

AIRPORT ZONING DISTRICT PHASE 2 REPORT TEMPLETON, MASSACHUSETTS



Prepared by:



**Montachusett Regional Planning Commission
and
William Scanlan**

November 30, 2011

**Assistance Provided under Montachusett Regional Planning Commission's
District Local Technical Assistance Program (DLTA) with
Funding Provided by the Commonwealth of Massachusetts**

TABLE OF CONTENTS

| | |
|--|---|
| Introduction..... | 1 |
| Summary of the Airport District Amendment..... | 2 |
| Proposed Light Industrial District | 3 |
| Conclusion..... | 4 |

LIST OF MAPS

| | |
|--|----|
| Map of the Airport District | 8 |
| Proposed Light Industrial District | 24 |
| Land Use Map..... | 25 |
| Environmental Constraints Map..... | 26 |

SUPPORTING DOCUMENTS

| | |
|---|----|
| Airport District, Adopted November, 2011 | 5 |
| Letter of Submittal to the Massachusetts Aeronautics Division..... | 9 |
| Report to Town Meeting of the Airport District Zoning Bylaw, November 7, 2011 | 11 |
| Article in the Gardner News Prior to Town Meeting..... | 12 |
| Comment Letter from the City of Gardner | 14 |
| Response from the Templeton Planning Board to the Gardner Planning Board | 16 |
| Mass. Aeronautics Division Marked-Up Review and Comment Letter..... | 18 |
| Proposed Light Industrial District | 21 |

CREDITS

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William Scanlan, Principal Author
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John Hume, MRPC, Planning and Development Director
Glenn Eaton, MRPC, Executive Director

Introduction

This Report documents the second phase of a project to develop land use controls for the Gardner Municipal Airport, which is located wholly in Templeton, Massachusetts. The first phase examined the long-range Master Plan for the Airport and considered the range of alternatives available to communities for regulating various aspects of airport operations. Given current conditions and planned improvements, the Planning Board and Gardner Airport Commission agreed that the most appropriate course of action was to create a new Airport District as part of Templeton's Zoning Bylaw. Such an approach provides the Town with adequate oversight of future expansions, and it insures that the Airport can expand without undue restrictions from the Town. The project culminated with the adoption by Town Meeting of the proposed Airport District and Map in November, 2011.

At the close of the first phase, the Planning Board had accepted a draft Airport District amendment and agreed that the district extent would coincide with the land owned by the City of Gardner for airport purposes. The intent of Phase 2 was to seek adoption of the district by Town Meeting. MRPC agreed to again support the project using its District Local Technical Assistance (DLTA) Program funds. MRPC subcontracted with the Phase 1 planning consultant, William Scanlan, to work with the Board on implementation of the proposed zoning article.

The Consultant and Board reviewed the efforts of the previous phase and agreed to proceed with an outreach effort to gain the support of local residents and Town Meeting voters. The Consultant attended the Planning Board's public hearing, which extended over three separate sessions. The Board wished to provide ample opportunity for citizens to express their points of view, and for the Board to be able to make changes to the text to incorporate valid concerns. Numerous residents attended the hearing to learn about the bylaw and to engage in a dialogue with the Board.

In addition, two important outside reviews occurred during the hearing process that resulted in significant changes to the text. The City of Gardner Planning Board sent a thoughtful letter to the Templeton Planning Board asking for consideration of five points important to the City. The Templeton Planning Board carefully reviewed the letter and decided to revise the Bylaw to accommodate many of the suggestions listed in the letter. A copy of the Gardner letter and Templeton's response is included in this Report. Making these changes demonstrated the willingness of the two communities to work cooperatively to address different perspectives of the same issue.

Secondly, under MGL c. 93 §39B, the Aeronautics Division of the Mass. Department of Transportation has the authority to review any local regulation that affects airport operations in Massachusetts. The Consultant forwarded a copy of the draft zoning amendment to the Division in advance of the public hearing to comply with this requirement. The authority of the Division in this area is broad, and no community may adopt a regulation that does not meet with the approval of the Division. Templeton received a "marked-up" version of the draft with many changes. The Board reviewed and accepted these changes. Fortunately, the underlying thrust of the bylaw remained intact. The changes helped to clarify the extent of the permissible regulation communities may enact under their

zoning power, and the review eliminated some internal inconsistencies that could have posed difficulty with interpretation by local officials. In sum, the Board recognized the validity of the Division's concerns. After adoption of the article by Town Meeting, the Town Planner sent the Division a copy of the text and map with an official certification by the Town Clerk of the Town Meeting action. Final approvals by the Division and the Attorney General were pending at the report deadline.

Summary of the Airport District Amendment

When Templeton adopted a comprehensive zoning scheme, it zoned the area encompassing the Airport as a Residential – Agricultural 2 (R-A 2) district. No mention of airports as a permitted use in the district occurs in the Bylaw. As a result, the Gardner Municipal Airport is a legal, non-conforming use; since it was in existence at the time of adoption, it may continue in operation even though new airports are excluded. A community may not use its zoning power to compel the removal of a perceived undesirable use in a particular location.

