

**Town Planner discussion on the Introduction and Background
to the Village Center Zoning District (VCZD) Study Committee.
Presented to the VCZD Study Committee @ the January 17, 2008 Meeting.**

Introduction to getting us here today

When I first began working as Ashburnham Town Planner in July 2005, I was excited to know that Ashburnham had taken a big step in creating the mixed-use Ashburnham Village Center Zoning District, passed by Town Meeting Voters in May 2004. As I read through various previous prepared Plans for the Town of Ashburnham, I discovered that the Town had a “Downtown Planning Study” prepared in June 1989 by the consulting firms, IEP, Inc. and TAMS Consultants, Inc. This 1989 Downtown Planning Study had the recommendation for the creation of the Ashburnham Village Center Zoning District.

In early 2006, when Scott Foster was looking to move his Foster Insurance business from the office at 33 Main Street to the old Harness Shop at 76-78 Main Street, the Town Planner discovered that Ashburnham Town Meeting Voters had implemented most of the suggestions outlined in the Downtown Planning Study, most of which seem to follow exactly as recommended, when the Town created the Village Center Zoning District. The Town did not, however, adopt the minimum lot area and frontage requirements, as specified by the 1989 Downtown Planning Study. The minimum lot size adopted by Town Meeting voters in 2004 was 25,000 square feet versus the 10,000 square feet recommended in the 1989 Downtown Plan. Minimum frontage adopted by Town Meeting was 125 feet versus the 50 feet recommended by the Plan.

The property at 76-78 Main Street contained two existing buildings: a single-family house and the second building often referred to as the old “Harness Shop.” In order to locate the Foster Insurance office to the Harness Shop, Mr. Foster subdivided the Harness Shop building on to a separate lot from the existing single-family building. However, since the two lots did not have the minimum lot area and frontage requirements (which they would have if the Town adopted the 1989 Downtown Planning Study minimum lot size and frontage recommendations), Mr. Foster had to apply for a Variance from the Zoning Board of Appeals. The Planning Board and the Town Planner believe Scott Foster’s project at 76-78 Main Street should be considered a model project for the Village Center, based on the how this project was completed.

It should be noted that a number of the lots in the Village Center are already under 10,000 square feet, thus the Town Planner believes there are not a vast number of additional lots that would be created by reducing the required lot area from 25,000 to 10,000 square feet and frontage from 125 feet to 50 feet. *The Town Planner will prepare an inventory of the existing Village Center lots for the next VCZD Study Committee meeting.* This issue was addressed in the 1989 Downtown Study Plan, which noted, *“The standards of the proposed Village (Center) District are more in keeping with the historic character of the Town center, where lots are smaller and narrower than is common in modern development patterns. This is evidenced by the fact that 35% of the lots in the existing Business district would be out of compliance with the Village district’s area and frontage requirements (based on 10,000 square feet lot area and 50 feet frontage) – a 58 per cent reduction in nonconforming lots. Thus, the proposed regulations will*

tend to encourage development that reinforces the character of the downtown, rather than encouraging development on a larger scale which could easily erode this character.”

The Planning Board had submitted an article for the May 2007 Town Meeting to have the Town adopt the minimum 10,000 square-foot lot size and 50-foot frontage requirements. As noted in the Explanation section of the Article, the Planning Board supported “the passage of this article in order to help streamline the process for business owners to develop or expand their businesses within the Village Center. In addition, *it would help move more of the existing lots towards conformity, again allowing for business expansion in a more streamlined fashion.* Such actions would be in keeping with two goals outlined in the Ashburnham FY '07 Community Development Strategy, approved by the Board of Selectmen in February 2007. These goals are: ‘Encourage businesses that are compatible with adjacent land uses and resource protection concerns.’ and ‘Expand tax base through controlled commercial development reflecting the character of the community and village centers.’”

