



**Ashburnham Village Center Zoning District Study Committee Meeting
Wednesday, April 16, 2008, 7:00 PM
Light Department, 24 Williams Road**

**Members Present: Joseph Daigle, Jonathan Dennehy, Diane Hill, Joseph Kalagher, John MacMillan, Elizabeth McLaughlin, and David Perry. Members Absent: Jim Whidden.
Staff Present: Eric R. Smith, AICP, Town Planner (Clerk)**

I. Introduction: Call to Order

Meeting was called to order at 7:05p.m.

The first matter addressed was the issue of Stan Herriott serving on the Committee as a voting member. Committee members referenced Chapter IV, Section 1 of the Town's General Bylaws, which states, "No person shall be appointed to a committee or board who is not a registered voter of the Town and domiciled in the Town." Committee determined not a significant issue for this specific Committee, unless Stan would be a deciding vote on a matter.

II. Approval of March 4, 2008 and March 25, 2008 Meeting Minutes

The Town Planner handed out revised March 4, 2008 Meeting Minutes, noting the Minutes were revised per discussion at the March 25, 2008 meeting. Since there was no quorum present at the March 25th meeting to approve the March 4, 2008 Meeting Minutes, the matter was tabled until this evening. Joe Kalagher motioned to approved the revised March 4, 2008 Meeting Minutes, seconded by Diane Hill. Motion passed unanimously.

The March 25, 2008 Meeting Minutes were provided in the agenda packet. After review and discussion, Joe Kalagher motioned to approved the March 25, 2008 Meeting Minutes with change that Joe Kalagher did make Motion to adjourn the March 25th meeting. Motion passed by Vote 8 to 0.

III. Develop Appropriate Zoning Bylaw Amendments

A. Committee Exercise of Identifying Schedule of Uses (By Right, Special Permit or Site Plan Review

Stan Herriott began introduction of this process. Given that the Committee has been looking at a Commercial Core lots, Diane Hill discussed if the Schedule of Use Regulations exercise we are working on this evening should be focused on the identified Commercial Core lots. The Town Planner and Committee members agreed that the review of identifying Schedule of Uses for various uses that would begin tonight would be for the "Commercial Core" lots.

The Committee began with Section 3.21 (Public, Semi Public and Institutional). Attached to these minutes is a document entitled, "*Section 3.2 Schedule of Use Regulations – Proposed,*

Based on April 16, 2006 Village Center Zoning District Study Committee Meeting.” The document reflects Committee consensus on recommended uses in the Village Center – Commercial Core and if they should be permitted By-Right, Special Permit or Site Plan Review. The Committee reviewed the uses through Section 3.24(g). A summary of comments has been provided for the record.

Stan questioned allowing a cemetery within the Village Center (VC), per Section 3.21(l) of the Zoning Bylaw. The Committee agreed to recommend that cemeteries not be allowed in the VC.

Dave Perry asked Chairman if he could ask the Committee a question. Chairman said OK. Dave Perry asked since Building Inspector time is limited, only available to public one-hour a week (Monday from 6p.m. to 7p.m.), could the Zoning Enforcement Officer be the Town Planner? The Committee had some discussion on this matter, including legal and political issues that would have to be researched further. After the discussion went on for a while, John MacMillan asked the Chairman if the Committee could return to the Schedule of Uses exercise, as the present discussion is outside the jurisdiction of the VCZD Study Committee.

The Committee then discussed Section 3.22 Residence. Joe Kalagher noted for Section 3.22(b), have a number of existing homes in the VC core. Issue will be ensuring adequate parking spaces per unit.

Jonathan Dennehy discussed his concerns with enforcement issues associated with residential units. John MacMillan: SPR doesn't allow the right to say no, but are able to put conditions on the approval. Jonathan noted he was less worried with condo units than with rentals/apartments.

The Committee discussed Accessory Dwelling Units, also known as “ADUs”, which are allowed by Special Permit currently in the VC. Requirements are based on Section 5.16.3(a)1-9. ADU Special Permit Bylaw was passed at the May 2007 Town Meeting. Section 3.22(m) is for ADUs in existing housing units. Section 3.22(n) is for ADUs in detached structures, such as an apartment over a garage. John MacMillan read the requirements to the Committee members. The Town Planner would bring the square footage limits on size of ADUs at the next meeting.

