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# Winthrop Zoning Review

Funding provided by the  
District Local Technical Assistance  
program.

Part II of the 2013 Project

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**Prepared for**

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Town Administrator

Peter Roche, Chair, Planning Board

December 31, 2013

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### TOWN OF WINTHROP

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#### Town Administrator

James M. McKenna

#### Assistant to the Town Manager/Town Grants Manager

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## Executive Summary

The Town of Winthrop requested District Local Technical Assistance funds to enable Metropolitan Area Planning Council staff to work with the Planning Board and other town officials to examine zoning options to promote redevelopment in the town center. This is a follow-up to the 2012 DLTA project that identified Development Principles, including a Principle to Strengthen the Town Center and Village Square Areas.

A Public Workshop on Planning and Permitting was held on September 16. Based on the comments, the Planning Board requested an analysis of the existing zoning to facilitate economic development in the downtown, with a focus on the following elements:

Uses, including mixed use development; parking; and streamlining project review.

At two follow-up meeting, MAPC provided zoning analyses and draft language for changes to the zoning bylaw related to these elements.



French Square is in the heart of Winthrop's Downtown

## Chapter One: Introduction and Background

The Town of Winthrop is one of the most compact communities in Massachusetts. It is located on a 1.64 sq. mile peninsula that separates Boston Harbor and Logan Airport to the west from Massachusetts Bay to the east. With a population of 17,497 in 8,320 housing units<sup>1</sup>, the community is fully developed so new economic development opportunities are limited to parcel re-use.

One of the community's priorities is to expand the tax base by encouraging appropriate re-development, particularly in the town center and selected waterfront locations.

### 2012 DLTA Project

The Town applied for District Local Technical Assistance funds for planning assistance to identify and draft Development Principles that reflect the community's goals for future development activity. The Development Principles will guide members of town boards in making decisions and provide for more predictable and streamlined permitting processes.

Development Principles were discussed and endorsed at a public meeting in December, 2012. The Principles are:

1. Increase the Tax Base
2. Strengthen Waterfront Commercial Areas
3. Strengthen the Town Center and Village Square Areas
4. Increase Connectivity
5. Maintain Housing choices
6. Emphasize Quality Site Design

### 2013 DLTA Project

The 2013 DLTA projects builds on the 2012 project by reviewing existing zoning regulations that encourage or impede economic development activity in the town center. A Public Workshop on Planning and Permitting was held on September 16, 2013. The points raised at the Workshop included streamlining existing permitting process to make project reviews easier and to clarify regulations, and encourage retail, restaurant and mixed use in the downtown.

Meetings were held on October 21, November 25 and December 9 with the Planning Board to analyze the existing zoning regulations, present options for Planning Board review, and to provide draft language to modify the Winthrop Zoning Bylaw.

This Zoning Review is part two of a two part project. Part one is the Winthrop Open Space and Recreation Plan 2013 update

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<sup>1</sup> 2010 U.S. Census

## Chapter Two: Project Overview

With a public workshop as the starting point, the Winthrop Planning Board directed MAPC to evaluate specific portions of the zoning bylaw in order to draft changes to the bylaw that could be presented to Town Council for adoption.

### Issues Identified at the Public Workshop

After a presentation by the Peter Roche, Chairman of the Winthrop Planning Board, members of the public and the Board were invited to discuss specifics on the town's regulatory environment. The major points made during the discussion were:

#### The Town is seeking high quality development

#### The review process is difficult to understand

- Complex infill issues, no planning staff

#### How do we facilitate business investment?

- Unnecessary permitting barriers – a Special Permit is required to change from 1 retail use to another (should just need a Certificate of Occupancy)
- Confusing, redundant permitting process
- Unachievable parking requirements for Central Business District (CBD)
- Limitations on mixed use

#### Business community issues:

- Winthrop has a reputation for impediments
- Streamline the process
- Parking requirements are excessive – mall/yogurt shop
- 9 different zoning districts
- CBD/Waterfront – need to open these areas to retail without a special permit. BUT there may be some restaurants that need review.

#### Enforcement

- Look at ordinance-and determine if it provides enough guidance for enforcement

#### “Asks”

- Suggest issues requiring new/amended regulations
- Distinguish between need for new regulations vs. enhanced enforcement
- Reduce permitting barriers to new investment
- Facilitate one stop permitting
- Get all Boards together to review projects
- Channel new market demand (casino) and untapped market potential

## MAPC Zoning Analysis

For the October 21 Planning Board meeting, MAPC provided analyses of key issues that were raised at the Public Workshop. The materials included a worksheet evaluating potential parking changes, with discussion questions, and a review of mixed use provisions in the zoning. An analysis of the existing review process was also done. These are included in the Appendix.

At the November 25 meeting, MAPC presented the table below and asked for Planning Board direction in order to proceed with drafting bylaw changes. The Planning Board's recommendations are bolded and highlighted in yellow.

| Winthrop Zoning Bylaw Proposed Changes for the Central Business District (CB zone)                               |  |   |
|--|--|---|
| Element  | MAPC Evaluation  | MAPC Recommendation   |
| Consider making the entire Center Business District a Special Development Overlay District (SDOD)                | <ul style="list-style-type: none"> <li>This would provide maximum flexibility for review and approvals by the Planning Board (PB).</li> <li>Creates developer uncertainty about types of desired projects and project approvals.</li> <li>Without town staff to assist potential developers, would likely delay development</li> </ul> | Do not make the CBD a SDOD<br><br><b>Winthrop PB Recommendation</b><br><b>No- delete</b>  |
| Allow Mixed Use development by-right   | <ul style="list-style-type: none"> <li>Prioritizes this type of development</li> <li>Could allow as of right for up to a certain number of units; over that number, by special permit</li> </ul>   | Remove from Section 17.12.040<br>Re-write Subsection A. Do not require exclusive ground floor residential uses. Definition to reference instances where ground floor residential could be allowed (such as in rear or on a side street)<br>Eliminate Subsection B<br>Include in Definitions and Table of Uses with <b>YES</b> footnotes as applicable |
| Clarify that mixed use can include redevelopment of existing buildings or reconstruction/expansion/redevelopment | <ul style="list-style-type: none"> <li>Eliminating Subsection B removes the restrictions</li> <li>Placing Mixed Use in the Table of Uses</li> </ul>  | <b>Yes agreed</b>   |

