

# **MONTACHUSETT REGIONAL STRATEGIC FRAMEWORK PLAN**



**PREPARED BY:  
Montachusett Regional Planning Commission (MRPC)**

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# Montachusett Regional Strategic Framework Plan

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## 1. INTRODUCTION AND PURPOSE

There is a very strong need for a Regional Plan for the Montachusett Region and the Montachusett Regional Planning Commission (MRPC) has been attempting to locate funding to accomplish this for some time. MRPC is thankful to the Massachusetts Executive Office of Housing and Economic Development (EOHED) for its financial assistance of \$40,000 from the 2010 RPA Regional Strategic Planning Initiative to prepare a regional strategic framework plan which will benefit the entire Montachusett Region. The Montachusett Region is made up of 22 municipalities, located in “North Central Massachusetts” and consists of portions of both Worcester and Middlesex Counties. The region is comprised of the cities of Fitchburg, Leominster and Gardner and the towns of Ashburnham, Ashby, Athol, Ayer, Clinton, Groton, Harvard, Hubbardston, Lancaster, Lunenburg, Petersham, Phillipston, Royalston, Shirley, Sterling, Templeton, Townsend, Westminster and Winchendon.



The purpose of the Montachusett Regional Strategic Framework Plan is to take a regional view of planning for housing, economic development and open space in the Montachusett Region. This Regional Strategic Framework Plan promotes sustainable development in urban areas and targeted undeveloped lands while protecting and preserving environmentally sensitive open space. In the long term, this plan will help to accommodate new growth in the Montachusett Region in a sensitive manner that preserves open space, natural resources, community character, and fiscal stability. Moreover, this plan will assist communities to overcome local insularity that often results from Home Rule-based land use control, and to work together to share resources and expertise, coordinate land use regulations, and promote regional solutions. While MRPC has not had the benefit of funding for a previous Regional Plan initiative, a number of other Massachusetts’s RPA’s (Cape Cod Commission, Central Massachusetts Regional Planning Commission and Pioneer Valley Planning Commission) already have such plans which have proven highly instrumental.

The MRPC has the ability to offer an independent third-party perspective and long-standing expertise in municipal and regional issues and is uniquely positioned to potentially add valuable information and analysis that can be utilized by its communities. This plan consists of 10 Sections. Section 1 is a historical background of the region and its topography (watersheds, mountains, etc.). While the original focus of the economy was agriculture, manufacturing quickly became the dominant economic force in the region. Today the Montachusett Region has the highest concentration of manufacturing jobs in the Commonwealth of Massachusetts although, following national and state trends, the manufacturing sector continues to decline.

An inventory and status of local plans can be found in Section 2. Some communities have been very proactive in creating and maintaining local plans (i.e. Master Plans and Open Space Plans, etc.) while others have struggled with this largely due to budgetary restrictions that have prohibited them from doing so. More than eighteen local innovative planning and zoning tools

that have been adopted throughout the region are included in this report that range from cluster development, signs, and mixed use zoning to wind energy and low impact development.



Section 3 discusses the goals and objective of the plan that were discussed at multiple open meetings. These goals and objectives provide a direction for the Montachusett Region in regards to housing, economic development and open space.

Regional growth and preservation including population, household, and employment is forecasted in Section 4. The Montachusett Region, following state trends, is in a period of slow population growth. The current economic recession is a contributing factor. The trend of decreasing household size is

expected to continue, but not at the dramatic rates experienced between 1970 through 2000. Based on long term trends, employment is expected to grow but the region has entered a period of slower growth.

Regional Strategic Elements on the local and regional level are a main contributor to success of this plan and can be found in Section 5. These elements include assessments and analysis are made concerning priority housing and economic development districts, priority preservation areas, identified regional growth centers, recommended priority development and preservation area maps, a land use partnership act assessment and analysis, and guidance.

Public participation and outreach is outlined in Section 6. From the beginning of the project MRPC realized that, to be successful, the project must involve as large a constituency as possible. Broad-based public support would result in a plan that meets the needs and desires of the region and provide the groundwork for implementing recommendations. All meetings/events were open to the general public. Finally, other valuable elements to the plan include consistency with the Commonwealth's sustainable development principles, implementation and performance measures and the adoption process, and conclusions all of which can be found in Sections 7 through 10.

## **2. HISTORICAL BACKGROUND AND CONTEXT**

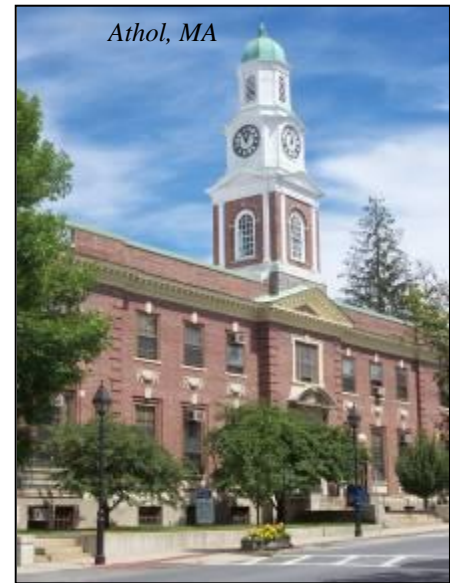
The Montachusett Region's earliest settlements were founded as trading outposts for the Massachusetts Bay Colony. Lancaster and Groton were settled in the mid-1600's to ensure the flow of animal pelts from the interior to Boston. By the second half of the eighteenth century, most communities in the region were settled. Originally, local economies focused on agriculture but, since farming provided a poor return, manufacturing quickly became the dominant economic force in the region.

Montachusett communities harnessed swift-flowing streams and rivers for water-powered manufacturing. The first mills were allied with agricultural production, but the nineteenth century saw the establishment of other industries, including paper, textile and woodworking

industries. By the mid-nineteenth century, the production of lumber and wood products became the region's largest industry, and the City of Gardner was known internationally as a major center of chair manufacturing.

The growth of the region was accelerated by railroad connections enabling the easy transport of raw materials, finished goods and people. Communities with an industrial base prospered and expanded with the influx of foreign-born and US-born migrants. Smaller towns, such as Ashby and Hubbardston, did not see widespread growth. However, their industrialized neighbors enjoyed their zenith during the late Victorian era.

The 20th Century saw a period of economic decline that was caused by the migration of industries to southern states and exacerbated by the Great Depression. The smaller industrialized communities suffered most severely and revived most slowly. Today, the region's more urbanized communities are dominated by "mature" manufacturing industries, such as Gardner's surviving furniture mills and Leominster's surviving plastics companies. Local economies, recognizing the instability of the region's industrial base, are currently undergoing the transition away from specialization in manufacturing industries. A foray into tourism in order to diversify the economy has proven successful with the creation of the Johnny Appleseed theme marketing and creation of the Johnny Appleseed Trail Association, Inc. (JATA) and the Johnny Appleseed Trail Visitors Center in Lancaster. The JATA offers higher visibility of the agri-tourism businesses such as Red Apple Farm in Phillipston and Sholan Farm in Leominster. This attempt at diversification has thus far proven to be successful providing additional jobs in the Region, adding entry-level jobs for many new workers and lessening the Region's dependence upon the manufacturing sector.



The Montachusett Region includes 228,005 people in the twenty-two communities where 107,227 people hold jobs in a historically manufacturing region. This Region can boast the highest concentration of manufacturing jobs in the Commonwealth of Massachusetts. The region's manufacturing employment is declining following national and state trends where there continues to be a "shift" in employment from the manufacturing sector to the services sector. Future, potential areas of job growth should be fully understood as communities plan to redevelop and create areas for business development (ex. industrial park construction and downtown redevelopment) in the future.

The region's topography is dotted by high peaks such as Mount Wachusett and Mount Watatic and other rolling hills typical of the New England landscape. Three watersheds named the Chicopee River, Millers River and Nashua River, other streams, mountain paths, rail-trails, urbanized downtowns and neighborhoods, historic village centers and new housing subdivisions are connected by a local, state and interstate road system and a commuter and freight rail system linking Boston to Albany. This is the environment within which residents and visitors live, work



and play. Within this physical environment private and public sector entities grapple with the issues surrounding growth and how to improve upon the economic condition of the business community and families born within and relocating to the Montachusett Region.

The Montachusett Region Comprehensive Economic Development Strategy, updated in fall 2009, provides a variety of demographic and socioeconomic data in relation to the region as it is today:

- From 1990 to 2000, the population of the Montachusett Region increased by approximately 6.1%. (During this period the number of jobs in the region increased by only 1.9%).
- Residents in the Montachusett region are concentrated in Athol, Winchendon, Gardner, Fitchburg, Leominster, Townsend, Lunenburg, Groton and Clinton.
- Towns are typically growing faster than their urban counterparts.
- The regional population is aging consistent with the state and nation. The average age of persons in the Montachusett Region is higher than the state and national averages.
- The working age population grew proportionately with the total population growth between 1980 to 1990 and 1990 to 2000.
- Population in the region grew at a faster rate than the regional job growth rate.
- The Montachusett Region's landscape is "typical New England", with hilly terrain dominated by Mount Wachusett located in the Towns of Westminster and Princeton. Three watersheds can be found in the area. These are the Nashua River, Millers River and Chicopee River watersheds.
- The unemployment rate of the Montachusett region was higher than the national rate in 1990 through 1992, 1994 through 1995 and 2002 through 2007. The unemployment rate of the Montachusett region was higher than the state rate in 1990 through 1991 and all of the years from 1994 through 2009.
- Job losses in the manufacturing sector have been attributed to the shift in manufacturing out of the United States into nations expanding their manufacturing bases. This trend has been identified in local Master Plans as early as 1967 (Templeton Master Plan).
- The average commuting time (one way) for a resident of the Montachusett Region is higher than both the State and National averages.
- Seven to nine commuters drive to work alone in their personal vehicles.
- There is an insufficient supply of housing affordable to the entire workforce, especially those of low and moderate-incomes (ex. Working families and senior citizens).