Communities have the authority to regulate expansions or alterations of non-conforming uses, event to the point of not allowing any expansion. The Templeton Zoning Bylaw takes a common sense approach and requires a special permit from the Board of Appeals. The Board may approve an expansion, alteration or change "...if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood" (§ 5.2.2). Under most circumstances, such authority would be sufficient to provide Templeton with oversight of changes at the Airport. However, communities may not adopt a special permit requirement to regulate airport activities. A special permit contains the authority to deny a proposed use, but communities do not have the authority to deny an airport use. Where a conflict exists with state or federal law, a local bylaw will not stand. The Federal Aviation Administration and the Mass. Aeronautics Division have complete authority over such matters. Airports are vital national interests, and giving municipalities the ability to block necessary improvements would create a great upheaval in the nation's air transportation system. Rather for major airports, detailed studies of expansion plans and extensive local review procedures insure that community concerns receive proper attention and mitigation.

The Airport District allows for airport improvements and expansions after site plan approval by the Planning Board. Site plan review is a strong tool for overseeing development. The Town's existing site plan provisions require submission of relevant plans and documents to provide the Board with detailed information to understand the impacts of a project on the neighborhood and Town. The Board can condition its approval to require features that will protect the environment and lessen impacts on near-by homes. Site plan review, however, does not contain authority to deny a proposed use. This assures airport officials that the proposed project will receive approval and may proceed. The intent is to create a process for reviewing and approving expansion plans that will benefit both the Town and the Airport. At the request of the City of Gardner, municipal facilities are also permitted by site plan review. The Airport is an important asset for the City, and it may choose to locate non-essential operations there for reasons of economy or efficiency.

In addition, the bylaw allows a variety of general commercial and industrial uses by special permit. Both the Airport Commission and the Planning Board believe the Airport could be a catalyst for economic development. Since the property contains a large amount of land in single ownership, non-airport related uses may locate here either to take advantage of the airport's flight resources or simply to have a convenient location to serve customers in North Central Massachusetts. The community will benefit from job creation and tax revenue, while the airport may lease property to support its operations financially. Here, since the uses are not essential to airport operations, a special permit procedure is appropriate and will provide the Planning Board with a stronger ability to limit potential negative impacts.

The Airport hosts a number of special events throughout the year for air enthusiasts. The bylaw does not interfere with such activities but does require notification to the Templeton Police and Fire Chiefs at least 15 days prior to the event. This simple notification process affords the public safety officials with adequate time to take proper precautions to protect the interests of the community.

Proposed Light Industrial District

Consistent with the opinion that the Airport and surrounding vicinity are suitable for non-residential development, the Consultant proposed a new Light Industrial district for southeast Templeton. MRPC staff prepared parcel, land use, and environmental maps of the area as an aid to determining possible boundaries of the new district. The information proved quite useful in delineating a potential district. The proposed district and maps are included near the end of this report. The Planning Board supports the re-zoning concept for this area but did not wish to detract from the effort of adopting the Airport District. Promoting the concept and reaching out to the public for input remains a future action item for the Board.

The Templeton Zoning Bylaw lists uses permitted by right and by special permit for each district separately, and the draft follows this format. Because the area lacks access to municipal water and sewer services, it is unlikely to develop intensively. Rather, the Board envisions a small-scale development pattern with uses such as assembly, business and professional offices, amusement businesses, auto and truck repair shops, distribution facilities, and perhaps some advanced research and development activities.

Dimensional requirements are the same as the Commercial – Industrial A and B districts. Lots must have a minimum area of one acre and 150 feet of frontage. These are quite reasonable and are consistent with the intent of the district to promote small-scale economic development with minimal impact on adjacent neighborhoods. In drafting the district boundaries, the Board was careful to leave existing zoning in place for residential neighborhoods. The district extends southerly of Route 2 and state owned land, easterly to the town line with Gardner, and southerly along Turner Lane and Pail Factory Road. The district abuts the newly adopted Airport District on its eastern border. The environmental map reveals the presence of wetlands, perennial streams, and ground water resources. With proper care, the intended low intensity uses should not degrade environmental quality in the area.

Conclusion

The two-year effort ultimately resulted in the successful adoption of the Airport District. Credit belongs to the persistent efforts of the Planning Board to see the project through to completion, and to the MRPC for its financial and technical support of the project. The DLTA program approved by the State Legislature provides Regional Planning Commissions with the resources to undertake vital planning activities such as this. Adoption of the District should alleviate tension between neighborhood residents and the Airport. A process is now in place that provides a legitimate role for local officials to oversee development at the Airport. The Airport Commission now has assurance that it will be able to proceed with its expansion plans by agreeing to reasonable conditions of the Planning Board during the site plan review process. In addition, both communities may benefit from future economic development. The new district now recognizes the Airport as a potential lever for job creation in a part of the community that is suitable for such growth.

The Phase 1 Report contains additional background information on the project and the rationale for selecting a zoning approach in this instance. The remaining portion of this report contains copies of the Airport District and Light Industrial District bylaws as well as other maps and documents that influenced the final outcome of the project.

The Consultant would like to express his appreciation to the Town Planner, Chantell Fleck, the Templeton Planning Board, Renée Marion, MRPC GIS Analyst, and John Hume, MRPC Planning and Development Director, for their invaluable contributions to the project.

Airport District, Adopted November, 2011

3.8 Airport District

3.8.1 Purpose

Templeton is the host community of the Gardner Municipal Airport ("Airport"). The Airport serves the aviation needs of the surrounding region and is an important asset to the overall economic prosperity of north-central Massachusetts. The purposes of the Airport District are:

1. To provide for future development of the Airport so that it may better serve the aviation needs of the region.
2. To protect the health, safety, and welfare of the Town of Templeton, while fostering a strong relationship between the Airport and the Town and minimizing adverse impacts on natural resources and residential neighborhoods.
3. To promote the economic development of Templeton by encouraging non-airport uses that are compatible with the safe operation of the Airport.