|   |  |   |
|---|--|---|
|   | clarifies where this is allowed  |   |
| Clarify that once a project has received special permits for ground floor retail use, any change to a similar retail use is as of right | The example is “Michael’s Mall” that received special permits for some commercial uses and a change to another commercial uses requires another SP | A footnote in the Table of Uses can address this, or a sentence in Section 17.12<br><b>Agreed</b>   |
| Add live-work unit definition   | Good to encourage artists/artisans, etc.   | Allowed in the CBD, specifying that ground floor units must have an active frontage, such as a studio, retail space, etc.<br><b>Agreed</b>  |
| Allow Restaurants as of right   | Revise definition to make sure that bars/taverns are not included in this  | For example: Restaurant: An establishment containing tables and/or booths which is designed, intended and used for the indoor sales and consumption of food prepared on the premises. Food may be consumed outdoors in designated outdoor seating areas adjacent to the indoor facility. The term “restaurant” shall not include “fast-order food establishment” or bar/tavern primarily devoted to on-premises retailing and drinking of alcoholic beverages.<br><b>Agreed in CBD; WF by SP3</b> |
| <b>Parking</b>  |  |   |
| Retain reduced standards for parking in CBD<br><b>Agreed introduce concept of pmt in lieu of parking for uses &gt;5,000sf</b>           | Define “commercial establishment”<br><br>Confirm that 3,000 sf limit is still appropriate  | Define to mean a parcel or building in contiguous and common ownership as of the date of the bylaw change.<br><br>Clarify the 3,000 sf limit is for <i>commercial elements</i> of a mixed use element only<br><b>Yes</b>  |

|   |  |  |
|---|--|--|
| Allow further parking reductions                                    |  | Reduce required parking for small residential units<br>Allow for payments in lieu for parking spaces<br>Provide for shared parking<br>Reduce parking for on-site car share space and/or bicycle parking<br><b>Agreed</b> |
| <b>Project Review</b>   |  |  |
| Eliminate Business Design Review                                    | Redundant review   | Eliminate Section 17.24.050<br><b>Agreed</b>   |
| Revise Site Plan Review Section 17.44                               | <ul style="list-style-type: none"> <li>This is a town staff review and should be re-written and re-named for clarity</li> <li>Review project thresholds that trigger review</li> </ul> | Re-write as necessary and re-name "Administrative Review"<br><b>Agreed</b>   |
| Revise Environmental Design Review Sections 17.24.030 and 17.24.040 | Re-name this Site Plan Review<br>The standards are typical of those used as Site Plan Review criteria  | Include any other additional criteria<br><b>Agreed</b>   |

## Chapter Three: Draft Zoning Bylaw Changes

For the December 8 Planning Board meeting, MAPC provided draft language for changes to the Winthrop Zoning Bylaw. These changes included:

### Project Review

- Eliminate Business Design Review Board Section 17.24.050
- Revise Site Plan Review Section 17.44  
Clarify that the process described is actually a staff administrative review.
- Revise Environmental Design Review Sections 17.24.030 and 17.24.040

### Mixed Use

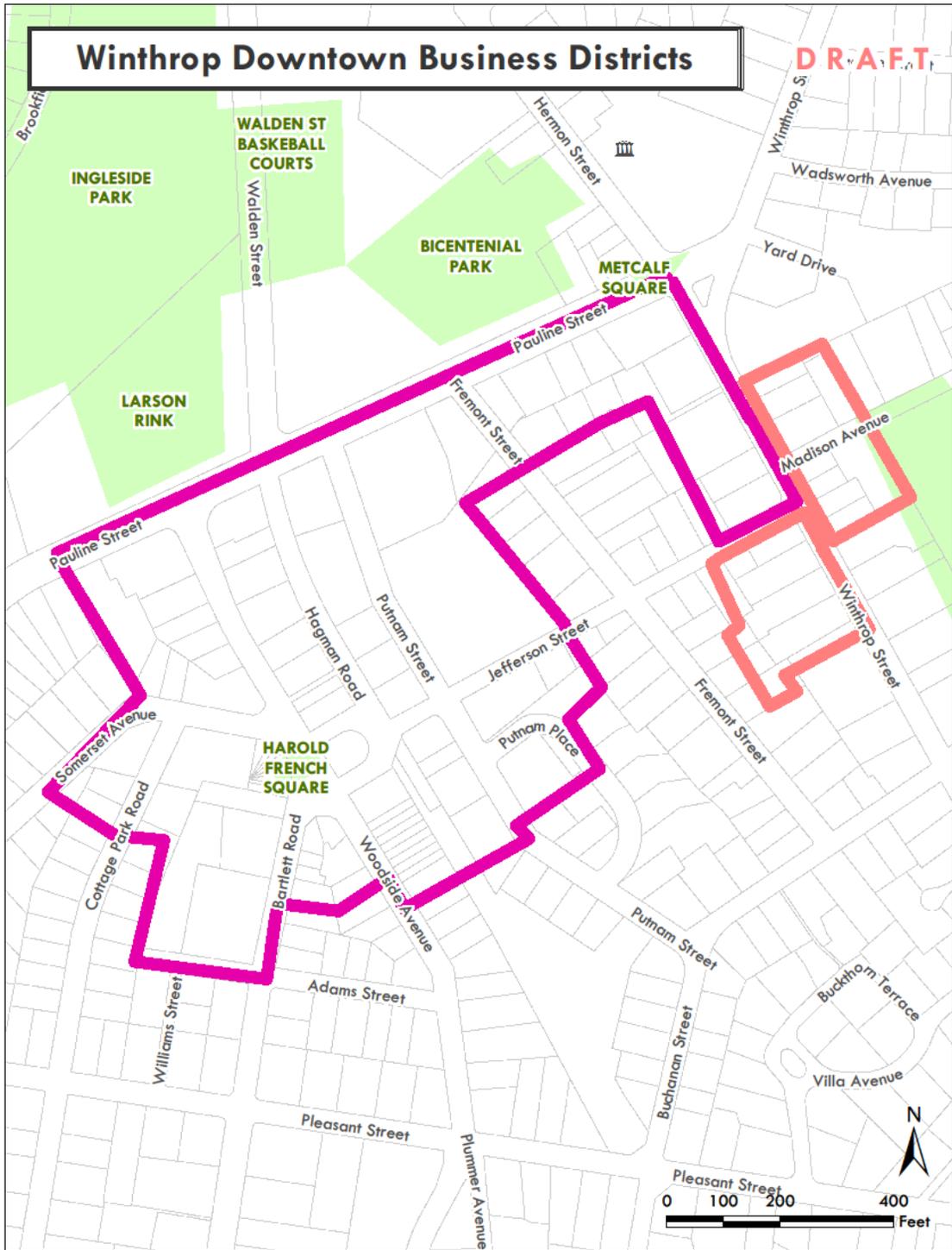
- Remove from Section 17.12.040 and put in Definitions, Section 17.04.050
- Modify Table of Uses to include Mixed Use

### Use Regulations

- An analysis of the Table of Use Regulations, to update uses. While not fully vetted by the Planning Board, there are proposed changes to allow for uses requiring a special permit to apply to the Planning Board.