The Massachusetts Audubon Society has prepared a series of report starting in the 1991 years entitled *Losing Ground*, demonstrating development trends, especially sprawling residential development patterns that are leading to loss of open space. This report states that over the past 40 years, the landscape of Massachusetts has been transformed by new residential and commercial development. Eastern and southeastern Massachusetts have undergone the most change, but virtually every community in the Commonwealth has experienced rapid growth driven by economic and demographic factors.

The 2009 version of *Losing Ground* has an online database with land use statistics of Massachusetts broken down by Region. Along with these land use statistic, *Losing Ground* has

ranked the 14 Regional Planning Agencies in relation to each other. The following land use statistics and ranking are available for the Montachusett Region:

#### Montachusett Region Land Use Statistics (2005)<sup>1</sup>

- Acres of Developed Land - 50,210
- Acres of Natural Land – 331,216
  - Forested Land Acreage – 290,956
- Acres of Agricultural Land – 18,846
- Percent Developed - 11.5% (rank 12)
- Percent Natural Land - 75.6% (rank 3)
  - Percent in Upland Forest – 66.4% (rank 3)
- Percent in Agriculture: 4.3% (rank 9)
- Total acres 436,023 (rank 7)

#### Montachusett Region Land Use Statistics – Recent Development (1999 and 2005)

- Natural Land Converted to Development: 3,499 acres (rank 5)
- Acres of Forest Converted 2,108 (rank 6)
- Percent of homes built between 1999 and 2005 – 6.7% (rank 5)

#### Montachusett Region Land Use Statistics – Land Protection

- Overall Protected Acres: 111,942 (rank 6)
  - Overall % Protected: 25.6 (rank 6)
  - Acres Protected 1999 – 2005 (rank 4)
- Acres of BioMap Core: 109,629 (rank 4)
  - Acres of BioMap Core Protected 45,685 (rank 4)
  - % of BioMap Core Protected 41.6% (rank 10)
- Acres of Supporting Natural Landscape (SNL): 106,340 (rank 5)
  - Acres of SNL Protected 33,559 (rank 4)
  - % of SNL Protected – 31.2% (rank 2)
- Acres of Natural Land: 331,216 (rank 6)
  - Acres of Natural Land Protected: 103,114 (rank 5)
  - % of Natural Land Protected 31.4% (rank 4)
- Acres of Agricultural Land: 18,846 (rank 7)
  - Acres of Ag Land Protected: 3,695 (rank 7)
  - % of Ag land Protected: 19.6% (rank 8)

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<sup>1</sup> Source: MassAudubon, *Losing Ground (2008/9) There are 14 Regional Planning Agencies (RPAs) in Massachusetts. Ranking reflects the Montachusett Region amongst the 14 RPAs.*



### **Inventory and Status of Local Plans**

An inventory was completed on the status of local comprehensive, community development and open space plans among the Montachusett Region's 22 communities. Local municipal plans provide a firm direction for housing and economic development growth and a path for open space preservation. Without plans, communities' development will be left up to chance and with a likely possibility of sprawl. Examining the status of the Region's 22 communities provides a benchmark of where the region is in regards to planning and where it needs to go. The following table provides a matrix of the inventory and status of local plans in the Montachusett Region.

*This space left intentionally blank.*

Table 1. Status of Local Plans in the Montachusett Region\*

<b>Communities</b>	<b>Comprehensive Plans/ Master Plans</b>	<b>Date or Update of Plan</b>	<b>Community Development (EO 418) Plans</b>	<b>Date of Plan</b>	<b>Valid Open Space Plans</b>	<b>Expires</b>
<b>Ashburnham</b>	Yes	1986	Yes	2004	No	
<b>Ashby</b>	No	NA	Yes	2004	No	
<b>Athol</b>	Yes	2002	Yes	2004	Yes	September 2013
<b>Ayer</b>	Yes	2004	Yes	2004	No	
<b>Clinton</b>	Yes	1972	Yes	2004	Yes	September 2012
<b>Fitchburg</b>	Yes	1998	Yes	2004	Yes	April 2012
<b>Gardner</b>	Yes	1988	Yes	2004	Yes	July 2011
<b>Groton</b>	Yes	2002	Yes	2004	No	
<b>Harvard</b>	Yes	2002	Yes	2004	Yes	December 2013
<b>Hubbardston</b>	No	NA	Yes	2004	Yes	September 2012
<b>Lancaster</b>	Yes	2007	Yes	2004	No	
<b>Leominster</b>	No	NA	Yes	2004	Yes	October 2011
<b>Lunenburg</b>	Yes	2002	Yes	2004	No	
<b>Petersham</b>	Yes	2004	No	NA	No	
<b>Phillipston</b>	No	NA	Yes	2004	Yes	November 2011
<b>Royalston</b>	No	NA	Yes	2004	Yes	October 2014
<b>Shirley</b>	Yes	2004	Yes	2004	No	
<b>Sterling</b>	Yes	1999	Yes	2004	No	
<b>Templeton</b>	Yes	1967	Yes	2004	No	
<b>Townsend</b>	Yes	2001	Yes	2004	No	
<b>Westminster</b>	Yes	2000	Yes	2004	Yes	June 2012
<b>Winchendon</b>	Yes	2001	No	NA	Yes	September 2011

\* As of July 1, 2010

A substantial majority (77%) of the Montachusett Region's communities have a comprehensive plan for their municipality. Most of the communities that do not have comprehensive plans are among the smallest of the Region: Royalston (population 1,254), Phillipston (population 1,621), Ashby (population 2,845) and Hubbardston (population 3,909). Leominster is the exception. It has the largest population in the region, but doesn't have comprehensive plan. It is understandable that the smaller communities don't have comprehensive plans because they usually don't have a large enough tax base to support a professional planner or planning department. Leominster being the largest community in the region should have a comprehensive plan.

Even though many of the Montachusett Region communities have a comprehensive plan, six of the 17 communities have comprehensive plans that haven't been updated in the last 10 years. Some are as old as 1967 in Templeton and 1972 in Clinton. Some communities have been in the process of updating master plan elements through the District Local Technical Assistance (DLTA) program. The DLTA program is funded through the Commonwealth for regional planning commissions to provide planning assistance to their respective municipalities. Four towns have made use of this program to update an element of their master plans: Westminster – Transportation Element, Shirley – Economic Development Element, Ashby – Economic Development Element and Templeton – Transportation Element.

As for Community Development (EO 418) Plans, most of the Montachusett Region communities have completed these plans in 2004. Only 2 of the 22 communities do not have a community development plan: Petersham and Winchendon. At the time (2004), Petersham and Winchendon had an up-to-date comprehensive plan, so they did not need to complete a Community Development Plan. Community Development Plans aren't as comprehensive as a master plan, but they do cover four core areas (housing, economic development, transportation and open space and recreation) and examine these elements in relation to each other. The Community Development Plans can provide a framework for a full master plan.



Half of the Montachusett Region's Communities have valid Open Space and Recreation Plans. An Open Space and Recreation Plan identifies significant areas in a community of open space and recreation and recommend actions for protection and enhancement. Open Space and Recreation Plans need to pass certain requirements to be approved by the Massachusetts Division of Conservation Services for the community to apply for grants from the state for protection of open space and development of recreation facilities. For these plans to be valid, they must be updated every five years.

The inventory and status of these current plans provides a benchmark for the future to determine if planning within the region is increasing and being encouraged. These community plans also identify areas for housing and economic development growth and places for appropriate open space preservation.

### **Adopted Local Innovative Planning and Zoning Tools**

Not only was an inventory completed of local plans for the Montachusett Region, an inventory of local innovative planning and zoning tools were taken as well. Communities use these techniques to regulate for smart growth and to protect environmental assets and the aesthetics of community. The following is the list of planning and zoning tools inventoried: lot size analysis, rate of development, cluster development, wind energy, green community designation, low impact development, accessory apartments, scenic roads, earth removal, signs, community preservation act, transfer of development rights, form-based code, 43D, water supply, wetland

protection, site plan review, agricultural protection, village or downtown areas and mixed-use zoning.

### ***Lot Sizes***

In order to paint a relative picture of lot size requirements in the Montachusett Region under existing zoning, minimum lot size requirements for the development of a hypothetical single family house in each community were compared. To capture the intra-local variation (i.e., the variation among different zoning districts within a municipality), figures for both the most and least dense residential zoning districts were taken. Overall, these figures ranged from a high of five acres (to develop a single family house in the least dense district in Templeton) to a low of 5,000 s.f. (to develop a single family house in most dense district in Fitchburg). The following table provides a matrix of these lot sizes in the region's 22 communities.