3.8.2 Extent of the District

The Airport District is shown on the Templeton Zoning Map and encompasses the area owned by the City of Gardner and designated as the Gardner Municipal Airport.

3.8.3 Site Plan Review Uses in the Airport District

The following uses are allowed by right. A change in use may be subject to site plan approval by the Planning Board pursuant to Section 8.4 of the Zoning Bylaw. Approval by said Planning Board shall not be unreasonably withheld or denied.

1. Uses required for airport operations, management, safety, and support services. All uses that are normally associated with air transportation facilities, including but not limited to: runways, taxiways, terminals, hangars, airport administration offices, equipment garages, tie-downs, aviation fuel storage, control towers, navigational aids, weather data collection devices, and other uses and structures necessary for the day-to-day operation, management, and, safety of an airport.
2. Establishments providing aircraft related services such as engine repair, bodywork, aircraft design, sales of aircraft, and aircraft related equipment and services.
3. Establishments providing services customarily associated with air transportation such as travel agencies, auto rentals, and taxi stands.
4. Recreational services dependent upon air transportation, such as skydiving, airplane rides, glider flights, ultralight aircraft flights, hot air ballooning, etc.
5. Establishments for the training of pilots, navigators, air traffic controllers, mechanics, and other air transportation related crafts, trades, and professions.

6. Changes to parking areas, taxiways, runways, and other paved surfaces, except to the extent said changes are required for the safe operation of the Airport.
7. Essential Services as defined in Section 2.0 of the Zoning Bylaw.
8. Municipal Facilities as defined in Section 2.0 of the Zoning Bylaw. A change of one municipal facility to another shall require a new site plan approval of the Planning Board.

3.8.4 Special Permit Uses in the Airport District

The Town recognizes the following uses may have unwanted effects on surrounding properties, abutting neighborhoods and the overall safe operation of the Airport. For these reasons the uses listed below are allowed by Special Permit of the Planning Board. All requirements of Section 8.3 of the Zoning Bylaw shall apply.

1. Outdoor storage facilities
2. Hotel, motel, or inn
3. Light manufacturing operations
4. Business and professional offices
5. Research and Development laboratories
6. Airfreight handlers, distribution centers, and warehousing
7. Non-profit clubs and lodges
8. Commercial kennels
9. Motor vehicle repair and service garages
10. Indoor commercial recreation or fitness facilities
11. Solar energy facilities
12. Restaurant and Restaurant Fast-Food, but drive-up customer service facilities are prohibited

3.8.5 Gardner Airport Commission Approval

Where the Gardner Airport Commission is not the applicant, each application to the Planning Board for a special permit or site plan approval shall contain a letter from the Commission stating its approval or opposition of the proposed use and its reasons therefor.

3.8.6 Dimensional Regulations

1. Lot Requirements: Aviation-related uses proposed by the Gardner Airport Commission on Airport property need not comply with specific dimensional standards but may be to subject to reasonable regulation of the Planning Board relating to bulk, setbacks, landscaping, screening, construction materials, lighting, parking and loading, signs, aesthetics, and other measures to protect the environment and preserve neighborhood quality of life. Uses proposed by other entities on sites leased by the Commission or on parcels sold for development shall occur on lots that conform to the minimum lot area, width, buffer, and setback requirements of the Commercial-Industrial A (C-I-A) district.
2. Height Limits: Buildings shall not exceed one story in height unless the Planning Board grants a special permit for a greater height with full consideration for air traffic safety.