### Parking Regulations

The draft texts are included in the appendix



-  Center Business District
-  Business District A
-  Town Hall
-  Parcel Outline
-  Open Space

Data Sources:  
 Town of Winthrop  
 Massachusetts Department of Transportation (MassDOT)  
 Massachusetts Geographic Information System (MassGIS)  
 Metropolitan Area Planning Council (MAPC)  
 September, 2013



## Appendix

The Appendix includes the following:

- Zoning review materials presented to the Planning Board at the Oct. 21 Meeting
  - Table Comparing project review processes in the zoning bylaw, comments and questions
  - Table with parking evaluation, comments and questions
  
- Proposed Revisions to the Table of Use Regulations
  - Update the uses allowed in the downtown and by special permit
  
- Draft zoning bylaw changes
  - Eliminate Business Design Review Board Zoning Bylaw Section 17.24.050
  - Revise existing Site Plan Review Section 17.44 by replacing the term “Site Plan Review” with the term “Administrative Project Review “
  - Revise Environmental Design Review Sections 17.24.030 and 17.24.040 by replacing the term “Environmental design review with the term “Site Plan Review”

**MAPC materials for 10/21/13 Winthrop Planning Board Meeting**

**Winthrop Project Review Table**

**Project Review Issues** Determining what reviews are required for a project is challenging.

| <b>Review</b>   | <b>Applicability</b>   | <b>Conducted By</b>   | <b>Comments</b>  |
|---|--|---|--|
| Site Plan Ch.17.44<br><br>SEE ALSO Ch. 14.24<br>Special Permits<br>C. Submission of Site Plan | Special district /special permit zoning<br>Special permit uses<br>All As of right uses<br>Extensions of nonconforming uses<br>Not required for extensions to a building that do not exceed 1200 sf of gfa<br><br>Special permit by BOA | Site Plan Review Committee*<br><br>Meet with applicant and report their recommendation to the building inspector within 21 or 45 days<br><br>Board of Appeals, with 30 day review by Planning Board | Extensions less than 1200 sf<br><i>Applies to special permits or extension of nonconforming use?</i> |
| Environmental Design Review<br>Ch. 17.24.030  | Any use requiring a special permit for all new structures, new outdoor uses, exterior additions and changes in use   | Board of Appeals, with 30 day review by Planning Board<br><br>Also submitted to Town Council  | For Special Permits granted by PB, Environmental Design is conducted by the PB                       |
| Business Design Review<br><br>Ch. 17.24.050   | New construction or modification to the exterior, renovations, rehabilitations of any property in the Business A or Center Business.<br>Mixed use proposals.<br>Applications for Variances or Special permits                          | Design Review Board appointed by Town Council+<br><br>Recommendations and reports are advisory.<br>Meet within 7 days after applicant and recommendations within 14 days                            |  |

\* Site Plan Review Committee Voting Members: Public Works Superintendent; Fire Chief, Police Dept; Health Inspector, Conservation Commissioner and Chair Commission on Disabilities.

Advisory (nonvoting) members: Building inspector, planning consultant per MGL Section 53.

+Business Design Review Board: architect, landscape architect, resident from within a business area, and a business person in town, all residents except business person. Preference given to a design professional.

Notes on the permitting process (See chart above):

### **Chapter 17.24 Special Permits**

This section includes detailed information about Site Plan requirements. This information should be included in Chapter 17.44 Site Plan Review, and referenced under Special Permits.

This section also includes information on:

- Environmental design review by board of appeals or planning board
- Business Design Review Board (Include in the Definitions section)

### **Chapter 17.44 Site Plan Chapter**

Site Plan Review Committee

What is the difference between an Environmental Design Review by the BOA and a Site Plan Review by the Site Plan Review Committee?

The Environmental Performance Standards should be included as Site Plan Review criteria.

## MAPC materials for 10/21/13 Winthrop Planning Board Meeting

| Topic #1: Excerpts from Winthrop parking regulations |   |  |
|--|---|--|
| Uses   | Townwide standards  | Reduced standards for Center Business Zone   |
| Residential units (1 bedroom or less)                | 2 per dwelling unit   | No reduction   |
| Residential units (2 bedrooms or more)               | 2 per dwelling unit   | No reduction   |
| Retail and service establishments                    | 1 per 250 square feet of gross floor area (GFA) <sup>3</sup>  | One space per three hundred fifty (350) square feet of gross floor area (GFA).   |
| Supermarket  | 1 per 125 square feet of gross floor area   | One space per two hundred fifty (250) square feet of gross floor area  |
| Business offices (including financial institutions)  | 1 per 350 square feet of gross floor area   | One space per five hundred (500) square feet of gross floor area.  |
| Medical and dental offices <sup>2</sup>              | 1 per 250 square feet of gross floor area or 2 per doctor (whichever is greater)  | One space per four hundred (400) square feet of gross floor area   |
| Eating and drinking places serving food or beverages | 1 per 3 employees in the maximum working shift, plus 1 per 4 seats, plus 1 per 100 square feet of space in function rooms not designed for eating | One space per four employees in the maximum working shift plus one space per five seats plus one space per one hundred fifty (150) square feet of function rooms not designed for eating.  |
|  |   | Commercial establishments of less than three thousand (3,000) square feet gross floor area may count municipal on- and off-street parking spaces within one thousand (1,000) feet of such establishment to meet this requirement. Commercial establishments of three thousand (3,000) square feet gross floor area or greater may use municipal off-street parking spaces within one thousand (1,000) feet of such establishment to account for one-third of this requirement. |

### Notes:

- 1) There are approximately 70 off-street parking spaces in two lots in the Center Business zone, all of which would be within 1,000 feet of any business within the CB zone  
In addition, there are numerous on-street spaces within the Center Business zone
- 2) A 2,900 square foot retail business would normally require 9 parking spaces; in the Center Business zone this would be zero
- 3) A 4,000 square foot retail business would normally require 12 parking spaces; in the Center Business zone, this is reduced by 1/3, and so would require 8 spaces
- 4) A 10,000 square foot store would require 30 spaces, which is reduced in the Center Business by 1/3 down to 20 spaces

*The question that arises from the above is "what constitutes a commercial establishment?"; is it an individual leased storefront, or is it the entire building in which the storefront exists?*

*Would the answer differ if the business was in a pre-existing building, versus if it were new development?*