Table 2. Lot Sizes

<b>Smallest Lot Size Allowed in Acres</b>		
<b>Community</b>	<b>Least Dense</b>	<b>Most Dense</b>
<b>Ashburnham</b>	1.38	0.23
<b>Ashby</b>	1.84	0.92
<b>Athol</b>	1.01	0.18
<b>Ayer</b>	0.92	0.23
<b>Clinton</b>	0.41	0.28
<b>Fitchburg</b>	1.49	0.11
<b>Gardner</b>	1.38	0.18
<b>Groton</b>	1.84	0.92
<b>Harvard</b>	1.50	1.50
<b>Hubbardston</b>	2.30	1.84
<b>Lancaster</b>	2.00	2.00
<b>Leominster</b>	3.00	0.18
<b>Lunenburg</b>	2.00	2.00
<b>Petersham</b>	1.45	1.45
<b>Phillipston</b>	1.84	1.84
<b>Royalston</b>	3.00	0.50
<b>Shirley</b>	1.84	0.34
<b>Sterling</b>	2.00	0.50
<b>Templeton</b>	5.00	1.00
<b>Townsend</b>	3.00	0.34
<b>Westminster</b>	1.84	1.15
<b>Winchendon</b>	1.84	0.23

The preceding table shows that in some communities (Harvard, Lancaster, Lunenburg, Petersham and Phillipston) there is no difference between the least dense and the most dense areas for zones that allow for residential single-family dwellings. Communities that do not have a difference in density have no area for compact development and growth, which could let to sprawl in these municipalities.

**Table 3: Inventory of Innovative Planning and Zoning Tools**

Community	Rate of Development	Cluster/OSRD/Flexible Development	Wind Energy	Green Communities Designation*	LID (Low Impact Development)**	Accessory Apartments	Scenic Roads Bylaws	Earth Removal	Signs	(CPA) Community Preservation Committee	TDR (Transfer of Development Rights)	Form Based Codes	43D	Water Supply/ Wetland Protection	Site Plan Review for Large Projects	Agricultural Protection Zoning	Village/ Downtown Area	Mixed-Use By Right	Mixed-Use by Special Permit Only
Ashburnham	yes	yes	yes	no	yes	yes	yes	yes	no	no	no	no	no	yes	yes	no	yes	yes	-
Ashby	yes	yes	yes	no	no	yes	yes	yes	no	no	no	no	no	no	yes	no	yes	yes	-
Athol	no	yes	yes	yes	no	yes	no	yes	yes	no	no	no	yes	yes	yes	no	yes	yes	-
Ayer	yes	yes	no	no	no	no	no	no	yes	no	no	no	yes	yes	yes	no	yes	yes	-
Clinton	no	yes	yes	no	no	yes	no	no	yes	no	no	no	yes	no	yes	no	yes	-	yes
Fitchburg	no	yes	yes	no	no	yes	no	no	yes	no	no	no	yes	yes	yes	no	yes	-	yes
Gardner	yes	yes	yes	yes	no	yes	no	no	yes	no	no	no	yes	yes	yes	no	yes	yes	-
Groton	yes	yes	yes	no	no	yes	yes	yes	no	yes	no	no	yes	yes	yes	no	yes	yes	-
Harvard	no	yes	no	yes	no	yes	yes	no	yes	yes	no	no	no	yes	yes	no	yes	yes	-
Hubbardston	yes	yes	no	no	no	yes	no	yes	yes	yes	no	no	no	yes	yes	no	yes	yes	-
Lancaster	no	yes	no	yes	yes	yes	yes	yes	yes	no	yes	no	yes	yes	yes	no	yes	yes	-
Leominster	yes	yes	no	no	no	yes	no	no	yes	no	no	no	yes	yes	yes	no	yes	yes	-
Lunenburg	yes	yes	yes	no	no	yes	no	yes	yes	no	no	no	yes	yes	yes	no	no	-	yes
Petersham	yes	no	no	no	no	no	no	yes	yes	no	no	no	no	no	yes	no	no	-	yes
Phillipston	no	no	no	no	no	no	no	yes	yes	yes	no	no	no	no	yes	no	yes	yes	-
Royalston	no	yes	no	no	no	no	no	yes	no	yes	no	no	no	yes	yes	no	no	no	no
Shirley	yes	yes	no	no	yes	yes	no	yes	yes	no	no	no	no	yes	yes	no	yes	yes	-
Sterling	yes	yes	no	no	no	yes	yes	yes	yes	no	no	no	no	yes	yes	no	yes	yes	-
Templeton	yes	no	no	no	no	yes	no	yes	no	yes	no	no	no	yes	yes	no	yes	yes	-
Townsend	yes	yes	no	no	no	yes	yes	yes	yes	no	yes	no	no	yes	yes	no	yes	yes	-
Westminster	yes	yes	no	no	yes	yes	no	yes	no	no	no	no	yes	yes	yes	no	yes	yes	-
Winchendon	yes	yes	yes	no	yes	yes	no	yes	yes	no	no	no	no	yes	yes	no	yes	yes	-

\*As of January 15, 2011

\*\* Includes Stormwater Bylaws with LID elements included

### ***Rate of Development***

Rate of development bylaws/ordinances intend to limit the rate at which new development may occur, in order to limit or cushion impacts on infrastructure demands and municipal services. Most provisions are not triggered until some “threshold limit” has been surpassed. Importantly, provisions of this sort do not in themselves reduce the total number of new homes or the eventual impacts of development at build-out.

These bylaws/ordinances vary in their application and effects: some limit the total number of building permits that may be issued community-wide, some simply require phasing of any project over a certain size (so that the entire development may take five to eight years to complete) and some combine aspects of both approaches. Rate of development bylaws/ordinances vary in regards to thresholds and the specific rates of new development that are allowed.



Table 3 (above) shows only seven of the 22 Montachusett communities do not have a rate of development bylaw/ordinance (Athol, Clinton, Fitchburg, Harvard, Lancaster, Phillipston and Royalston). The communities that do have rate of development bylaws/ordinances should review the court case of *Zukerman v Town of Hadley*, summary and Attorney General’s caution provided in the appendix. There have been some issues about the legality of rate of development bylaws/ordinances in Massachusetts. Currently, in 2010 in both Westminster and Hopkinton, MA, the Attorney General’s Office approved rate of development bylaws with time limits.

### ***Cluster Development***

All but three communities in the Montachusett Region have a provision for cluster development (alternatively called “open space residential development” or “flexible development”) in their zoning bylaws/ordinances. (See table 3.) Typically, these developments require a large area of open space to be set aside, permanently protected, and used for recreation, habitat/natural resources protection, or occasionally continued agricultural uses. Although the actual house lots are smaller than otherwise dictated by minimum lot size requirements the total number of units usually does not exceed the number that would be allowed under the conventional subdivision regulations. Some cluster bylaws/ordinances provide a small density bonus to encourage the clustering of residential development.

Cluster provisions may vary significantly in the specifics: minimum land area required, maximum number of units, open space set aside required, zoning districts in which clusters are allowed, design guidelines and dimensional requirements, potential for townhouse development, multi-family housing, or mixed uses, and level of review and approval required.

### ***Wind Energy Bylaws/Ordinance***

Wind Energy Bylaws/Ordinances vary from community to community. Some of these provisions differentiate between large and/or small energy systems; some allow them by right or by special permit and others only allow wind energy systems in certain parts of the community and others allow them community-wide. Without these wind energy system bylaws/ ordinances, developers of these systems would probably need a zoning variance which cost additional time and money. Having these bylaws/ordinances provides wind energy systems developers with requirements and location for these systems upfront which makes it easier to plan for installation. Nine out of 22 communities in the Montachusett Region have some sort of wind-energy bylaw or ordinance. (See table 3.)

### ***Green Communities Designation***

Massachusetts Department of Energy Resources (DOER) has a Green Communities Grant Program that provides funding to help municipalities pursue energy efficiency measures, large renewable energy projects, and innovative methods that use less fossil fuel. To be eligible for this grant program, communities need to be designated as a green



community. Qualification for designation requires that the community fit five criteria: 1) provide as-of-right siting in designated locations for renewable/alternative energy generation, research & development, or manufacturing facilities; 2) adopt an expedited application and permit process for as-of-right energy facilities; 3) establish benchmark for energy use and developed a plan to reduce baseline by 20 percent within 5 years; 4) purchase only fuel-efficient vehicles; and 5) set requirements to

minimize life-cycle energy costs for new construction; one way to meet these requirements is to adopt the new Board of Building Regulations and Standards (BBRS) Stretch Code. Only four of the Montachusett communities are designated as green communities: Athol, Gardner, Harvard and Lancaster. Some other communities in the region are striving for green community designation for example Lunenburg.

### ***Low Impact Development (LID)***

Low Impact Development (LID) is a group of land use development techniques that capture water and rainfall on site, filter it through vegetation and let it soak into the ground before entering the water table. Some of the benefits of LID are that it improves water quality and reduces flooding. Additionally, some LID techniques can lower construction costs.

Only four of the Montachusett communities have a LID Bylaw and/or Subdivision Regulations (Ashburnham, Shirley, Westminster and Winchendon). (See table 3.) These LID bylaws relate to the distribution of certain amount of land for new development or redevelopment. They require that the quality and quantity of stormwater runoff be equal



to or better and in a less amount than pre-development conditions using LID techniques with certain exemptions.

MRPC is in the process of implementing a Storm Water Pollution Reduction Project in the Montachusett Region's Millers River Watershed Area to provide technical assistance to write LID Bylaws/Ordinances in the following communities: Athol, Gardner, Hubbardston, Petersham, Phillipston, Royalston and Templeton. This project will be completed in the beginning of 2013 and is funded by the Section 319 EPA federal grant program. This program will allow for more communities in the region to have LID bylaws/ordinances.