Joe Kalagher discussed differences between Special Permit versus Site Plan Review approvals. Dave Perry noted his preference to have in the VC as many uses allowed by-right versus Special Permit approval process.

The Committee had lengthy discussion on Section 3.22(h), Renting of one(1) or two (2) rooms with or without furnishing of board by a resident family to not more than three (3) non-transient persons. Initial discussion was to allow such use with Site Plan Review. For residential units, Elizabeth McLaughlin and Diane Hill noted concerns to think about neighbors. Ultimately, consensus emerged that such uses should be allowed via Special Permit.

The next item that generated discussion was Section 3.22(j), which is “Customary Home Occupation...” The Committee requested the Town Planner to see about a definition of a “Customary Home Occupation.”

Committee members spent time reviewing provision of Section 3.22(k), which allows by-right in all zoning districts the following: “Accessory use, including storage of a recreation vehicle, trailer and boat on the premises.” Committee members discussed the idea of not allowing such vehicles/uses within the Village Center. Jonathan Dennehy noted difference between registered and non-registered vehicles. The latter are regulated under the Town's General Bylaws. The

Committee discussed possibly making this use prohibited only within the Village Center. Practical and enforcement issues associated with such a decision. Ultimately, the Committee recommended deleting Section 3.22(k) from the Zoning Bylaws altogether. The Committee members commented on the continued storage and parking of junk cars on Winchendon Road.

Section 3.23 Agriculture was discussed next. The Committee discussed limitation of restricting agricultural use. Joe Daigle reviewed State Zoning Act under M.G.L. Chapter 40A for agricultural exemption, which is Section 3. Any parcel over 5 acres is allowed to do agricultural use by-right. Ashburnham Zoning Bylaw currently allows agricultural uses within the Ashburnham Village Center Zoning District by-right under Section 3.23(a), crop-related farming and Section 3.23(b), animal-related farming, for parcels over 5 acres. For parcels under five acres, such uses are currently allowed via Special Permit. Consensus of the Committee was to not allow any such agriculture uses within the Village Center for parcels under 5 acres.

The Committee then went into review of Section 3.24, Business. Committee member consensus was to not allow Adult Entertainment Establishments, per Section 3.24(a)(1), within the Village Center. Adult Entertainment Establishment provisions are contained with Section 5.12 of the Zoning Bylaw. The whole Town is currently zoned for such Establishment, per the spacing requirements contained within Section 5.12. The Town Planner's opinion was that the Town could prohibit such uses within the V-C, given there would still be other locations in Town that such uses could be sited. He would check with Town Counsel. Section 5.12 would likely have to be revised as well.

Discussion was held regarding the existing Drive-in/Drive-up provisions within Section 3.24. Section 3.24(g), Drive-in or open-air restaurant or other establishment providing food and beverages with no live or mechanical entertainment. The Committee felt Drive-up restaurants were not appropriate within the VC. John MacMillan suggested Drive-up Banks be added as a separate use under Section 3.24(d), Bank or other financial institution.

Section 3.24(e) and Section 3.24(f) are restaurants, the difference that subsection (f) includes provision of live entertainment. Both are currently allowed by-right in the VC. The Committee felt that for restaurants with Live Entertainment there should be Special Permit review.

Jonathan suggested that the whole Drive-in restaurant section should be re-written.

The Committee also discussed push-cart businesses. Questioned if permitted via vendors license only, or under zoning as well? Talked about ensuring that open-air or outdoor seating would be allowed. Making sure the Village Center is pedestrian-friendly.

The Town Planner suggested the Committee review suggested uses within the Massachusetts Smart Growth Toolkit Model Village Center Bylaw to see any of the additional uses should be added under zoning to the Ashburnham Village Center.

IV. Scheduling of Future Meeting(s) and Village Center Site Visit(s)

The Committee and Town Planner discussed the decision to cancel last Saturday's scheduled Village Center Site Visit. The weather turned out to be beautiful after all! The weather report finally came out at 11:00pm on Friday night that revised the forecast for a "wash-out." The Committee decided to reschedule the Village Center Site Visit for 6:00p.m. on Tuesday, May 6, 2008. The group will meet at Town Hall. If it rains on May 6th, the Committee would hold a regular meeting at the Light Department.

V. Adjournment

Motion to adjourn was made by Dave Perry. Passed by a vote of 8 to 0. Meeting was adjourned at 8:55p.m.

Meeting minutes submitted by Eric R. Smith, AICP, Town Planner