of affordable housing, the Town needs to ensure that new large-scale residential developments include their fair share of affordable housing units. Adding an inclusionary housing provision to the Zoning Bylaw would be a first step. Inclusionary housing bylaws require new developments to include a percentage of the units as affordable, offer incentives for the creation of affordable units as part of new development, or a combination of the two approaches. Westminster already has an inclusionary housing provision in its Zoning Bylaw (Section 205-37); however, it only applies to apartments and not subdivisions. The Town should consider applying its inclusionary housing provision to subdivisions (not just apartment buildings), and revise this provision to offer additional incentives for developers that provide additional affordable units so that the Town can inch closer to the goal of having 10% of its housing stock qualifies as affordable. Such incentives can include higher densities, reduced frontage, reduced setback requirements, a reduction in the required roadway width, reduced infrastructure connection fees, and other incentives that can improve a developer's bottom line. Another zoning tool would be to add an affordability option for accessory apartments. Westminster already has an accessory apartment provision within its Zoning Bylaw (Section 205-37.1), but adding an affordable housing provision would allow accessory apartments to be counted towards the Town's affordable housing stock if a rent restriction is put in place. Per State regulations, the accessory apartment would need to be rented at a price affordable to persons or families qualifying as low or moderate income for a period of not less than 15 years, but the affordable housing use restriction can also be in perpetuity. The rent for the accessory apartment will only increase in proportion to the growth in the area's median household income as documented by the State. Be forewarned that implementing such a provision would require the Town to annually monitor such units to ensure that household incomes do not exceed the State's affordable income limits for the area. Responsible Municipal Entity: The Planning Board.

12. Adopt Operational Standards for Home Occupations: As documented in the Economic Development chapter, the fastest growing segment of Westminster's local economy is home-based businesses. The percentage of Westminster residents working from home increased from 3.5% of the labor force in 2000 to 10.3% of the labor force in 2010. Thus, there are more home businesses scattered throughout Town than ever before. However, the Zoning Bylaw has not established any operational standards for home occupations beyond limiting the number of employees to three, prohibiting exterior changes to the residential building and prohibiting outside storage of goods and materials. The Bylaw contains no standards for: parking commercial vehicles, signage, hours of operation, noise, fumes and other nuisance considerations, or work

taking place in accessory buildings such as garages and barns. The lack of operational standards for home occupations may result in potential conflicts between home businesses, adjacent abutters and the neighborhood as a whole. Thus, the Town may want to consider adopting more stringent operational standards for home-based businesses. Responsible Municipal Entities: The Planning Board working in conjunction with the Building Department and Board of Health.

13. Tighten the Zoning Bylaw's Site Plan Review Provisions: There are two primary flaws in the Zoning Bylaw's Site Plan Review provisions. First, the applicability section allows too much leeway for interpretation and needs to be clarified. There have been several instances where the Town Planner and Building Commissioner have rendered differing interpretations of what constitutes a "change of use", thus necessitating the Planning Board to issue a policy statement regarding what constitutes a "change of use" in terms of site plan applicability:

- If the Building Commissioner determines that a change of use necessitates having a project proponent go through the site plan review process with the Planning Board and this determination is made in writing, then the project proponent shall file an application for site plan review with the Planning Board.
- In situations where a change of use or change of tenants is proposed for a multi-unit commercial or industrial structure, the Building Commissioner and Town Planner shall confer together to determine if the change of use be significant enough in terms of intensity of activity to require site plan review with the Planning Board.
- For changes of use or change of tenants proposed for a multi-unit commercial or industrial structure where there will be no addition or outside alteration of the building(s), no new parking required by zoning, and the only exterior change in appearance will be a new sign for the new business, then site plan review with the Planning Board is not required.

This policy statement should be codified within the Zoning Bylaw's Site Plan Review provision.

The second major flaw of the Site Plan Review provision is the lack of design standards for new and expanded commercial and industrial operations. The site plan provisions offer no guidance to developers regarding the Town's preferences for how such sites get developed. Without this guidance, developers will default to site designs that meet their needs, but may be inconsistent with the surrounding neighborhood and Westminster's community character. Thus, it would behoove the Town to clearly articulate its preferred site design standards so that new economic enterprises are integrated into the fabric of the community. Design standards can be mandatory (requirements) or advisory (guidelines). Items to consider when developing site design standards include: building location and façade appearance, landscaping, lighting, parking area design and location, site access and egress, as well as screening and fencing.

In addition to the above design considerations, several Massachusetts communities have recently amended their site plan review procedures to include incentives for "building green", i.e., using recycled materials in the building process, installing energy-efficient appliances, and using alternative energy sources (typically wind, hydro or solar power). Such incentives can take the form of density bonuses, reduced dimensional requirements, reduced infrastructure costs, etc. Responsible Municipal Entity: The Planning Board.

14. Encourage New Development to “Build Green”: The following principles can help serve as a guide for improving the durability, quality and energy efficiency of projects of all uses and scales. These are a starting point for incorporation of green building into our land use regulations, as green building technology is constantly expanding and identifying new products, and methods.

- Strive to design and construct buildings to last 100 years.
- Develop programs to educate owners and occupants of buildings about weatherization, energy conservation, maintenance techniques, operation and maintenance of high-efficiency systems, and other topics, with the goal of improving and maximizing building performance.
- Building design should take into consideration Westminster’s climate and natural systems, such as snow loads, stormwater management, etc.
- Residential projects should be encouraged to follow green building and energy efficiency guidelines established by the Town and State.
- Incorporate day lighting strategies to decrease reliance on electricity.
- Use low-toxicity paints, sealers, carpet, and other materials.

Responsible Municipal Entities: Energy Advisory Committee working in conjunction with the Planning Board, Zoning Board, Building Department and the MA Green Communities Program.

15. Encourage the Use of Local and Regional Goods and Materials: New England has a reputation for innovation, pragmatism and self-sufficiency. New Englanders know that local and regionally available materials and goods are important for the region’s economy and overall sustainability. Local and regional products are more sustainable than foreign products because they take less energy to package and transport, which in turn means these goods have a lower carbon footprint. Sourcing locally and regionally has social benefits as well; goods and materials can cost less, and the money spent on them stays in the community and region through wages, taxes, mortgages, and other spending – which all helps to build a local, living economy. Making use of local and regional materials and products will help to create the type of niche industry and high-paying, skilled jobs identified as part of the community visioning process. Responsible Municipal Entities: Energy Advisory Committee working in conjunction with the Planning Board, Zoning Board and Building Department.

16. Consider Adopting a Bylaw for Large-Scale Solar Power Projects: During the last decade the Town has issued numerous Building Permits for residential solar projects and even one large-scale solar application for roof-mounted panels on an industrial building (this project received its permits, but never came to fruition). However, the Town has never had to deal with ground-mounted commercial solar farms, which have their own set of unique challenges: glare spilling onto abutting properties, environmental impacts, stormwater management, ability to replace and remove ground-mounted equipment, etc. Also, the Town may one day want to construct a solar farm on a town-owned property to generate electricity to meet its municipal energy needs, as suggested in Recommendation #10 of the Town Government Chapter. In an effort to offer guidance for those looking to build large-scale ground-mounted solar farms (whether they be private entities or the Town itself), the Town should adopt a solar power bylaw and associated regulations much like it has for wind energy facilities. Responsible Municipal Entities: The Planning Board working with the Energy Advisory Committee and Building Commissioner.

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