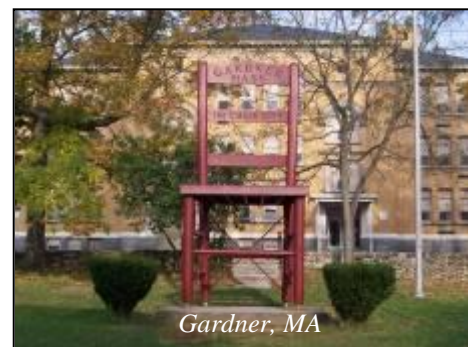
### ***Accessory Apartments***

Accessory apartments are also known as accessory units, in-law, guest, or family apartments, secondary units or granny flats. They provide supplemental housing that can be integrated into existing single family homes. They are typically small in size and more affordable than full-size rental units. They provide a lower price housing alternative with little or no negative impacts to the character of a neighborhood. Accessory apartments can be located as an interior part of the dwelling, as a modification to the outside of a principal dwelling or as a detached structure, such as, a unit over a garage if the garage is detached.

There are many benefits of accessory apartments. They can help to increase a communities' supply of affordable housing. They expand housing opportunities by providing a supply of rental housing for a wider range of physical abilities, stages in life and income levels with little or no negative impact on the physical character of the neighborhood. They can improve the affordability of housing for both homeowners and renters. Accessory apartments also help to maximize use of infrastructure and services, compacting development and reducing pressure on open space and farmlands from sprawling development. Eighteen of the region's communities allow a form of accessory apartments in their municipality. (See table 3 for list of communities.)

### ***Scenic Roads Bylaws/Ordinances***

Scenic roadway bylaws/ordinances (authorized by MGL c.40 Section 15C) can help to preserve the rural landscape by incorporating preservation of important features including stone walls, fences and significant trees along roadsides designated by the municipality as scenic roadways. Such regulation allows Planning Boards to review proposals for the cutting or removal of trees or the alternation of stone walls. However, scenic roadway provisions only apply to work relating to the road or within the limits of the road right-of-way. Therefore they do not directly apply to frontage development outside the roadway limit. Seven of the Montachusett communities have Scenic Road Bylaws: Ashby, Ashburnham, Groton, Harvard, Lancaster, Sterling and Townsend.



### ***Earth Removal***

Earth removal bylaws/ordinances (authorized by MGL c. 40 Section 21 (17)) regulate the removal of topsoil, loam, sand, gravel or minerals from a property. This can include removal for a construction activities or to make material available for off-site sale. Earth removal activities may alter surface water quality by increasing the amount of sediment discharge into the receiving body of water.

Good earth removal bylaws/ordinances should regulate the amount, timing and manner in which the material is removed. Standards can be established as to how much land is excavated the need for some degree of sedimentation control and restoration of the site. Many of the region's communities (16 of 22) have earth removal bylaws or ordinances. (See table 3 for full list of communities.)

### ***Signs***

Signs can be regulated through zoning or as a general bylaw or ordinance. Typically, the type, size and location of a sign is regulated, although some municipalities also specify



sign material, color, design, size of letters and numbers and whether electric signs are allowed. In village centers, sign size and type is critical to maintaining the character of the village. Since village centers are designed to be pedestrian oriented, the signs tend to be smaller and limited as to type. For example, freestanding, wall or projecting signs may be more appropriate than large illuminated signs high atop a pole. Natural materials such as wood or metal should be

encouraged in a village setting. Finally, the number of signs per establishment also can be limited. Sixteen of the region's communities have sign bylaws or ordinances (see table 3 for full list of communities).

### ***Community Preservation Act (CPA)***

The Community Preservation Act (CPA) is statewide enabling legislation to allow municipalities to raise money through a surcharge of up to 3% on all property tax bills. The CPA funds that the community collects can only be used for open space, historic preservation, affordable housing and outdoor recreation. A minimum of 10 % of the funds needs to be used on each of the three core community concerns: open space, historic preservation and affordable housing. Five percent can be used for administrative expenses. The rest can be used for outdoor recreation. The community must vote to adopt the CPA. If the community adopts the CPA, they will receive matching funds from the State. Six of the Montachusett communities have adopted the CPA: Groton, Harvard, Hubbardston, Phillipston, Royalston and Templeton.

### ***Transfer of Development Rights (TDR)***

Transfer of Development Rights (TDR) is an innovative policy that promotes multiple objectives, including protection of open space, enhancement of residential and commercial districts and reduction of the communities' burden of providing municipal services. TDR is predicated on the legal fact that landowners possess a "bundle" of property rights, including a title to the land itself plus the right to develop or use that land in certain ways, subject to zoning laws. Under TDR, these rights (i.e. the land itself and the development rights) may be bought and sold separately.

TDR zoning ordinances usually establish two districts. The "sending district" is an area designated for open space protection where development is to be discouraged or limited, while the "receiving district" is an area that can support somewhat higher levels of development. Under TDR, owners of land in the sending district may sell their development rights to owners of land in the receiving district to allow them to carry out their development plans. This type of transfer is particularly useful when one portion a community has valuable resources that need protection, such as open space or historic buildings, while other parts of the community are suitable for new development at densities greater than those currently allowed under zoning.

The only two communities in the Montachusett Region that utilize the transfer of development rights are Townsend and Lancaster.

### ***Form-Based Code***

Form-based code is a zoning code that regulates building facades, form and mass of buildings in relation to one another and the scale and types of street and blocks. The code regulations are usually presented in graphics and words and designate appropriate form and scale rather than only land-use types. This is in contrast to conventional zoning that usually regulates land-use types, uses and development density. In general, one benefit of form-based code is that future development and redevelopment can achieve more predictable physical results which can lead to a high quality built environment. None of the Montachusett Region's communities have form-based codes.



### ***43D***

On August 2, 2006, Massachusetts General Law Chapter 43D was signed into law. This program offers communities a tool for targeted economic development by providing a transparent and efficient process for municipal permitting; guaranteeing local permitting decisions on priority development sites within 180 days, and; increasing visibility of the community that adopts Chapter 43d and target development site(s).

To participate in Chapter 43D, a community must vote (Town Meeting/City Council) that the community accept provisions of Chapter 43D of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the acts of 2006, and to approve the filing of a formal proposal with the state's Interagency Permitting Board for the designation as an overlay for land (Priority Development Sites). A Community must identify a qualifying parcel as a priority development site, and obtain permission of its owner (if private) for participation in the program.

According to state regulations, a Priority Development Site (PDS) must be:

Commercially or industrially zoned (including mixed use);

- Eligible for construction of a structure of 50,000 sq. ft. or more;
- Designated by the state of Massachusetts Interagency Permitting Board; and
- Wherever possible, priority development sites should be located adjacent to areas of existing development or in underutilized buildings or facilities, or close to appropriate transit services.

The Expedited Permitting Program gives a community the ability to promote commercial development on pre-approved parcels by offering expedited local permitting on those parcels. Such development must be primarily commercial however mixed-use properties also qualify for priority designation so long as they conform to the statutory requirements for a priority development site. Other advantages of designating priority development sites in a community include eligibility for and priority consideration for PWED and CDAG funding, priority consideration for other quasi-public financing, brownfields remediation assistance, enhanced online marketing and technical assistance from MassDevelopment and/or the Montachusett Regional Planning Commission.



Projects located on Priority Development Sites continue to have flexibility; the applicant may still apply for permits and approvals under Chapter 40B to the same extent as if the property was not designated as a Priority Development Site. However the provisions of Chapter 43D relating to permit processing and appeals shall not apply to projects seeking permits and approvals under Chapter 40B.

Many communities within the Montachusett Region seeking to foster high quality development to create jobs, broaden the tax base and enhance the community as a viable place to live and work have adopted Chapter 43D. Montachusett Region Chapter 43D communities include (see map entitled "Identified Housing, Economic Development and Open Space Area" in section 5): Athol, Ayer, Clinton, Fitchburg, Gardner, Groton, Lancaster, Leominster, Lunenburg, and Westminster. More information on Chapter 43D can be found on [www.mass.gov](http://www.mass.gov).



### ***Water Supply/ Wetland Protection***

Many zoning codes protect drinking water supplies and other water resources from the impacts of new development through water resource protection overlay zoning districts. This tool involves the delineation on a map of the recharge area for public and private drinking water supplies. Within the overlay district, the underlying zoning will still apply, but certain activities will be prohibited or subject to restriction through performance standards such as landfill, dumping and storage of salt.

Provisions for water resources protection districts may vary in terms of the areas included in the overlay, the procedures for delineating this district, the activities allowed and restrictions placed on them, their applicability to existing uses and the expansion thereof, and the procedure for reviewing developments within these overlay districts. Standards for this type of zoning have been developed by the Department of Environmental Protection (DEP) in its regulations (310 CMR 22.21 (2)) regarding the establishment of new water supplies.

Three problems that have been noted concerning zoning-based water resources protection overlay zoning are: 1) often the recharge area for an aquifer will cross town boundaries; 2) the science for delineating such districts may be very complicated; and 3) an outright ban on activity within the district may seem unreasonable and performance standards or review processes may become burdensome to enforce.

Many (18) of the municipalities in the Montachusett Region have water supply or wetland protection bylaws or ordinances. See table 3 for complete listing of communities.