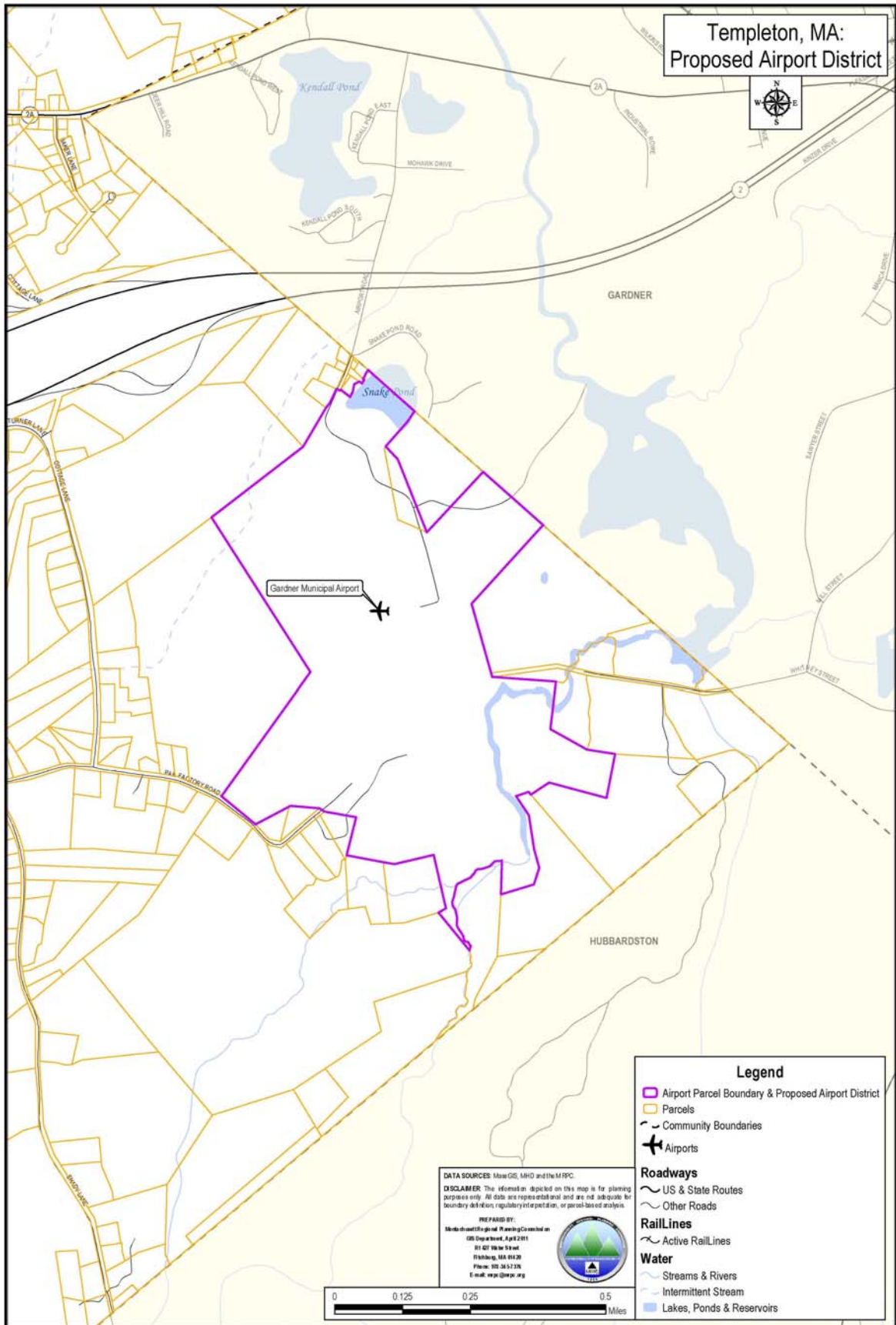
Structures necessary for or incidental to airport operations may exceed height limits and shall comply with statutory and regulatory requirements of the Federal Aviation Administration and the Aeronautics Division of the Massachusetts Department of Transportation.

3.8.7 Special Events

The Gardner Airport Commission may hold special events, such as model airplane rallies, automobile exhibits, trade shows, etc. without obtaining site plan approval. If the event will include temporary structures, the sponsor shall comply with the requirements of the State Building Code. The sponsor shall notify the Police Chief and Fire Chief at least fifteen (15) business days in advance of the event. The Chiefs may set reasonable requirements that are necessary for public safety and traffic control.

3.8.8 Application

To the extent any provision or application of section 8.4 restricts the Gardner Airport Commission's custody, care, and management responsibility over the Airport or conflicts with state and/or federal statutory, regulatory, or grant assurance obligations required by the Federal Aviation Administration or the Aeronautics Division of the Massachusetts Department of Transportation, said provision or application shall not apply.



Letter of Submittal to the Massachusetts Aeronautics Division



Templeton Planning Board
690 Patriots Rd., P.O. Box 250
Templeton, MA 01468
Tel# 978-939-5530 Fax#978-939-8814
e-mail: planning@templeton1.org

November 14, 2011

Christopher Willenborg
Aeronautics Division Administrator
MassDOT, Aeronautics Division
Logan Office Center
One Harborside Drive, Suite 205N
East Boston, MA 02128-2909

Dear Mr. Willenborg:

At the Special Town Meeting held on November 7, 2011, Templeton adopted the proposed Airport District Zoning Bylaw and amended the Zoning Map in the vicinity of the Gardner Municipal Airport. I have attached a copy of the bylaw and map with certification of the votes by the Town Clerk.

Under MGL c. 90 §39B, any bylaw or regulation relative to the use and operation of aircraft on an airport will not take effect until submitted to and approved by the Aeronautics Division. Accordingly, I am submitting the zoning bylaw and map amendments to you for the Division's approval.

Mr. Charles Rennick, Esq. of your office reviewed and commented on a previous draft of the article. We incorporated all of your suggested revisions at that time.

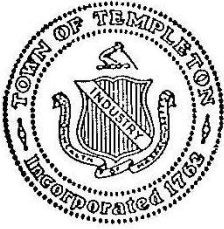
We will also send a copy of the bylaw and map to the Attorney General for her approval.

Please contact me if you have any questions or comments.

Sincerely,

Chantell Fleck, Town Planner

cc: Lisa Mead, Town Counsel
William Scanlan, MRPC Planning Consultant



TOWN OF TEMPLETON

TOWN CLERK

CAROL A. HARRIS

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BALDWINVILLE, MA 01436

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To Whom It May Concern:

I, Carol A. Harris, Town Clerk of Templeton, hereby certify that at the Special Town Meeting held on November 7, 2011, in the Town of Templeton, the Town voted the following:

Article 14 On a motion duly made and seconded the Town voted to amend the Town of Templeton Zoning Bylaws by adding the following new section entitled, Section 3.8 Airport Districts.

PROPOSED AIRPORT DISTRICT

3.8 Airport District

3.8.1 Purpose

Templeton is the host community of the Gardner Municipal Airport ("Airport"). The Airport serves the aviation needs of the surrounding region and is an important asset to the overall economic prosperity of north-central Massachusetts. The purposes of the Airport District are:

1. To provide for future development of the Airport so that it may better serve the aviation needs of the region.
2. To protect the health, safety, and welfare of the Town of Templeton, while fostering a strong relationship between the Airport and the Town and minimizing adverse impacts on natural resources and residential neighborhoods.
3. To promote the economic development of Templeton by encouraging non-airport uses that are compatible with the safe operation of the Airport.