The Article received opposition from the Chairman of the Focus Committee, Bob Fichtel. Among his concerns were that the article allowed for increased density (which the Town Planner believes was an overblown concern, given the existing lot patterns in the Village Center) without proper design controls (which the Town Planner believes Mr. Fichtel had some valid concerns that can be addressed through the Village Center Zoning District Study Process). Therefore, the Planning Board voted to pass over this Article at May 2007 Town Meeting for further study.

Meanwhile, in the Summer of 2007, when the Town Planner heard concerns from some members of the Focus Committee and Board of Selectmen of the fact that three (3) properties in a row (four if you consider the planned GFA project at 35 Main Street) came up for sale on Main Street (27 Main Street, 31 Main Street and 33 Main Street). With each parcel containing a historically significant structure, the Town Administrator had the Town Planner prepare a Moratorium Zoning Article that would have stopped new demolition or construction projects for a period of up to one year within the Village Center while the Village Center Zoning District (VCZD) Study Committee reviewed the existing zoning and built environment, reviewed Town and Village Center planning principles and came up with recommendations for appropriate changes to the VCZD. The Moratorium article failed but there was support to have the Committee created, thus why we are all here today!

Ashburnham not alone

The situation with having a mismatch of zoning requirements versus the existing built environment conditions is not unique to the Town of Ashburnham. It has been determined that most Post-World War II zoning requirements superimposed suburban style standards over the existing patterns of historical villages, downtowns and neighborhoods. One of my assignments in my first planning position out of College with the City of Grand Rapids, Michigan, was to analyze the existing built conditions and come up with new zoning requirements to fit the existing conditions of a struggling older neighborhood commercial area called “the Wealthy Street Business Zone.”

My research at that time indicated that the City of Roanoke, Virginia uncovered some similar issues/problems that I see with the existing Ashburnham Village Center minimum lot size and

frontage zoning requirements: *“Minimum lot-size provisions larger than actual lot sizes in historic neighborhoods created nonconforming, vacant lots, too small to be developed without applying for a zoning variance.”* Thus, *“Commercial zoning categories were changed to enhance conservation of historic and architecturally interesting neighborhoods (Roanoke ultimately developed a CN – Neighborhood Commercial District).”*

When I was hired to work as the Land Use Planner with the Town of Nantucket/Nantucket Planning & Economic Development Commission, the Town was undergoing a Comprehensive Planning process. An analysis of the historic Downtown Nantucket indicated that all of the Downtown was nonconforming under the existing zoning standards and that if another Great Fire of 1846 struck Downtown Nantucket, they would not have been able to have it rebuilt without blanket variances for each affected property. Ultimately the Master Plan was completed in 2001 with zoning recommendations for Downtown. Recent conversations with the Nantucket Planning Director, indicate that within the past couple years, the Town was able to pass zoning requirements that are more in keeping with the traditional development patterns of Downtown Nantucket.

Sandwich Village Center in Cape Cod has been undergoing a similar process, as the existing zoning requirements would not allow historic Sandwich Village to be rebuilt. However, to date Sandwich Town Meeting Voters have not approved any revised zoning requirements for their Village Center.

Other Internet research uncovered a report from the City of Madison, Wisconsin (“Final Report of the R2 Zoning Code Advisory Committee”) that the City of Madison, along with other cities, (especially those with heavy case loads of their Zoning Board of Appeals) realized “that their zoning codes bear little relation to the existing built environment...”

One of the handouts I have provided includes excerpts from “The Small Town Planning Handbook” focusing on Town Center Planning and Design. I direct the Committee members to read these few pages and take to heart the comment that **“Perhaps the best advice in drafting zoning, subdivision, and design ordinances is that they should enable the existing town to be built. In this way, the historic pattern of the town will be protected and encouraged to continue as the town expands.”**

Other issues for consideration #1: non-conforming residential uses.