### ***Site Plan Review***

Site plan review (or approval) provisions require certain developments – usually those over a certain size, of a certain type or located within a certain sensitive area – to undergo an additional level of review, in which the community (typically through the Planning Board, but including input from numerous boards and officials) can review the proposed site plan for the project for compliance with established goals and standards, and request modifications where desired. Often the site plan review process works in tandem with a special permit requirement.



Bylaws and ordinances may differ in the level of analysis required under site plan review and the need to explicitly consider various alternative site plan configurations, as well as the mechanisms for ensuring review by all relevant boards, commissions, and officials and the thresholds that trigger site plan review. All the Montachusett communities have some form of site plan review.

### ***Agricultural Protection Zoning***

Since prime farmland is also ideal for development, a number of municipalities have turned to agricultural preservation zoning to protect remaining farmland from conversion to residential subdivisions or commercial and industrial land. In addition to a desire to maintain some of the agricultural way of life, this type of overlay zoning can help protect historic and cultural resources, open space and scenic vistas.



Several different approaches can be used in creating a bylaw or ordinance to preserve agricultural land. Some communities require that all residential units be clustered on soils that are least suitable for agriculture or along existing public ways. Another approach is to restrict activities on farmland to agricultural activities and supporting uses, which may include limited residential development. As is the case with open space residential zoning, the

provision should specify a mechanism by which the protected farmland will be protected in perpetuity. If agricultural activities are to remain in the undeveloped portion of the parcel, a buffer may be necessary to segregate the uses.

Communities should also realize that if new development is allowed to proceed in agricultural areas, especially under a conventional development scenario, infrastructure improvements may be required to accommodate the needs of the new land uses. The expansion of infrastructure into rural areas creates a risk of increasing sprawl conditions since additional development may take advantage of the infrastructure previously unavailable.

None of the communities in the Montachusett Region have this type of agricultural protection zoning. Yet, many communities in the region have written Right to Farm general bylaws that encourage and promote agriculture based economic opportunities, and protect farmlands. These Right to Farm bylaws are usually to restate and emphasize the right to farm accorded to all citizens of the Commonwealth. Since this is the law for all Massachusetts citizens, it was not inventoried as an innovative planning tool.

### ***Village or Downtown Area***

Cataloging the presence of zoning-based provisions for downtown/village center development in the communities' bylaw/ordinance required a more subjective determination than for some of the other provisions. In general, the study looked to the following factors as evidence of such zoning-based incentives: a distinct downtown or

village center zoning district, and/or provisions for mixed commercial and residential uses in this district.

As can be expected, provisions for village center zoning vary widely in relation to all of these factors. All but three communities in the Montachusett region have a zoned Village or Downtown Area. They are Lunenburg, Petersham and Royalston.

### ***Mixed-Use***

Mixed-Use zoning allows both residential and commercial uses within the same zoning district. This type of zoning leads to more compact development. Residents within this area can walk to retail services available nearby. Reliance on automobiles is diminished. Some communities allow mixed-uses by right and some by special permit only. All the municipalities in the region allow mixed-use in some form, except for Royalston. Most of the communities allow mixed-use by right; four communities allow mixed-use with special permit only. (See table 3 for complete list of communities.)

## **3. REGIONAL GOALS AND OBJECTIVES**

As part of developing the Montachusett Regional Strategic Framework Plan, MRPC is required to prepare a set of Regional Goals and Objectives for housing, economic development and open space preservation. As part of creating the following set of goals and objectives, MRPC Staff reviewed the existing MRPC Regional Goals and Strategies, last revised September 24, 2002, as well as Regional Goals and Objectives from the Cape Cod Commission and Berkshire Regional Planning Commission, two other Massachusetts Regional Planning Agencies that currently have a Regional Policy Plan. In addition, the Commonwealth's Sustainable Development Principles were reviewed as our Regional Plan requires a finding of consistency with this set of Principles.



A set of Draft Goals and Objectives were presented to the Montachusett Regional Planning Commission at their October 26, 2010 meeting. Based on the Commissioners' review, the Goals and Objectives were further revised and presented at their January 25, 2011 meeting. The Goals and Objectives were presented at the November 18, 2010 planners meeting for input on the Regional Priority Housing, Economic Development and Preservation Areas; the February 16, 2011 progress presentation public meeting; and the March 2, 2011 open space priority identification meeting with representatives from local and regional land trusts and conservation-related organizations. A couple of changes to the Open Space Goals and Objectives were suggested at the March 2nd meeting. Below



are the set of Goals and Objectives that reflects the various public input. (See appendix for memorandums and minutes.)

### **Housing**

Goal: The availability, to every household in the Region, of safe, sanitary and decent housing, in a healthy living environment, at a reasonably affordable price.

Objective 1: To promote the provision of fair, decent, safe, affordable housing for rental or purchase that meets the needs of present and future Montachusett Region residents.

Objective 2: To promote equal opportunity in housing and give special consideration to meeting the housing needs of the most vulnerable segments of the Region's population, including but not limited to: homeless individuals and families, very low income (50% of median income) and low income (51-80% of median income).

Objective 3: To promote the participation of all segments of the community to address the housing needs of the Region's residents, with particular attention to the needs of low- and moderate-income households.

### **Economic Development**

Goal: Strengthen the economy of the Region

Objective 1: To promote the design and location of development and redevelopment to preserve the Region's environment and cultural heritage, use infrastructure efficiently, minimize adverse impacts, and enhance the quality of life for residents.

Objective 2: To promote a balanced regional economy with a broad business, industry, employment, cultural, and demographic mix capable of supporting quality employment opportunities.

Objective 3: To promote economic activity that retains and attracts income to the region and benefits residents, thus increasing economic opportunity for all.

Objective 4: To provide adequate capital facilities and infrastructure that meet community and regional needs.

### **Open Space Preservation**

Goal: Protect and Preserve Sensitive Open Space

Objective 1: To preserve and enhance the availability of open space that provides wildlife habitat and recreational opportunities, and protects the region's natural resources and character.

Objective 2: To prevent the loss or degradation of critical wildlife and plant habitat, to minimize the adverse impacts of new development on wildlife and plant habitat, and to maintain existing populations and species diversity.

Objective 3: To preserve and enhance rural land uses, including agriculture, that are environmentally compatible with the Region's natural resources in order to maintain opportunities to enjoy the traditional occupations, economic diversity, and scenic resources associated with our Region's rural lands, and to support activities that achieve greater food independence for the Montachusett Region.

Objective 4: To preserve and enhance corridors and connections between both existing open space and areas that have been identified as Priority Preservation Areas, including long distance trail corridors.

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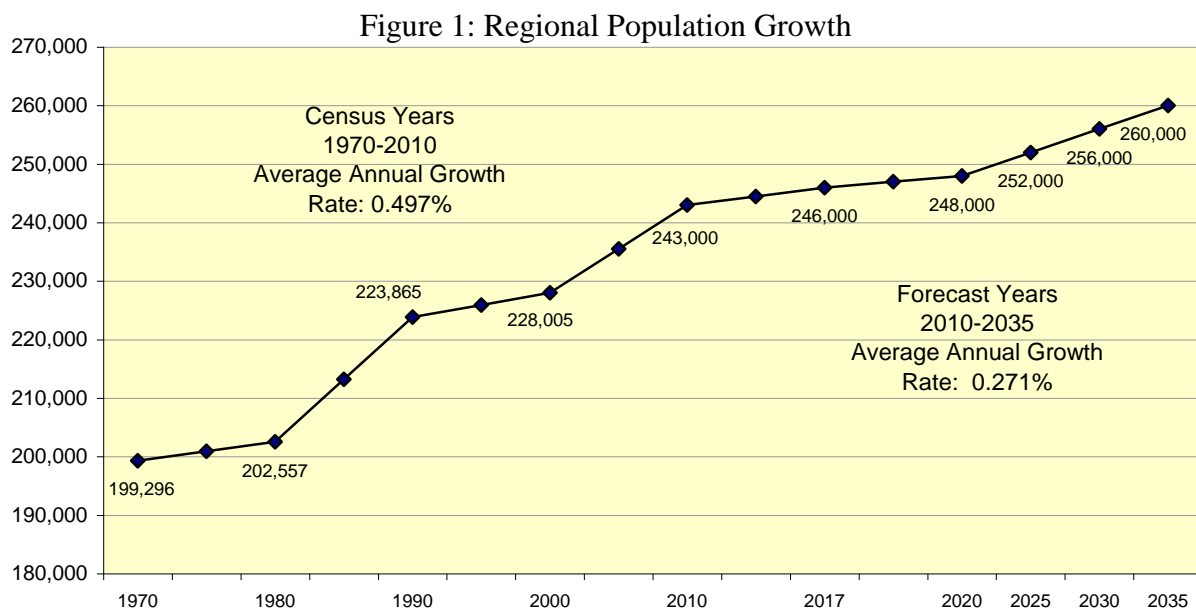
#### 4. FORECASTS OF REGIONAL GROWTH AND PRESERATION

The following pages consist of population, household and employment forecasts for the Montachusett Region and its communities. The overriding factor in determining these forecasts is that statewide population and employment have entered a period of slow growth. Census data is the most comprehensive and reliable of all population data sources and was used wherever possible.

Population forecasts begin with the latest estimates and forecasts from the U.S. Census. Census forecasts extend only to 2030 so, in affect, the 2035 forecast is based upon population growth between 2020 and 2030. The 2010 regional population total is based upon the 2009 Census municipal population estimates and is rounded. The 2009 municipal shares, or percentages, of the total regional population are held constant in year 2010 and all future forecast years. The long term trend shows that the state has entered a period of slow population growth; the current economic recession is a contributing factor.