3.8.2 Extent of the District

The Airport District is shown on the Templeton Zoning Map and encompasses the area owned by the City of Gardner and designated as the Gardner Municipal Airport.

3.8.3 Site Plan Review Uses in the Airport District

Report to Town Meeting of the Airport District Zoning Bylaw, November 7, 2011

History

When Templeton adopted zoning, little thought was given to regulating the Gardner Municipal Airport. The Airport is in a residential district (R-A-2), which does not allow airports. As a result, the Airport is a non-conforming use and the Town does not have authority to oversee activities there at the present time. Since the Airport was in existence when the Town adopted zoning, it may remain and continue to operate.

A recent expansion at the Airport occurred without any Town review. Because of the potential impacts of future expansion, the Planning Board asked the Montachusett Regional Planning Commission for assistance in drafting a zoning bylaw that would provide the Town with an oversight role in future expansions.

Intent

The overall intent of the district is to strike a balance between the Airport and the Town. The Town does not have the authority to deny airport expansion, but it can review proposed projects. The Bylaw will provide reasonable regulation of airport operations and will allow the Airport to serve its important functions to North Central Massachusetts. Both the Airport and Town should benefit.

Approach

The Zoning Bylaw creates a new Airport District with a set of land use controls to provide the Planning Board with authority to review expansion plans. The only land in the new district is owned by the City of Gardner. No privately owned land will be re-zoned. The surrounding property will remain in the R-A-2 district.

Development Regulations

Any change or modification to the Airport will be subject to Site Plan Review by the Planning Board. Site Plan Review is a strong tool that will give the Board authority to review a proposed expansion and to mitigate any adverse effects on the Town, the neighborhood or the environment. State and federal law prohibits local government from denying airport uses, but Site Plan Review will insure work takes place in a way that minimizes impacts on the Town.

In addition, the Planning Board believes that the Airport could be a catalyst for private economic development. The Bylaw will permit uses such as light manufacturing, business offices, restaurants, and solar energy facilities. The Bylaw will require applicants to obtain a special permit from the Planning Board for these uses. In extreme cases, the Board may deny the special permit if the proposed use would have detrimental impacts. In most cases, however, the Board can write conditions that will allow the project to go forward.

Special Events

The Airport hosts a variety of public events throughout the year. The Police and Fire Chiefs asked that the Bylaw contain a provision to require notification to their departments of special events at least 15 days in advance. This will allow the Departments to take any measures to protect the public health and safety and to control traffic.

Article in the Gardner News Prior to Town Meeting

Proposed Templeton zoning amendment would provide greater oversight of Gardner airport Plan would create permitting process, event notification rule

By Mark Haranas - Reporter

Published On Wednesday, November 02, 2011

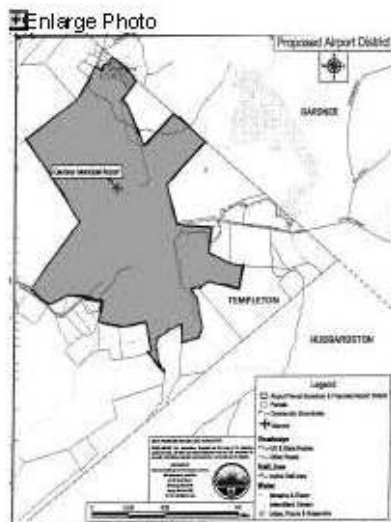


Photo By Photo Submitted

A map shows the outline of the Gardner Municipal Airport, which lies within Templeton near the Gardner line. TEMPLETON — Voters at the Nov. 7 Special Town Meeting will act on the Planning Board's request to implement new zoning for the Gardner Municipal Airport, with the proposal designed to allow greater oversight of projects at the location.

"At this point, the airport is not zoned to be an airport. It's zoned as residential," said Town Planner Chantell Fleck. "If things do happen at the airport in the future, there should be some type of review of what's going on so we could give it a site plan review or a special permit."

The proposal indicates that some facilities and uses may have an unwanted impact on surrounding properties, abutting neighborhoods and the overall safe operation of the airport, and would therefore require a special permit in several instances. Those include hotels, motels, business or professional offices, nonprofit clubs and lodges, commercial kennels, solar energy facilities, light manufacturing operations, distribution centers, service garages and outdoor storage facilities.

Facilities and uses that would be subject to a site plan review include runways, taxi-ways, hangars, equipment garages, aviation fuel storage and control towers. Establishments providing aircraft related-services — such as engine repair, the sale of aircraft, auto rentals, training for pilots and air traffic controllers, travel agencies and taxi stands — would also need a site plan review.

"A site plan review can (set conditions), but can't deny (a project)," said Ms. Fleck. "With a special permit you can deny — that's the primary difference between the regulatory measures."

Ms. Fleck described the zoning proposal as "precautionary," and said it represents an effort by the planning board to create a review process for an area that had previously been overlooked.

"Having some type of regulatory measure to be able to have people come in and have a say on what's being built or what type of business is going there is a good idea," she said.

The board's proposal would also require the town's police and fire chiefs to be notified at least 15 business day in advance of some special events at the airport. Those include model airplane rallies, automobile exhibits and trade shows.