### Potential discussion questions:

*For redevelopment, would the Board support further reducing the actual parking required through a payment-in-lieu-of-parking program? (Funds to be used for town purchase or management of downtown parking)*

*For redevelopment, would the Board support requiring parking for residential elements of mixed use developments, but not requiring parking for first floor commercial uses in a mixed use development?*

*Since 17.20.60 also notes ", in cases where differing uses will use parking spaces at differing times, the building inspector shall determine the maximum number of spaces required to meet peak demand", is there a need to formalize this reduction for mixed use structures?*

### Topic #2: Mixed Use

- 1) Mixed use is allowed by Special Permit in the Central Business, Waterfront and Business A districts
- 2) Section 17.12.40 states "Any ground floor uses in an existing building in a mixed use development shall be nonresidential rather than residential use. An existing structure may be used for mixed use development only if residential uses are located in existing space above the ground floor level. No new space specifically for residential use shall be added to an existing structure, although the upper floors of an existing structure may be converted to residential use

*This appears to preclude new-construction redevelopment for mixed uses; is that correct??? What process was used for marina development?*

## WINTHROP Table of Use Regulations

| Principal Permitted Uses  | CB        | BA        | WF        |
|---|-----------|-----------|-----------|
| <b>Residential and Institutional Uses</b>                                   |           |           |           |
| Single-family detached dwelling   | N         | Y         | Y         |
| 2-family detached dwelling  | N         | Y         | Y         |
| Semidetached dwelling (2-family)  | N         | Y         | Y         |
| Preexisting multiunit dwellings   | SP4       | SP4       | SP4       |
| Religious purpose   | Y         | Y         | Y         |
| Nonprofit educational use   | Y         | Y         | Y         |
| Day-care center   | Y         | SP2       | SP2       |
| Charitable or philanthropic use   | Y         | Y         | Y         |
| Club (noncommercial)  | Y         | Y         | Y         |
| Agricultural use on site of 5 acres or greater                              | Y         | Y         | Y         |
| Nurseries or greenhouses  | N         | Y         | Y         |
| Public buildings  | Y         | Y         | Y         |
| Customary home occupation   | Y         | Y         | Y         |
| Real estate or insurance office   | Y         | Y         | Y         |
| Professional offices, including but not limited to doctors and dentists     | Y         | Y         | Y         |
| Telephone exchange  | SP1       | SP1       | SP1       |
| Hospitals   | SP3       | SP3       | SP3       |
| Nursing homes, rest homes, convalescent homes and sanitariums               | N         | Y         | SP3       |
| Cemetery  | N         | Y         | N         |
| Funeral home  | N         | Y         | N         |
| Garden apartments   | N         | N         | N         |
| Attached dwellings  | N         | N         | N         |
| Apartment houses (mid-rise) (see Mixed Use)                                 | N         | N         | SP3       |
| Accessory use to permitted residential use                                  | Y         | Y         | Y         |
| <b>Business Uses</b>  | <b>CB</b> | <b>BA</b> | <b>WF</b> |
| Any nonresidential use in excess of 5,000 square feet of floor space        | SP3       | SP3       | SP3       |
| Physicians', dentists' and professional offices not incidental to residence | Y         | Y         | Y         |
| Professional and business offices and financial institutions                | Y         | Y         | Y         |
| Place of amusement or assembly  | Y         | Y         | Y         |
| Hotels and motels of 20 or more rooms                                       | SP3       | SP3       | SP3       |
| Restaurant  | Y         | Y         | Y         |
| Fast-order food establishment w drive through                               | N         | SP2       | N         |
| Retail stores and services  | Y         | Y         | Y         |
| Gasoline station, full service (See Section 17.24.070)                      | N         | SP3       | N         |
| Self-service gas station as accessory use to a gas station                  | N         | SP1       | N         |
| Auto repair and auto body repair  | N         | SP3       | N         |

|   |           |           |           |
|---|-----------|-----------|-----------|
| Drive-in retail or service establishment  | N         | SP3       | N         |
| Ambulance service   | N         | Y         | N         |
| Auto rental or sales (See Section 17.24.080)  | N         | SP3       | N         |
| Mixed-use development (See Section 17.12.040)   | SP3       | SP3       | SP3       |
| <b>Industrial Uses</b>  | <b>CB</b> | <b>BA</b> | <b>WF</b> |
| Light manufacturing (see definition in Section 17.04.050)   | N         | N         | N         |
| Retail trades and shops for custom work or light manufacturing when a major portion of products is sold on the premises | Y         | Y         | Y         |
| Research or testing laboratory (see definition in Section 17.04.050)  | SP3       | SP3       | SP3       |
| Auto graveyard or junkyard  | N         | N         | N         |
| Any nonresidential use in excess of 5,000 square feet of floor space  | SP3       | SP3       | SP3       |
| <b>Conservation Uses</b>  | <b>CB</b> | <b>BA</b> | <b>WF</b> |
| Conservation of water, plants and wildlife  | Y         | Y         | Y         |
| Outdoor recreation  | Y         | Y         | Y         |
| Noncommercial signs, wildlife management areas, paths and bridges   | Y         | Y         | Y         |
| Boathouse, golf club, skating, picnic and other recreational structures   | Y         | Y         | Y         |
| Installation of utility lines   | Y         | Y         | Y         |
| <b>Conservation Uses, continued</b>   | <b>CB</b> | <b>BA</b> | <b>WF</b> |
| Outdoor uses and recreation uses which occupy over 6,000 square feet  | SP3       | SP3       | SP3       |
| Marina  | N         | N         | Y         |

Legend for Table of Use Regulations

|     |  |
|-----|--|
| SP1 | Special permit by board of appeals   |
| SP2 | Special permit by board of appeals with environmental design review  |
| SP3 | Special permit by planning board with environmental design review  |
| SP4 | <a href="#">Special permit by board of appeals (See Section 17.28.040, Preexisting multiunit dwellings.)</a> |
| Y   | Permitted use  |
| Y+  | Any use employing more than 30 people per lot now requires SP3 permit  |
| N   | Not a permitted use  |

Districts

|    |                 |
|----|-----------------|
| CB | Center Business |
| BA | Business A      |
| WF | Waterfront      |

**Delete Section 17.12.040 Mixed use development**

**[To see if the Winthrop Town Council will...]<sup>1</sup>**

**Delete** Section 17.12.040 Mixed use development in its entirety. The language of the existing section reads as follows:

**17.12.040 - Mixed use development. PROPOSED TO BE DELETED**

A. Mixed use development is permitted in districts specified in Section 17.12.030 of this chapter, Table of Use Regulations, subject to approval of a special permit (with environmental design review) by the planning board. "Mixed use development" is defined as combining residential use and nonresidential use on a single lot or in a single building. Combinations of permitted uses within a single building are permitted, provided that all applicable health and safety regulations and all requirements of this chapter are followed. Prior to issuing a special permit for mixed use development, the planning board shall make a specific finding that any and all uses proposed in a mixed use development are compatible with one another.