##### Regional and Municipal Population Forecast

The slowing of population growth in the MRPC regional population forecast is shown in the figure 1 below. Over the next 25-years the population is expected to grow from 243,000 to 260,000 persons. There will be a net increase of approximately 17,000 persons which is an increase of 7% over the 2010 population for an average annual growth rate (AAGR) of 0.271%. This is a decrease in AAGR of -0.226% when compared to the growth that took place during the 40-year period from 1970-2010. The population grew from 199,296 to 243,000 for a net increase of 43,700 persons which was an increase of 22% over the 1970 population for an AAGR of 0.497%.



### Historic and Forecasted Regional Population Growth

Fitchburg and Leominster will each see their population increase by 2,900-3,000 persons which is between 17-17.5% of the 2035 regional population for each municipality. The table 4 below summarizes the forecasted population growth for municipalities by grouping them into ranges.

Table 4: Grouped Population Growth

	RANGES OF POPULATION GROWTH	PERCENT OF REGION POPULATION (each municipality)
<b>FITCHBURG, LEOMINSTER</b>	2,900-3,000	17-17.5%
<b>GARDNER</b>	1,400-1,500	8-9%
<b>ATHOL, CLINTON, GROTON, LUNENBURG, TOWNSEND, WINCHENDON</b>	600-1,000	4-6%
<b>AYER, LANCASTER, SHIRLEY, STERLING, TEMPLETON, WESTMINSTER</b>	500-590	3-3.5%
<b>ASHBURNHAM, ASHBY, HARVARD, HUBBARDSTON</b>	200-450	1-2.5%
<b>PETERSHAM, PHILLIPSTON, ROYALSTON</b>	90-130	0.5-1%

The table 5 below shows the municipal population forecast for each forecasted year to 2035 and the Air Quality Determination (AQD) years.

Table 5: Population Forecast by Municipality

POPULATION FORECAST TO 2035								
	2000*	2009**	2010	AQD***	2017	2020	AQD	2035
<b>Ashburnham</b>	5,546	6,070	6,070	6,150	6,200	6,300	6,400	6,500
<b>Ashby</b>	2,845	3,108	3,110	3,150	3,170	3,320	3,280	3,320
<b>Athol</b>	11,299	11,862	11,860	12,010	12,110	12,300	12,500	12,700
<b>Ayer</b>	7,287	7,854	7,860	7,950	8,020	8,150	8,280	8,400
<b>Clinton</b>	13,435	14,196	14,200	14,380	14,490	14,730	14,960	15,190
<b>Fitchburg</b>	39,102	42,161	42,160	42,690	43,040	43,730	44,430	45,120
<b>Gardner</b>	20,770	20,972	20,980	21,240	21,410	21,750	22,100	22,440
<b>Groton</b>	9,547	10,781	10,790	10,920	11,010	11,180	11,360	11,540
<b>Harvard</b>	5,981	6,156	6,160	6,230	6,280	6,380	6,490	6,590
<b>Hubbardston</b>	3,909	4,479	4,480	4,540	4,570	4,640	4,720	4,800
<b>Lancaster</b>	7,380	7,034	7,040	7,120	7,180	7,300	7,410	7,530
<b>Leominster</b>	41,303	42,293	42,300	42,830	43,180	43,860	44,570	45,270
<b>Lunenburg</b>	9,401	10,157	10,160	10,290	10,370	10,530	10,700	10,870
<b>Petersham</b>	1,180	1,327	1,330	1,340	1,360	1,370	1,400	1,420
<b>Phillipston</b>	1,621	1,787	1,790	1,810	1,820	1,840	1,880	1,910
<b>Royalston</b>	1,254	1,353	1,350	1,370	1,380	1,390	1,430	1,450
<b>Shirley</b>	6,373	8,110	8,110	8,210	8,280	8,400	8,550	8,680
<b>Sterling</b>	7,257	7,786	7,790	7,880	7,950	8,070	8,200	8,340
<b>Templeton</b>	6,799	7,963	7,970	8,060	8,130	8,260	8,390	8,520
<b>Townsend</b>	9,198	9,687	9,690	9,810	9,890	10,040	10,200	10,370
<b>Westminster</b>	6,907	7,478	7,480	7,570	7,630	7,760	7,880	8,000
<b>Winchendon</b>	9,611	10,316	10,320	10,450	10,530	10,700	10,870	11,040
<b>Total</b>	<b>228,005</b>	<b>242,930</b>	<b>243,000</b>	<b>246,000</b>	<b>248,000</b>	<b>252,000</b>	<b>256,000</b>	<b>260,000</b>
*U.S. Census 2000 Population								
**U.S. Census 2009 Population Estimate								
***Air Quality Determination (Year)								

## Household Forecast

Household forecast to 2035 are based on U.S. Census data beginning from 1970 and are based on changes in group quarters population, population in households and average household size. The trend of decreasing household size is expected to continue, but not at the dramatic rates experienced between 1970 through 2000. The trend will be tempered by the 2008 Massachusetts average household size of 2.53 (Source: American Community Survey) which is an increase from 2.51 in the 2000 U.S. Census. This has occurred as a result of factors such as instability in the housing market and the current recession. The percentage of group quarters population to total population is forecasted to remain unchanged to 2035 and will be held constant to year 2000 levels. The 2000 Census ratio of each municipality's group quarters population to each municipality's total population is used for the forecast years. The table 6 below shows the percentages used for each municipality (see %GQP column [Percent Group Quarters Population])

Table 6: Household Populations

YEAR 2000 MUNICIPAL HOUSEHOLD AND GROUP QUARTERS POPULATIONS (U.S. Census 2000)											
	GQP	HHP	%GQP*	HH	AHHS		GQP	HHP	%GQP*	HH	AHHS
Ashburnham	18	5,528	0.32%	1,929	2.87	Leominster	394	40,909	0.95%	16,491	2.48
Ashby	14	2,831	0.49%	978	2.89	Lunenburg	3	9,398	0.03%	3,535	2.66
Athol	248	11,051	2.19%	4,487	2.46	Petersham	93	1,087	7.88%	438	2.48
Ayer	452	6,835	6.20%	2,982	2.29	Phillipston	0	1,621	0.00%	580	2.79
Clinton	129	13,306	0.96%	5,597	2.38	Royalston	0	1,254	0.00%	449	2.79
Fitchburg	1,745	37,357	4.46%	14,943	2.50	Shirley	2,095	5,276	28.4%	2,067	2.55
Gardner	1,278	19,492	6.15%	8,282	2.35	Sterling	1	7,256	0.01%	2,573	2.82
Groton	75	9,472	0.79%	3,268	2.90	Templeton	270	6,529	3.97%	2,411	2.71
Harvard	807	5,174	13.5%	1,809	2.86	Townsend	0	9,198	0.00%	3,110	2.96
Hubbardston	22	3,887	0.56%	1,308	2.97	Westminster	4	6,903	0.06%	2,529	2.73
Lancaster	644	5,738	10.1%	2,049	2.80	Winchendon	129	9,482	1.34%	3,447	2.75
GQP = Group Quarters Population						Totals	8,421	219,584	3.69%	85,262	2.575
HH = Household      HHP = Household Population						AHHS = Average HH Size					

## Regional and Municipal Household Forecast

The forecasted slowing growth in the number of households in the MRPC region reflects the forecasted slowing overall population growth. Over the next 25-years the number of households is expected to grow from 92,500 to 102,600 which is a net increase of approximately 10,100 households, an increase of about 11% over the 2010 number of households for an AAGR of about 0.41%. Leominster will see their number of households increase by approximately 1,950 households which is about 19% of the 2035 regional total. Regional household size is expected to decrease from 2.53 in 2010 to 2.44 in 2035. Household forecast are shown in the tables 7 and 8 below.