"The airport is known for special events, and the town's fine with that," said Ms. Fleck. "The police and fire chief asked (for the requirement) because they just wanted appropriate notification so they can have sufficient staff ready for the event."

The airport zoning article was originally scheduled to appear on the May Annual Town Meeting warrant, but was tabled after revisions came back from the aviation branch of the state Department of Transportation.

mharanas@thegardnernews.com

Comment Letter from the City of Gardner

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



April 4, 2011

Gerald White, Chairman
Templeton Planning Board
690 Patriots Road
PO Box 250
Templeton, MA 01468

Re: Proposed Zoning Change - Airport District Zoning Bylaw

Dear Chairman White:

The Gardner Planning Board received the PUBLIC HEARING NOTICE on March 24, 2011, regarding the subject proposed zoning change. I offer the following comments on behalf of the Gardner Planning Board in response to that notice:

- The proposed amendment limits uses allowed by Special Permit to a specific listing of such uses. This approach means that any use not on the list is prohibited. This approach is too restrictive: Why allow a hotel; motel or inn, and a non-profit club or lodge but prohibit a restaurant? Why permit a motor vehicle repair and service garage but prohibit a convenience store? I suggest that allowing by Special Permit all non-residential uses presently allowed in Templeton's Commercial and Industrial Districts in the Airport District is a better approach.
- The proposed amendment mentions emergency medical flight services. Why restrict non-emergency flight services and flight services for the general public?
- The proposed amendment allows by right services related to aircraft such as engine repair and body work but requires a special Permit for aircraft restoration. Why draw a distinction between engine repair, body work and restoration? How does the Building Inspector determine the difference?
- The proposed amendment allows solar energy facilities by Special Permit but would appear to prohibit any other public utility. I suggest public utility uses should be allowed by right.

City Hall Annex, 115 Pleasant Street, Room 201, Gardner, Massachusetts 01440
Telephone: (978) 630-4011 ♦ Facsimile: (978) 632-1905 ♦ CDBG (978) 632-3800

- The proposed bylaw prohibits all municipal uses not associated with airport operations and related support services. The City of Gardner requests provision for the by-right uses associated with all municipal uses. For example, the City may want to construct a garage and storage facility to accommodate civil defense and back-up emergency service vehicles and equipment.

In general, the proposed amendment fails to provide for future development of the airport and promoting economic development because the limited list of by right uses and uses allowed by Special Permit is needlessly over restrictive.

Thank you for the opportunity to comment on the proposed zoning change. Please contact me if you have any questions or want additional input.

Sincerely

Robert Hubbard Director

C: Alan Gross, Chairman, Gardner Planning Board
Ken Bonk, Chairman, Gardner Airport Commission

Response from the Templeton Planning Board to the Gardner Planning Board



Templeton Planning Board
690 Patriots Rd., P.O. Box 250
Templeton, MA 01468
Tel# 978-939-5530 Fax#978-939-8814
e-mail: planning@templeton1.org

June 28, 2011

Alan Gross, Chairman
Planning Board
City Hall Annex
115 Pleasant Street, Room 201
Gardner, MA 01440

Dear Chairman Gross:

The Templeton Planning Board wishes to thank you for your thoughtful comments on our proposed Airport District zoning amendment. It is the Board's intent to present a balanced approach to Town Meeting, one that protects the nearby residences from potential impacts of the Airport while offering the opportunity for the Airport to meet the general aviation needs of north-central Massachusetts. Since the Airport is owned by the City of Gardner but operates in Templeton, we understand your interest in the matter and we wished to inform you directly of our response to your concerns.

The letter of April 4, 2011, submitted by Robert Hubbard, Director of the Department of Community Development and Planning on your behalf, contained five bullets that listed specific suggestions from Gardner's perspective to improve the text of the bylaw.

1. The first bullet suggests expanding the range of commercial and industrial uses allowed by special permit to include general retail and trade uses, specifically mentioning a restaurant and convenience store, or in the alternative, allowing all uses listed in our Commercial-Industrial districts.

Because of the Airport's remote location, difficult access, and proximity to residential neighborhoods, our Board believes this location is not suitable for retail and commercial uses that would attract the general public and generate a large volume of traffic. We agree with your Board that the Airport could have economic benefits and have selected specific uses that could occur there without negatively impacting the neighborhood. Thus, we do not feel this area is suitable for a convenience store, but have reconsidered our position on restaurants and revised the draft to allow this use by special permit in the district.

2. The second bullet questions the rationale for allowing emergency medical flight services but restricting flight services for the general public.

Under MGL c. 93 §39B, the Aeronautics Division of the Mass. Department of Transportation has the authority to review any local regulation that affects airport operations in Massachusetts. In its review of our draft, MassDOT removed emergency medical flight services from the list of uses allowed by right since such services would be allowed as a use normally associated with air transportation facilities. Moreover, we believe the draft does not restrict flight services for the general public. New air-related facilities and changes of use require site plan review, but Planning Board approval may not be unreasonably withheld or denied. We merely wish to insure such uses occur with as few impacts as possible.

3. The third bullet questions the distinction between allowing airplane engine repair and body work but requiring a special permit for aircraft restoration.

The Board agrees with this comment. The draft no longer requires a special permit for aircraft restoration; all such uses will be allowed as a by-right use with site plan approval.