B. Any ground floor uses in an existing building in a mixed use development shall be nonresidential rather than residential use. An existing structure may be used for mixed use development only if residential uses are located in existing space above the ground floor level. No new space specifically for residential use shall be added to an existing structure, although the upper floors of an existing structure may be converted to residential use.

C. Mixed use development shall conform to the permitted uses and dimensional regulations in the district where permitted. Multidwelling and dwelling unit density shall not exceed one dwelling unit per two thousand (2,000) square feet of upland lot area in a mixed use development. Off-street parking shall conform to the requirements of Section 17.12.060, Table of Required Off-Street Parking. (*Prior code § 145-13*)

**And further, to see if the Winthrop Town Council will**

**Add Mixed Use Project in Definitions, Section 17.04.050**

Mixed Use Project is a combination of residential and nonresidential uses, typically retail or office uses on a single lot or in a single building. A Mixed Use Project may include redevelopment of existing buildings.

Dwelling units shall be allowed on ground floors of buildings if:

- a) The building is set behind another building that has commercial uses on the ground floor, or
- b) The residential portion of the ground floor of a building is set behind street-front retail/office/restaurant uses within the same building, or
- c) The Planning Board determines that street-front residential uses will not adversely impact the continuity of the commercial street front uses, and where such street-front residential uses will not be adversely affected by proximity to street and adjacent commercial uses.

**Add Live-Work in Definitions, Section 17.04.050**

Live-Work Space: A dwelling unit in which up to 50% of the floor area is used for the production, showing and sale of art or handcrafted artisan crafts.

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<sup>1</sup> The exact wording required for a zoning change to be considered by the Winthrop Town Council will be supplied by the Town.

**Eliminate Business Design Review Board Section 17.24.050**

*[To see if the Winthrop Town Council will...]<sup>2</sup>*

Delete SECTION 17.24.050 Business design review board in its entirety and remove from the Zoning Bylaw Table of Contents. The language of this existing section reads as follows:

**17.24.050 - Business design review board. PROPOSED TO BE DELETED**

A. Establishment of a Business Design Review Board. A town business design review board is established for the purpose of reviewing and making recommendations upon all proposed construction projects which contemplate or propose construction or modification to the exterior of any property in the business A and center business districts, including but not limited to all new construction or other building activities, renovations, rehabilitation and mixed use proposals.

B. The design review board shall consist of five members who shall be appointed by the town council in the manner prescribed in this section. The members of the design review board shall include, where possible and practical in order of preference, an architect, a landscape architect, a resident from within a business area and a business person doing business in the town. All of the above, except the business person, shall be residents of the town. When selecting members, preference shall be given to members of the physical and environmental design professions. Members shall serve for three years or until their successors are appointed, except that of the five members first appointed, one shall serve for three years, two shall serve for two years and two shall serve for one year.

C. Organization and Proceedings.

1. The design review board shall elect from among its members a chairperson and vice chairperson, and shall arrange for the services of a secretary and such other officers and employees as it deems necessary. Each officer shall serve for a term of one year. The design review board shall adopt such rules, procedures and guidelines as are considered necessary to the conduct of its responsibilities, which shall be a matter of public record. The meetings shall be held at the call of the chairperson and at such other times as the board may determine.

2. The board shall keep records of its proceedings, showing the vote of each member on every question, or the fact of their absence or failure to vote, and the final decision of the board. Records shall also be kept of all plans, photographs or any other documents pertaining to each case, as well as all examinations, findings, determinations, recommendations and any other official actions, including all reasons for all decisions and conditions prescribed; and all such items shall be a matter of public record. Decisions of the design review board shall be made by a simple majority, and no final action shall be taken without the concurrence of at least three members.

D. Duties and Procedures of Design Review Board.

1. The design review board shall review all permit applications relating to the exterior of property in either the business A or center business districts, including but not limited to applications for special permits or variances, all applications for mixed use development (see Section [17.12.040](#) of this title)

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<sup>2</sup> The exact wording required for a zoning change to be considered by the Winthrop Town Council to be supplied by the Town.

and residential and nonresidential uses involving new construction or rehabilitation. The building inspector, upon the receipt of a permit application, shall direct the applicant to request a public meeting with the design review board to review the proposed project, and an extra copy of all usual submittals required for such proposals shall be provided by the applicant to the design review board.

2. The building department shall not issue any such permits until the design review board has reported its findings, in writing, to the building department, the planning board and/or the board of appeals, whichever may be appropriate, as follows:

- a. Recommendations regarding any changes to which the applicant has voluntarily agreed;
- b. Recommendations regarding the potential effect of the proposal on any business district, including the town center district and the surrounding neighborhoods;
- c. Recommendations regarding the design aspects of the proposal; and
- d. Any other recommendations deemed important by, and within the purview of, the design board.

E. Reports and Recommendations.

1. The design review board shall meet with any such applicant within seven business days of being contacted by the applicant and shall render its report or recommendations, in writing, within fourteen (14) days of meeting with the applicant.

2. All such recommendations or reports shall be of an advisory nature only, and the design review board may waive the requirements of this section in any instance.

3. Lack of a timely report from the design review board shall not be sufficient reason to delay action on a proposal which otherwise could be acted upon by the planning board, the board of appeals or the inspector of buildings.

F. The **town center design review board is hereby abolished**, and all records of the same shall be immediately transferred to the town business design review board upon the effective date of this chapter.

***[Or take any action.....<sup>3</sup>***

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<sup>3</sup> The exact wording required for a zoning change to be considered by the Winthrop Town Council to be supplied by the Town.

**Revise Site Plan Review Section 17.44**

*[To see if the Winthrop Town Council will...]<sup>4</sup>*

**Replace** the term “Site Plan Review” with the term “Administrative Project Review” in the Title of this section, and for each reference to Site Plan Review as indicated below.

In addition, to adopt the following changes as indicated below.

**[NOTE: The correct formatting to delete one term and replace it with another should follow the Town’s drafting convention.]**

For ease of reading this draft, the term to be deleted **Site Plan Review is highlighted in yellow**, and the replacement term **Administrative Project Review is bolded**. *Edited text is bolded and italicized*, ~~deleted text has a strikethrough~~.

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**Chapter 17.44 - ~~SITE PLAN REVIEW~~ ADMINISTRATIVE PROJECT REVIEW**

**Sections:**

17.44.010 - Purpose of chapter.