Table 7: Forecast of Household Population 2010 to 2020

FORECASTS TO 2035 FOR: HOUSEHOLD POPULATION, GROUP QUARTERS POPULATION, NUMBER OF HOUSEHOLDS, AND AVERAGE HOUSEHOLD SIZE (continued next page)												
	A Q D				A Q D				A Q D			
	2010				2017				2020			
	GQP	HHP	HH	AHHS	GQP	HHP	HH	AHHS	GQP	HHP	HH	AHHS
Ashburnham	20	6,050	2,090	2.89	20	6,130	2,140	2.87	20	6,180	2,170	2.85
Ashby	15	3,090	1,060	2.92	15	3,130	1,080	2.89	15	3,160	1,100	2.87
Athol	260	11,600	4,870	2.38	265	11,750	4,970	2.36	265	11,840	5,050	2.35
Ayer	490	7,370	3,230	2.28	490	7,460	3,300	2.26	500	7,520	3,350	2.24
Clinton	135	14,060	6,070	2.32	140	14,240	6,200	2.30	140	14,350	6,300	2.28
Fitchburg	1,880	40,290	16,210	2.49	1,905	40,790	16,550	2.47	1,920	41,120	16,800	2.45
Gardner	1,290	19,690	8,990	2.19	1,310	19,930	9,170	2.17	1,320	20,090	9,320	2.16
Groton	85	10,700	3,550	3.02	85	10,830	3,620	2.99	85	10,920	3,680	2.97
Harvard	830	5,330	1,960	2.71	840	5,390	2,000	2.69	850	5,440	2,040	2.67
Hubbardston	25	4,460	1,420	3.14	25	4,510	1,450	3.11	25	4,550	1,470	3.09
Lancaster	710	6,330	2,220	2.85	720	6,400	2,270	2.82	725	6,460	2,300	2.80
Leominster	400	41,890	17,900	2.34	410	42,420	18,250	2.32	410	42,760	18,550	2.31
Lunenburg	5	10,160	3,840	2.65	5	10,280	3,910	2.63	5	10,360	3,970	2.61
Petersham	105	1,220	480	2.57	105	1,240	490	2.55	110	1,250	500	2.53
Phillipston	0	1,790	630	2.84	0	1,810	640	2.82	0	1,820	650	2.80
Royalston	0	1,350	490	2.78	0	1,370	500	2.76	0	1,380	500	2.73
Shirley	2,310	5,810	2,240	2.59	2,330	5,880	2,290	2.57	2,350	5,930	2,330	2.55
Sterling	0	7,790	2,790	2.79	0	7,880	2,850	2.77	0	7,950	2,890	2.75
Templeton	315	7,650	2,610	2.92	320	7,740	2,670	2.90	320	7,810	2,710	2.88
Townsend	0	9,690	3,370	2.87	0	9,810	3,440	2.85	0	9,890	3,500	2.83
Westminster	5	7,480	2,740	2.72	5	7,570	2,800	2.70	5	7,630	2,840	2.68
Winchendon	140	10,180	3,740	2.72	140	10,310	3,810	2.70	140	10,390	3,880	2.68
<b>Totals</b>	<b>9,020</b>	<b>233,980</b>	<b>92,500</b>	<b>2.53</b>	<b>9,131</b>	<b>236,869</b>	<b>94,400</b>	<b>2.51</b>	<b>9,206</b>	<b>238,794</b>	<b>95,900</b>	<b>2.49</b>

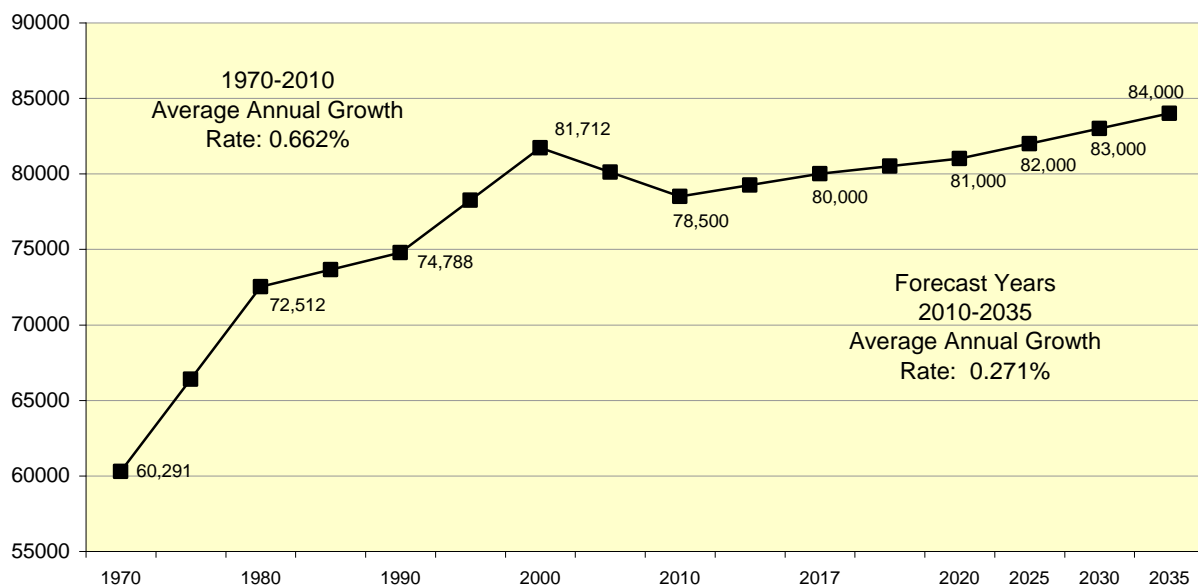
Table 8: Forecast of Household Population 2025 to 2035

FORECASTS TO 2035 FOR: HOUSEHOLD POPULATION, GROUP QUARTERS POPULATION, NUMBER OF HOUSEHOLDS, AND AVERAGE HOUSEHOLD SIZE (continued)												
	A Q D				A Q D				A Q D			
	2025				2030				2035			
	GQP	HHP	HH	AHHS	GQP	HHP	HH	AHHS	GQP	HHP	HH	AHHS
Ashburnham	20	6,280	2,220	2.82	20	6,370	2,280	2.80	20	6,480	2,320	2.79
Ashby	15	3,210	1,130	2.84	15	3,260	1,150	2.82	15	3,310	1,180	2.81
Athol	270	12,040	5,170	2.33	275	12,220	5,290	2.31	280	12,420	5,400	2.30
Ayer	500	7,640	3,440	2.22	510	7,760	3,520	2.21	520	7,880	3,590	2.20
Clinton	140	14,580	6,450	2.26	145	14,820	6,600	2.24	150	15,050	6,730	2.23
Fitchburg	1,950	41,780	17,230	2.43	1,980	42,450	17,630	2.41	2,010	43,110	17,980	2.40
Gardner	1,340	20,420	9,550	2.14	1,360	20,740	9,770	2.12	1,380	21,060	9,970	2.11
Groton	90	11,100	3,770	2.94	90	11,270	3,860	2.92	90	11,450	3,930	2.91
Harvard	860	5,520	2,090	2.65	880	5,610	2,130	2.63	890	5,700	2,180	2.62
Hubbardston	25	4,620	1,500	3.06	25	4,690	1,540	3.04	25	4,770	1,580	3.03
Lancaster	740	6,560	2,360	2.78	750	6,660	2,420	2.76	760	6,770	2,460	2.74
Leominster	420	43,450	19,010	2.29	425	44,140	19,460	2.27	430	44,830	19,850	2.26
Lunenburg	5	10,530	4,080	2.58	5	10,700	4,170	2.57	5	10,870	4,250	2.55
Petersham	110	1,270	510	2.51	110	1,290	520	2.49	110	1,310	530	2.48
Phillipston	0	1,850	670	2.77	0	1,880	680	2.75	0	1,910	700	2.74
Royalston	0	1,400	520	2.71	0	1,430	530	2.69	0	1,450	540	2.68
Shirley	2,390	6,020	2,380	2.53	2,430	6,120	2,440	2.51	2,470	6,210	2,480	2.50
Sterling	0	8,080	2,960	2.72	0	8,210	3,040	2.70	0	8,330	3,100	2.69
Templeton	330	7,930	2,780	2.85	330	8,060	2,850	2.83	340	8,180	2,900	2.82
Townsend	0	10,050	3,580	2.80	0	10,210	3,670	2.78	0	10,370	3,740	2.77
Westminster	5	7,750	2,920	2.66	5	7,880	2,980	2.64	5	8,000	3,040	2.63
Winchendon	145	10,560	3,980	2.66	145	10,720	4,070	2.64	150	10,890	4,150	2.63
<b>Totals</b>	<b>9,354</b>	<b>242,646</b>	<b>98,300</b>	<b>2.47</b>	<b>9,503</b>	<b>246,497</b>	<b>100,600</b>	<b>2.45</b>	<b>9,651</b>	<b>250,349</b>	<b>102,600</b>	<b>2.44</b>

Employment forecast are based on historic ES-202 annual municipal employment figures from the Massachusetts Department of Workforce Development and Training. The recently released 2009 ES-202 figures were utilized for this forecast. The 2009 figures provide a more accurate accounting of the negative effects on employment by the current recession. The 2010 employment figures are an estimate based on the 2009 figures and the first half of the 2010 ES-202 figures. The long term trend shows that the state has entered a period of slow employment growth. The current economic recession is a contributing factor. Potential labor supply is persons 16 years and older. The average annual unemployment rate for the forecast period will be 5.5%. The number of net non-residential commuters is held constant as a same share of the 2000 total employment. The only forecast of labor force participation used for Massachusetts is a national one by the U.S. Bureau of Labor Statistics (BLS)

Regional and Municipal Employment Forecast: Historically, as shown in the figure 2 below, decade to decade employment from 1970-2010 has been quite volatile in the MRPC region. However, based on the long term trend, employment is expected to grow but the region has entered a period of slower growth. By 2020 employment is expected to return to approximately the 2000 level. Over the next 25-years employment in the MRPC region is expected to grow from 78,500 to 84,000 employees. There will be a net increase of approximately 5,500 employees which is a 7% increase over the 2010 employment level for an average annual growth rate (AAGR) of 0.271%. This is a decrease in AAGR of -0.39% when compared to the growth that took place during the 40-year period from 1970-2010. Employment grew from 60,291 to 81,712 for a net increase of 21,421 employees which was an increase of 36% over the 1970 employment for an AAGR of 0.662%.

Figure 2: Regional Average Annual Growth Rate and Forecast





## Historic and Forecasted Regional Employment Growth

Leominster will each see the largest increase in employment with between 1,100-1,300 new employees which is about 23% of the 2035 regional total. The table below summarizes the forecasted employment growth for municipalities by grouping them into ranges.