4. The fourth bullet suggests that all public utilities should be allowed by right.

The Board agrees with this comment. We revised the draft to include “Essential Services¹”, as that term is defined in the Templeton Zoning Bylaw, as a by-right use with site plan approval. As shown in the footnote below, the term encompasses a wide variety of utility uses.

5. The fifth bullet seeks to allow municipal uses of the City of Gardner by-right.

We recognize that the City may have a need to move certain municipal functions to the Airport and have therefore agreed to allow “Municipal Facilities²”, as that term is defined in the Templeton Zoning Bylaw, as a by-right use with site plan approval. A change from one municipal use to another will require a new site plan approval to address any new impacts from the change.

In sum, we have revised the proposed amendment to take into account many of your suggestions. We intend to seek adoption of the zoning amendment at a fall Town Meeting. We look forward to working with your Board on other mutually beneficial projects in the future.

Sincerely

Gerald White
Chairman

¹ Essential Services: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead, but not including wireless communications facilities (towers). Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

² Municipal Facilities: Facilities owned or operated by cities or towns created under the appropriate statute of the Commonwealth of Massachusetts. Examples include the Town of Templeton and the City of Gardner.

Mass. Aeronautics Division Marked-Up Review and Comment Letter

Proposed Airport District

3.8 Airport District

3.8.1 Purpose

Templeton is the host community of the Gardner Municipal Airport (“Airport”). The Airport serves the aviation needs of the surrounding region and is an important asset to the overall economic prosperity of north-central Massachusetts. The purposes of the Airport District are:

1. To provide for future development of the Airport so that it may better serve the aviation needs of the region.
2. To protect the health, safety, and welfare of the Town of Templeton, while fostering a strong relationship between the Airport and the Town and minimizing adverse impacts on natural resources and residential neighborhoods.
3. To promote the economic development of Templeton by encouraging non-airport uses that are compatible with the safe operation of the Airport.

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3.8.2 Extent of the District

The Airport District is shown on the Templeton Zoning Map and encompasses the area owned by the City of Gardner and designated as the Gardner Municipal Airport.

3.8.3 Site Plan Review Uses in the Airport District

The following uses are allowed by right. A change in use may be subject to site plan approval by the Planning Board pursuant to Section 8.4 of the Zoning Bylaw. Approval by said Planning Board shall not be unreasonably withheld or denied.

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1. Uses required for airport operations, management, safety, and support services. All uses that are normally associated with air transportation facilities, including but not limited to: runways, taxiways, terminals, hangars, airport administration offices, equipment garages, tie-downs, aviation fuel storage, control towers, navigational aids, weather data collection devices, and other uses and structures necessary for the day-to-day operation, management, and, safety of an airport.
2. Establishments providing aircraft related services such as engine repair, bodywork, aircraft design, sales of aircraft, and aircraft related equipment and services.
3. Establishments providing services customarily associated with air transportation such as travel agencies, auto rentals, and taxi stands.
4. Recreational services dependent upon air transportation, such as skydiving, airplane rides, glider flights, ultralight aircraft flights, hot air ballooning, etc.
5. Establishments for the training of pilots, navigators, air traffic controllers, mechanics, and other air transportation related crafts, trades, and professions.
6. Changes to parking areas, taxiways, runways, and other paved surfaces, except to the extent said changes are required for the safe operation of the Airport.

Comment [...1]: Is this currently conducted at the airport? This seems like it would be covered by paragraph 1 above.
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3.8.4 Special Permit Uses in the Airport District

The Town recognizes the following uses may have unwanted effects on surrounding properties, abutting neighborhoods and the overall safe operation of the Airport. For these reasons the uses listed below are allowed by Special Permit of the Planning Board. All requirements of Section 9.3 of the Zoning Bylaw shall apply.

1. Outdoor storage facilities

2. Hotel, motel, or inn

3. Light manufacturing operations

4. Business and professional offices

5. Research and Development laboratories

6. Airfreight handlers, distribution centers, and warehousing

7. Non-profit clubs and lodges

8. Commercial kennels

9. Motor vehicle repair and service garages

10. Indoor commercial recreation or fitness facilities

11. Solar energy facilities

Comment [...2]: Should this reference 8.3?

Comment [...3]: This conflicts with paragraph 2 in section 3.8.3.

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1. Aircraft manufacturing and restoration

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3.8.5 Gardner Airport Commission Approval

Where the Gardner Airport Commission is not the applicant, each application to the Planning Board for a special permit or site plan approval shall contain a letter from the Commission stating its approval or opposition of the proposed use and its reasons therefor.

3.8.6 Dimensional Regulations

1. Lot Requirements: Aviation-related uses proposed by the Gardner Airport Commission on Airport property need not comply with specific dimensional standards but may be to subject to reasonable regulation of the Planning Board relating to bulk, setbacks, landscaping, screening, construction materials, lighting, parking and loading, signs, aesthetics, and other measures to protect the environment and preserve neighborhood quality of life. Uses proposed by other entities on sites leased by the Commission or on parcels sold for development shall occur on lots that conform to the minimum lot area, width, buffer, and setback requirements of the Commercial-Industrial A (C-I-A) district.

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2. Height Limits: Buildings shall not exceed one story in height unless the Planning Board grants a special permit for a greater height with full consideration for air traffic safety. Structures necessary for or incidental to airport operations may exceed height limits and shall comply with statutory and

regulatory requirements of the Federal Aviation Administration and the Aeronautics Division of the Massachusetts Department of Transportation.