17.44.020 - Activation of the process.

17.44.030 - ~~Site plan review~~ **Administrative Project Review Committee**—Membership.

17.44.040 - Procedure.

17.44.050 - Materials for review—Minimum requirements.

17.44.060 - Materials for review—Required (for multifamily, commercial and industrial projects only).

17.44.070 - ~~Site plan~~ **Administrative Project Review** Committee recommendations.

17.44.080 - ~~Site plan~~ **Administrative Project Review** project file and inspection reports.

17.44.090 - As-built plans.

17.44.090 - Certificate of occupancy.

**17.44.010 - Purpose of chapter.**

***The purpose of this chapter is to provide for a comprehensive staff review of proposed projects to*** ensure that the design and layout of new commercial, industrial and residential development will not be detrimental to the town's neighborhoods and environment. Further, ~~the intent of the site plan review process is to regulate rather than prohibit use through reasonable conditions which may be imposed by the site plan review committee concerning the siting of buildings, open space and landscaping, parking areas, access and egress from proposed developments, drainage, sewerage, water supply and fire safety.~~

**17.44.020 - Activation of the process.**

A. The building inspector shall not issue a building permit unless and until a **site plan review Administrative Project Review** has been completed by the **site plan review committee (SPRC)**,

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<sup>4</sup> The exact wording required for a zoning change to be considered by the Winthrop Town Council to be supplied by the Town.

**Administrative Project Review Committee (APRC)** and no building permit may be issued unless in conformance with an approved site plan, except as provided in subsection B of this section and Section 17.44.040 of this chapter. In addition, the planning board and/or the town council will require the activation of the **site plan review Administrative Project Review** process for review and report of any special district **or** special permit zoning application. The planning board and/or town council ~~shall~~ **may** prescribe a different procedure as well as materials and minimum requirements ~~prior to the rezoning or issuance of a special permit~~ for any special district **or** special permit zoning application to be reviewed by the **site plan review committee. Administrative Project Review Committee** . ~~This chapter applies to any special permit or rezoning referral for which the special permit or zoning application is required.~~

B. **Site plan review Administrative Project Review** is required for all uses allowed as of right or special permit and listed in the Table of Uses set out in Section 17.12.130 of this title, and for all extensions of nonconforming uses. No building permit shall be issued in any case where a building is to be erected or externally enlarged and no area for parking, loading or vehicular service shall be established or substantially changed except in conformity with a site plan bearing an endorsement of approval by the **site plan review committee Administrative Project Review Committee** . **Site plan Administrative Project Review** ~~approval~~ shall not be required in any case where a building is to be externally changed for the purpose of closing an entrance or creating a new entrance thereto and for other extension(s) to a building which in total shall not exceed one thousand two hundred (1,200) square feet of gross floor area. (*Ord. 9/5/06 (part): prior code § 145-78 § 2*)

#### **17.44.030 - Site plan review committee Administrative Project Review Committee —Membership.**

A. The **site plan review committee Administrative Project Review Committee** shall consist of voting members and advisory ~~non~~ voting members. The voting members shall consist of the following: the superintendent of public works, the fire chief or prevention officer, police department, the health inspector, the conservation commissioner and the chairperson or designee of the commission disabilities.

B. The advisory nonvoting members shall consist of the following: the building inspector, the planning consultant as established by use of Chapter 44. § 53 of the M.G.L. and the town manager. (*Ord. 9/5/06 (part): prior code § 145-78 § 3*)

#### **17.44.040 - Procedure.**

With each application there shall be submitted to the **site plan review committee Administrative Project Review Committee** the material required under Section 17.44.050 of this chapter and as may be required under Section 17.44 060 of this chapter. All materials shall be submitted to the building inspector who shall time stamp the application within, then forward the application materials to the **site plan review committee Administrative Project Review Committee** within five days.

A. For all new residential, commercial and industrial construction which does not exceed five thousand (5,000) gross square feet or require more than three parking spaces or an increase of ten (10) or more parking spaces, the **site plan review committee** **Administrative Project Review Committee** shall schedule a meeting with the applicant, if necessary, within twenty-one (21) days of the submission of the application and report their recommendations in writing to the building inspector no later than twenty-one (21) days after the building inspector has received the application for a site plan review.

B. For all new residential, commercial and industrial construction or expansion projects which exceed five thousand (5,000) gross square feet or require more than five parking spaces or an increase of five or more parking spaces, the **site plan review committee** **Administrative Project Review Committee** shall schedule a meeting with the applicant, if necessary, within twenty-one (21) days of the submission of the application, and shall report their recommendations in writing to the building inspector no later than forty-five (45) days from the submission of the application.

C. **The site plan review committee** **Administrative Project Review Committee** shall render a decision to approve or approve with conditions, or disapprove if it finds that the application required for review is incomplete.

D. The building inspector may reject the recommendations of the **site plan review committee** **Administrative Project Review Committee** by submitting in writing to the **site plan review committee** **APRC** such reasons for rejection within seven days of receipt of the ~~site plan review~~ **Committee's** report. The town council and planning board may reject the recommendations of the **site plan review committee** **APRC** by submitting in writing to the ~~site plan review~~ **Committee** such reasons for rejection within twenty-one (21) days of receipt of the ~~site plan review~~ **Committee's** report. Reasons for rejection of a site plan by either the building inspector or **site plan review** **Administrative Project Review Committee** must specify the areas of nonconformance with respect to the review standards outlined in Section 17.44.070 of this chapter. (*Ord. 9/5/06 (part): prior code § 145-78 § 4*)

#### **17.44.050 - Materials for review—Minimum requirements.**

The applicant shall submit three copies of the following materials as a minimum requirement:

- A. A plot plan stamped by a registered land surveyor or professional engineer shall be provided for all projects;
- B. A site plan, stamped by a registered engineer or architect shall be required for all projects at suitable scale, but not to exceed one inch equals forty (40) feet; one and two family projects shall submit plans drawn to a scale of one inch equals twenty (20) feet.

The site plans shall include methods of egress and access, and proposed parking, lot lines, existing and proposed buildings, their foundation, size, total gross floor area, building height, location of solid waste containers, existing and proposed topography (one foot contour intervals), wetlands, areas subject to the one hundred (100) year flood, surface water, drainage provisions and existing and proposed landscape features such as required screening and buffer areas, fences, walls, planting areas and walks, and existing and proposed lighting. The site plan shall also show all contiguous land owned by the applicant or by the owners of the property that is the subject of the application and shall include the location of all easements and rights-of-ways of record both public and private.