The only residential uses that are legally allowed under existing Village Center Zoning are: Single-family detached dwellings (3.22a), Conversion of existing single-family dwellings to two-family structure (3.22b), Renting of one (1) or two (2) rooms...to not more than three (3) non-transient persons (3.22h), Assisted Elderly and Supportive Housing (3.22i) and, as of May 2007, Accessory Dwelling Units (3.22m and n), all of which are allowed only by Special Permit. Meanwhile there are a number of existing single-family and apartment units currently existing in the Village Center Zoning District. Given the existing zoning requirements, all apartment uses are non-conforming uses (35 Main Street has six units soon to be demolished to make way for the new GFA Federal Credit Union). Such non-conforming conditions can make it difficult for property owners to remodel/renovate such units (The Building Inspector, as the Zoning Enforcement Officer, would have to determine what zoning relief would be required.).

Richard Wright even suggested relocating the apartments at 35 Main Street to his Ames Avenue lot (or even just build a new duplex unit). Both his suggestions are prohibited under current zoning.

Such apartments units are generally among the type of units recommended to be located in Village Centers. As noted in the February 2006 edition of APA's *Zoning Practice* entitled "*Market Analysis: A Zoning Necessity*": "*In recent years, three national demographic trends made significant impacts on housing markets. Collectively the trends suggest that demand for a single-family detached house that has dominated residential markets for decades may decrease relative to multifamily and single-family attached products.*" *The three trends are: 1) the aging of America; 2) decrease in household size, and c) enter the boom echo generation.*" *A full Copy of this Zoning Practice edition will be made available to Committee members before the meeting to discuss "Reviewing existing market conditions."* The Committee should note in the Massachusetts Smart Growth Toolkit Village Center Overlay District Model Bylaw, which was provided for your review, apartments and condo units located above commercial uses are allowed by-right. The Committee should also be aware that Towns that have such zoning in appropriate areas of Town (such as a Village Center) get points on their Commonwealth Capital Application Score, which increases the Town's ranking on various State grant application programs.

The Committee may want to review the 2006 Ashburnham Affordable Housing Plan and the 2007 Ashburnham Resident Housing Survey, to understand that there are needs for smaller housing units. The Village Center is close to a number of Town services and provides a great place especially for senior/elderly residents to live and be located within walking distance of these Town services and other retail and commercial services (Ashburnham Market Place and the Athol Savings Bank, for example.). Also there is a large house at 6 Lawrence Street that has been for sale for quite some time. That house seems like a great candidate to be split up into condominium units. Such units would provide first-time homebuyers and empty nesters the opportunity to own property in Ashburnham Village Center, but can't afford a single-family house, or are at the stage of their life where they don't want to maintain a single-family house. Having more residents reside in the Village Center can help provide more support to local businesses.

Other issues for consideration #2: Prohibition of more than one principle building on a lot

Current Ashburnham Zoning does not allow two principle buildings on one lot (See Section 1.22 of the Ashburnham Zoning Bylaw). This issue came up during the review of the proposed GFA at 35 Main Street, as at 35 Main Street there is both the apartment house in front and the Spartan Video Store in the back. Fortunately, the ZBA was able to issue a Finding under Section 1.42 to allow GFA and the Spartan Video Store to continue as two principle buildings on the 35 Main Street lot.

As noted in my November 8, 2007 Memo to the ZBA members regarding the GFA Variance request, "In the Village Center Zoning District, the Town may want to consider amending the Zoning Bylaw to allow more than one principle building on a lot. Current zoning allowance of just one principle building could encourage the construction of large structures, which may be

out of character with the existing built environment of the Village Center. Allowing more than one principle building on the Village Center lots would provide the opportunity to still allow all of the allowable building square footage, per the zoning district lot coverage, but break up the building mass and creating a more Village-type of setting. The Building Inspector noted that Hollis, NH zoning allows one more principle building in such cases and the Town Planner is familiar with Mashpee Commons, which is a mixed-use traditional New England style development that contains more than one principle building on each lot, in order to avoid a big-box style of development.”