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3.8.7 Special Events

The Gardner Airport Commission may hold special events, such as model airplane rallies, automobile exhibits, trade shows, etc. without obtaining site plan approval. If the event will include temporary structures, the sponsor shall comply with the requirements of the State Building Code. The sponsor shall notify the Police Chief and Fire Chief at least ten (10) business days in advance of the event. The Chiefs may set reasonable requirements that are necessary for public safety and traffic control.

3.8.8 Application

To the extent any provision or application of section 8.4 restricts the Gardner Airport Commission's custody, care, and management responsibility over the Airport or conflicts with state and/or federal statutory, regulatory, or grant assurance obligations required by the Federal Aviation Administration or the Aeronautics Division of the Massachusetts Department of Transportation, said provision or application shall not apply.

Proposed Light Industrial District

Amend Section 3.0 Use Districts, by adding a new Section 3.9, Light Industrial District (LI).

3.9 Light Industrial Zoning District (LI)

The purpose of the LI zoning district is to reserve an area for light industrial uses that can operate in Templeton without detrimental impact to the community or the surrounding neighborhood. Allowed uses include a mix of manufacturing, research and development, office, distribution, and other compatible uses that offer an opportunity for employment growth and an expansion of the Town's tax base. No building or use shall be constructed, altered, or expanded without Site Plan Approval by the Planning Board in accordance with Section 8.4, Site Plan Review.

3.9.1 *Uses Allowed by Right in the LI District*

The following uses are allowed by right in the LI zoning district, with site plan approval from the Planning Board in accordance with Section 8.4, Site Plan Review.

- A. Minor Home Occupations
- B. Business or professional offices
- C. Small appliance or equipment repair, including but not limited to household appliances, lawnmowers, chain saws
- D. Research and Development (R&D) or light manufacturing, including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses, including processing, fabrication and assembly; where such uses are conducted within the confines of a building
- E. Distribution facilities; including wholesale product preparation, storage and transfer of goods provided that any and all open storage of materials and vehicles are screened from public view
- F. Light Manufacturing, packaging, processing and testing, including printing or publishing plant, bottling works, manufacturing establishment, or other assembling, packaging, finishing or processing use where the proposed use does not cause negative environmental or neighborhood impacts associated with noise, smoke, odors, or traffic that cannot be successfully mitigated
- G. Warehouse or other storage facilities

3.9.2 *Uses Allowable by Special Permit in the LI Zoning District*

No use requiring a special permit shall be allowed until the Planning Board has been satisfied that the use is not injurious to any natural, cultural or historic resource within the Town of Templeton. Applicants seeking approval of a special permit for uses listed below shall comply with the provisions of Section 8.3, Special Permits.

- A. Major Home Occupations

- B. Bed & Breakfast for more than five (5) rooms for rent or hire upon the grant of a special permit by the Board of Appeals
- C. Non-profit clubs and lodges on three (3) acres or more upon grant of a Special Permit by the Planning Board
- D. Radio and television broadcasting facilities; telephone, telegraph, power and gas transmission facilities, not including transmission lines, upon the grant of a special permit by the Planning Board
- E. Wireless communications facilities with a Special Permit from the Planning Board in accordance with Article XXXX
- F. Retail establishments
- G. Restaurant and Restaurant Fast-Food
- H. Amusement enterprises including but not limited to dance academy, bowling alley, theater, movie cinema, performing arts center, skating, fitness clubs or place of instruction (not defined as educational use), operated for profit
- I. Garage Auto and Truck Repair
- J. Lumber yard, contractor's yard, building trade supplier or other open-air establishment, not stated elsewhere herein for the storage, distribution, or sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment provided that any and all open storage of materials and vehicles are screened from public view
- K. Office building or Office Park, providing for one or more buildings on a lot integrated to provide for attractive and functional office space, vehicular and pedestrian circulation and overall site plan
- L. Conference Center

Amend Section 6.0, Table of Dimensional Regulations, by adding a new column for the Light Industrial (LI) district:
SECTION 6.0 TABLE OF DIMENSIONAL REGULATIONS ³

| | C-I-A & C-I-B * | R-A-1 * & V* | R-A-2 * | R-A-5 * | H-B * | LI |
|--|--------------------------------|-----------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Minimum Lot Area | 1.0 acre | 1.0 acre | 2.0 acres | 5.0 acres | 1.0 acre | 1.0 acres |
| Minimum Lot Frontage on a Street | 150 LF | 150 LF | 150 LF | 500 LF | 150 LF | 150 LF |
| Minimum Front Yard Setback | 30 LF | 30 LF | 30 LF | 30 LF | 30 LF | 30 LF |
| Minimum Rear Yard Setback | 30 LF | 30 LF | 30 LF | 30 LF | 30 LF | 30 LF |
| Minimum Side Yard Setback | 15 LF | 15 LF | 15 LF | 15 LF | 15 LF | 15 LF |
| Minimum Lot Width | 50 LF | 50 LF | 50 LF | 50 LF | 50 LF | 50 LF |
| Buffer Zone Between C-I-A & C-I-B Districts and Abutting, Non-C-I-A & Non-C-I-B Districts | 50 LF | XXXX | XXXX | XXXX | XXXX | XXXX |
| Maximum Height | 2.5 stories or 35 LF | 2.5 stories or 35 LF | 2.5 stories or 35 LF | 2.5 stories or 35 LF | 2.5 stories or 35 LF | 2.5 stories or 35 LF |

³ **Section 4** Amended 12/7/06, AG approval 3/6/07