C. A water and sewer utilities plan stamped by a registered engineer, which may be included on the site plan;

D. A storm drainage plan, which may be included on the site plan, including design capacity and peak capacity calculations;

E. A plan stamped by a registered surveyor or engineer showing the location of all required parking spaces, and the proposed method of access to and from the parking area, and the proposed internal circulation plan for the parking areas;

F. A plan showing the location and number of all proposed uses, residential and commercial.

Projects under ten thousand (10,000) square feet shall only need to comply with the minimum requirements identified under subsections A and B of this section.

*(Ord. 9/5/06 (part): prior code § 145-78 § 5)*

**17.44.060 - Materials for review—Required (for multifamily, commercial and industrial projects only).**

The applicant shall submit one or more of the following additional materials as may be required by the **site plan review committee** : **APRC**

A. Surface water pollution: a report on the impact of storm water runoff on adjacent and downstream surface water bodies, subsurface groundwater and the water table.

B. Soils: the potential dangers of erosion and sedimentation caused by the operation and maintenance of the proposed development.

C. General environmental impact: a report on the relationship of the proposed development to the major botanical, geological and hydrological resources of the site, and compatibility of the proposed development with adjacent or surrounding land uses and neighborhoods. The applicant shall submit such material as may be required regarding design features intended to integrate the proposed new development into the existing landscape and environment, to enhance aesthetic assets, and to screen objectionable features from neighbors. If applicable, a shadow study and an assessment report pursuant to Chapter 21E of the M.G.L.

D. Traffic impact: a report on existing traffic volume, composition, peak hour levels, and existing street capacities, estimated average daily traffic generation, composition peak

hour levels, and directional flows resulting from the proposed development, proposed methods to mitigate the estimated traffic impact, and the methodology and sources used to derive existing data and estimations.

E. A plan for the control of erosion and sedimentation caused by the proposed construction.

F. Water and sewerage: a report on the impact of the water and sewer system.

*(Ord. 9/5/06 (part): prior code § 145-78 § 6)*

**17.44.070 - Site plan review committee Administrative Project Review Committee recommendations.**

The **site plan review Administrative Project Review Committee** shall submit its findings in writing to the building inspector after considering the following matters:

A. Protection and enhancement of important existing site features;

B. Protection of adjoining premises against detrimental uses by provision of surface water drainage, sound and sight buffers and preservation of views, light and air;

C. Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets;

D. Adequacy of the arrangement of parking and loading spaces;

E. Adequacy of the methods of disposal of refuse and other wastes;

F. Relationship of structures and open space to the natural landscape and existing buildings;

G. Prevention of pollution of surface and groundwater, soil erosion, increased runoff and flooding;

H. Protection of freshwater and saltwater wetlands;

I. Conformance to town health and fire codes;

J. Adequacy of project to address traffic, sewer and water impacts as well as its support and enhancement of the surrounding infrastructure;

K. Compliance with all provisions of this title as well as compliance with all other local, state and federal permitting requirements, and code requirements.

*(Ord. 9/5/06 (part): prior code § 145-78 § 7)*

**17.44.080 - Site plan Administrative Project Review project file and inspection reports.**

Upon receiving the **site plan review Administrative Project Review Committee's** recommendations, the building inspector shall establish a project file for each project subject to **site plan Administrative Project Review**. Copies of all inspection reports from all pertinent town agencies, boards or commissions shall be forwarded to the building inspector and placed in such project file along with any pertinent copies of permits, inspections, and certifications made or issued by the building inspector. *(Ord. 9/5/06 (part): prior code § 145-78 § 8)*

**17.44.090 - As-built plans.**

Before the issuance of a permanent occupancy permit, the building inspector shall require that the applicant submit two copies of "as-built-plans." One copy of such plans shall be forwarded to the **site plan review Administrative Project Review Committee**. As-built plans shall include the following: existing location of foundation with offsets to all front, side and rear yards with a tolerance no less than one-tenth of one foot; as-built grading and drainage plan showing grades to adjacent lots; landscaping plan; foundation elevation and elevation certificate for all properties within the one hundred (100) year floodplain; all utility locations and easements; parking plans and driveways; all decks, porches, accessory structures and retaining walls.

*(Ord. 9/5/06 (part): prior code § 145-78 § 9)*

**17.44.090 - Certificate of occupancy.**

No certificate of occupancy shall be issued for any structure or parcel subject to a **site plan review Administrative Project Review** procedure unless it, and all of its related facilities, substantially conform to the approved final site plan. The applicant shall submit to the building inspector with a copy to the site plan review committee, a written certification from a registered architect, registered civil engineer, or landscape architect, preferably the one who prepared the final site plan, that the work has been completed substantially in accord with the approved final site plan. The building inspector shall deny the issuance of a certificate of occupancy if such certification and as-built plans are not provided. When the requirement for plan preparation by a registered architect, registered engineer, or landscape architect has been waived by the building inspector and **site plan review committee Administrative Project Review**, a certificate of occupancy shall be issued only if the building inspector determines in writing to the **site plan review committee Administrative Project Review Committee**, that work has been completed substantially in conformance with the approved final site plan. As-built plans shall be filed with the **site plan review Administrative Project Review Committee** at least seven days prior to the issuance of an occupancy permit by the building department. *(Ord. 9/5/06 (part): prior code § 145-78 (part))*

**[Or take any action.....<sup>5</sup>**

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<sup>5</sup> The exact wording required for a zoning change to be considered by the Winthrop Town Council to be supplied by the Town.

**Revise Environmental Design Review Sections 17.24.030 and 17.24.040****Section 17.24.030**

*[To see if the Winthrop Town Council will...]<sup>6</sup>*

Replace the term “Environmental design review” by board of appeals with the term “Site Plan Review”

**17.24.030 - *Environmental design review* Site Plan Review by board of appeals.**

**A. Purpose.** The purpose of this section is to provide individual detailed review of certain uses or structures which have a substantial impact upon the character of the town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof. The environmental design review process is intended to promote the specific purposes listed in Section [17.04.030](#) of this title.

**B. Application.** Any use specified in Section [17.12.130](#), Table of Use Regulations, as requiring a special permit shall obtain a special permit for all new structures, new outdoor uses, exterior additions and changes in use, subject to the **environmental design** **Site Plan Review** procedures and standards specified in this section.

**C. Permit and Procedure.** Uses subject to the provisions of this section may be allowed by special permit. Any person desiring such a permit shall submit an application to the board of appeals in accordance with the application procedure for special permits, except for uses contained in Section [17.24.040](#), which shall be submitted directly to the planning board. A copy of the application, with accompanying plans, photographs and sign permit application, shall be submitted at the same time to the planning board and the town council.

**D. Required Submittals.** In addition to the site plan required for special permits in Section [17.24.010](#)(C), the application shall be accompanied by the following:

1. **Model.** An inexpensive study model or final presentation model at a minimum scale of one inch equals twenty (20) feet unless another scale is found suitable by the special permit granting authority, showing the tract, abutting streets, proposed contours, proposed buildings and the massing of abutting buildings (not required for additions, alterations or changes in use which increased gross floor area by less than fifty (50) percent).

2. **Drawing of Existing Conditions.** A drawing (at a minimum scale of one inch equals twenty (20) feet) (unless another scale is found suitable by the special permit granting authority) showing the location, type, size and dimensions of existing trees; rock masses; existing topography at two-foot

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<sup>6</sup> The exact wording required for a zoning change to be considered by the Winthrop Town Council to be supplied by the Town.

contour intervals; and other natural features with designations as to which features will be retained. In order to meet the conditions for approval of a special permit, all existing trees, rock masses and other natural features shall be retained until a special permit is approved.

### **3.Drawing of Proposal.**

- a.Structure. A drawing, including color and type of surface materials, showing front and rear elevations and side elevations where there are no adjoining buildings and floor plans.
- b.Landscape. A drawing showing the location, dimensions and arrangements of all open spaces and yards, including type and size of planting materials, color and type of surface materials, methods to be employed for screening and proposed topography at two-foot contour intervals.

**4.Photographs.** Photographs showing the proposed building site and surrounding properties and of the model (if required). Applications for alterations and additions shall include photographs showing existing structures or signs to be altered and their relationship to adjacent properties.

**5.Impact Statement.** Statement by applicant with explanation of how each of the environmental design review standards is incorporated into the design of the proposed development. Where a particular standard is not applicable, a statement to that effect will suffice. An environmental impact statement prepared in accordance with state or federal regulations may be accepted as a substitute in lieu of this statement.

**6.Signs.** Application for permit and accompanying plans as specified under Section [17.32.070](#) for each sign that is to be erected on the property.

### **E. Board of Appeals Procedure.**

1.The board of appeals shall, within ten (10) days, refer the proposal and model thereof to the planning board, which for the purposes of this section shall serve in an advisory capacity to the board of appeals. The planning board shall evaluate the proposed use on the basis of the standards set forth in subsection F of this section and in Section [17.24.010](#), using outside consulting services when appropriate, and shall submit its findings and recommendations in a design review report to the board of appeals, specifically addressing each standard individually.

2.The board of appeals shall not take final action on an application for a special permit under this section until it has received the design review report or until thirty (30) days have elapsed after submittal of such proposal to the planning board without receipt of a design review report. The board of appeals shall not deny a special permit required by this section unless it finds that the proposed use does not comply with the standards listed in subsection F of this section to such a degree that such use would result in a substantial adverse impact upon the character of the neighborhood in which the use is proposed or of the town and upon traffic, utilities and public or private investments therein, thereby conflicting with the purposes of this chapter.

**F. Environmental Design Site Plan Review Standards.** The following standards shall be utilized by the board of appeals, the planning board and the town council in reviewing all site and building plans. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specification of one or more particular architectural styles is not included in these standards. The standards of review outlined in subsection (F)(1) through (F)(10) of this section shall also apply to all accessory buildings, structures, freestanding signs and other site features, however related to the major buildings or structures.

1.Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighboring developed areas.

2.Relation of Buildings to Environment. Proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The board of appeals may require a modification in massing so as to reduce the effect of shadows on abutting property in a residential A district or on public open space.

3.Circulation. With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to the location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities and arrangement of parking areas that are safe and convenient and (insofar as practicable) do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

4.Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.

5.Utility Service. Electric, telephone, cable television and other such lines and equipment shall be underground where applicable. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

6.Advertising Features. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

7.Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

8.Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and

semipublic spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

9.Heritage. With respect to Winthrop's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

10.Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize, insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment. (Prior code § 145-36)

[Or take any action.....<sup>7</sup>



**Section 17.24.030**

[To see if the Winthrop Town Council will...]<sup>8</sup>

Replace the term “Environmental design review” by planning board with the term “Site Plan Review”

**17.24.040 - Environmental design review Site Plan Review by planning board.**

A. Any use specified in Section 17.12.130 of this title, Table of Use Regulations, as requiring a special permit and environmental design Site Plan Review by the Winthrop planning board (WPB) shall obtain such special permit in accordance with the procedures and standards specified in this section.

B. Every applicant under subsection A of this section shall file with the planning board an application for an environmental design Site Plan Review. The application shall include the material listed in Section 17.24.030(D) and any material required by the rules of the planning board.

C. The plans shall be certified by the land surveyor doing the boundary survey and the professional engineer or architect as to the location of the building, setbacks and all other required dimensions, elevations and measurements; and, further, the plan(s) shall be signed under the penalties of perjury.

<sup>7</sup> The exact wording required for a zoning change to be considered by the Winthrop Town Council to be supplied by the Town.

<sup>8</sup> The exact wording required for a zoning change to be considered by the Winthrop Town Council to be supplied by the Town.

D. The planning board shall review the plans and model and may grant a special permit subject to the conditions and safeguards listed in this chapter. The planning board, for stated reasons, may deny approval of a special permit or may approve a special permit without a finding of hardship. The site plan shall be subject to the standards listed in Section 17.24.010(C) of this chapter, and the planning board shall make a determination that the project meets such standards.

E. Before granting a special permit, the planning board shall hold a public hearing, notice of which shall be given in a local newspaper once in each of two successive weeks, with the first publication to be not less than fourteen (14) days before the date of the hearing, and to owners of all property abutting the proposed development or land in the same ownership or contiguous ownership and to all property owners deemed by the planning board to be affected thereby. The planning board shall make its finding within ninety (90) days following the public hearing. If the planning board fails to issue its findings within ninety (90) days, the special permit shall be deemed approved and a special permit granted.

F. The planning board shall make copies of the site plan, the model, the application and any other supporting material immediately available to the town council, the board of health and the building inspector, and they shall have an opportunity to prepare written reports with recommendations to be submitted to the planning board before the public hearing. The failure of the town council or the board of health or the building inspector to submit written reports or to give an oral report at the public hearing shall not invalidate action by the planning board. A favorable decision by the planning board shall require the votes of at least four members of such planning board.

G. The planning board, by virtue of its designation as a special permit granting authority, shall follow all procedures and exercise all the rights of the board of appeals in granting special permits, or take any action relating thereto. *(Prior code § 145-37)*

***[Or take any action.....<sup>9</sup>***

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<sup>9</sup> The exact wording required for a zoning change to be considered by the Winthrop Town Council to be supplied by the Town.