Table 9: Grouped Employment Growth

	RANGES OF EMPLOYMENT GROWTH	PERCENT OF REGION EMPLOYMENT (each municipality)
LEOMINSTER	1,100-1,300	23%
FITCHBURG	800-900	18%
AYER, CLINTON, GARDNER	300-600	6-10.5%
ATHOL, WESTMINSTER	150-275	4-5%
GROTON, LANCASTER, LUNENBURG, TEMPLETON, TOWNSEND, SHIRLEY, STERLING, WINCHENDON	100-250	2-3.5%
ASHBURNHAM, ASHBY, HARVARD, HUBBARDSTON, PETERSHAM, PHILLIPSTON, ROYALSTON	0-80	0.2-1.5%

The table below shows the municipal employment forecast for each forecasted year to 2035 and the AQD years.

Table 10: Forecasted Employment Growth for Each Municipality

EMPLOYMENT FORECAST TO 2035								
	2000*	2009**	2010***	AQD 2017	AQD 2020	AQD 2025	AQD 2030	AQD 2035
Ashburnham	1,006	1,012	1,020	1,040	1,050	1,060	1,080	1,090
Ashby	229	285	290	290	300	300	300	310
Athol	3,704	3,474	3,490	3,560	3,600	3,650	3,690	3,740
Ayer	6,003	8,366	8,410	8,570	8,680	8,780	8,890	8,990
Clinton	4,878	4,337	4,360	4,440	4,500	4,550	4,610	4,660
Fitchburg	14,723	12,503	12,570	12,810	12,960	13,130	13,290	13,450
Gardner	8,425	8,311	8,350	8,510	8,620	8,730	8,830	8,940
Groton	2,978	3,266	3,280	3,350	3,390	3,430	3,470	3,510
Harvard	1,035	909	910	930	940	950	970	980
Hubbardston	597	501	500	510	520	530	530	540
Lancaster	2,816	2,111	2,120	2,160	2,190	2,220	2,240	2,270
Leominster	18,875	17,905	17,990	18,340	18,570	18,800	19,030	19,260
Lunenburg	2,384	2,271	2,280	2,330	2,360	2,380	2,410	2,440
Petersham	141	128	130	130	130	130	140	140
Phillipston	175	168	170	170	170	180	180	180
Royalston	156	119	120	120	120	130	130	130
Shirley	2,116	2,127	2,140	2,180	2,210	2,230	2,260	2,290
Sterling	2,058	2,417	2,430	2,470	2,500	2,540	2,570	2,600
Templeton	1,690	1,727	1,740	1,770	1,790	1,810	1,830	1,850
Townsend	2,245	2,127	2,140	2,180	2,210	2,230	2,260	2,290
Westminster	3,637	2,402	2,410	2,460	2,490	2,520	2,550	2,580
Winchendon	1,841	1,641	1,650	1,680	1,700	1,720	1,740	1,760
<b>Total</b>	<b>81,712</b>	<b>78,107</b>	<b>78,500</b>	<b>80,000</b>	<b>81,000</b>	<b>82,000</b>	<b>83,000</b>	<b>84,000</b>
*ES-202 2000 figures from the MA Dept of Workforce Development and Training								
**ES-202 2009 figures from the MA Dept of Workforce Development and Training								
***Estimate based upon ES-202 2009 figs, & first half of 2010, from the MA Dept of Workforce Development and Training								

### **Regional Preservation Forecast**

According to the data collected for the 2010 Losing Ground report, the Montachusett Region had 111,942 acres of protected lands as of 2005 (25.6% of the Region's total acreage). Of this acreage, 12,704 acres were preserved between 1999 and 2005 (which represents 11.35% of the total protected acreage within the Region). The State has put significant resources into preserving lands within the Ashburnham Bio- Reserve and also within the North Quabbin Bio-Reserve. However, if preservation efforts were continuing at the same pace as from the 1999-2005 period, as of 2011, 124,646 acres of land would now be protected (28.46%). Forecasting six years out, 137,350 acres would be protected by 2017 (31.36%).

Fortunately, even during the housing boom period between 1999-2005 more lands were preserved than developed within the Montachusett Region: 12,704 acres protected versus 3,499 acres of natural land converted to development. With the identification of Priority Housing and Economic Development Districts and Priority Preservation Areas that will be presented in the upcoming chapters, efforts can be developed for targeted land protection efforts within the Priority Preservation Areas and confining new development in already developed areas and/or areas being targeted for housing and economic development within the Priority Housing and Economic Development Districts.

## **5. REGIONAL STRATEGIC ELEMENTS**

The regional strategic elements of this plan include an assessment and analysis of local and regional priority housing and economic development growth areas and preservation protection areas. It also includes information on Land Use Partnership Act (LUPA) compliance and guidance for the Montachusett Region municipalities to become certified plan communities.

### **Assessment and Analysis**

The following describes the assessment and analysis of the regional strategic elements described above.

#### ***Priority Housing and Economic Development Districts***

To assess the current local priority development areas targeted for housing and economic development, MRPC reached out to the local municipalities through letters and other correspondence to receive community input regarding these areas. If MRPC received no response from these communities, priority areas from EO 418 Community Development Plans from 2004 or Master Plans were used to complete the assessment.

Regional priority development areas were determined through a public meeting on November 18, 2010 at MRPC offices in Fitchburg with local area planners and officials to discuss this topic.

## **Local**

The following section describes the local priority development areas by community with can be viewed on the map entitled “Identified Housing, Economic Development & Open Space Areas”. Recent community input was used to define priority development area unless otherwise noted.

### **Ashburnham**

#### Housing Priority Areas

1. Whitney Park Estates 40B
2. Village Center Commercial Zoning District
3. Village Center Residential Zoning District

#### Economic Development Priority Areas

1. Village Center Commercial Zoning District
2. Route 119/Route 101 Business Zoning District
3. Fitchburg Road (North Side) vicinity of former Boutwell’s Garage. See Industrial Siting Study.

### **Ashby**

From review of EO 418 Community Development Plan:

#### Housing Priority Areas

1. Town Center dependant on wastewater capacity
2. Country Corner intersections with ½ to 1 acres homes
  - a. West Road and Jones Hill Road
  - b. West State Road (Route 119) and Flint Road
  - c. Erickson Road and Piper Road
  - d. Simonds Road and New Ipswich Road
  - e. Frost Road and New Ipswich Road
  - f. Mason Road and Foster Road
  - g. Greenville Road (Route 31) and Foster Road
3. Possible new village area along Fitchburg State Road (Route 31) starting south of page road and going north to intersection with Main Street (Route 119)

#### Economic Development Priority Areas

4. Town Center dependant on wastewater capacity
5. Possible new village area along Fitchburg State Road (Route 31) starting south of page road and going north to intersection with Main Street (Route 119)
6. Town-wide allow Bed and Breakfast in all zones by special permit, promote nature-based recreation, equestrian businesses

### **Athol**

From review of EO 418 Community Development Plan:

#### Housing Priority Areas

1. Rehabilitate housing and expansion in established neighborhoods

2. Encourage housing and live-work units in commercial areas
3. Accessory apartments in all residential districts
4. Conversion of larger homes to multifamily housing

#### Economic Development Priority Areas

1. Develop New Athol Business Park on Templeton Road
2. Improve Exchange Street between South Street and Millers River
3. Enhance East Athol Village District
4. Control Strip Development along the Route 2A Corridor and create mixed use nodes in the established village areas
5. Redevelopment of the LP Athol Industrial Complex (former Union Twist Drill)
6. Redevelopment of the Athol Manufacturing Complex (former Vice Shop)
7. Rehabilitation of the former shoe factory building on Main Street
8. Rehabilitation of the former Silk factory off South Main Street
9. Rehabilitation of the Athol Middle School
10. Rehabilitation of the Bigelow and Riverbend Schools
11. Rehabilitation of the Silver Lake School
12. Rehabilitation of the Sander Street School
13. Expand eco-tourism opportunities in Tully Pond and Mountain area, Lawton State Forest, and Millers River WMA conservation areas

### **Ayer**

#### Housing Priority Areas

1. Pleasant Street, Washington Street area
2. Pond to Grove Street area
3. The mixed use Fletcher Building on Main Street

#### Economic Development Priority Areas

1. East Main, Downtown Main and West Main
2. Central Avenue open parcels
3. Park St. Business District
4. Fitchburg Road from corner of Park St. to the Town line

### **Clinton**

From review of EO 418 Community Development Plan:

#### Housing Priority Areas

1. An area that runs on both sides of Fitch Road, north of Mossy Pond and very near the border with Lancaster.
2. An area that runs along Rigby Road, north of Mossy Pond and very near the border with Lancaster
3. Area along Water Street that crosses both Bourne and Auburn Streets
4. An area that extends from Main Street northwest to Coachlace Pond, across from Arthur and Winter Streets

#### Economic Development Priority Areas

1. Industrial zoned land on Sterling St
2. Industrial zoned land on area near Rt. 110 and active rail line (Providence and Worcester)
3. Industrial zoned land on South Meadow Road and Morgan Ave
4. Industrial zoned land on Green St

### **Fitchburg**

From review of EO 418 Community Development Plan:

#### Housing Priority Areas

1. Fitchburg CDBG Housing Strategy Area

#### Economic Development Priority Areas

1. Along North Street
2. Putnam Place Business and Industrial Center
3. 14 Cleghorn Street
4. 1 Oak Hill Road
5. Montachusett Industrial Park
6. Fitchburg Paper Recycling
7. Downtown
8. Central Business District

### **Gardner**

The City's identified priority housing sites are located in their Downtown area:

1. 86-96 Main Street; (Parcel O-23/11/33)
2. 57-67 Parker Street; (Parcel O-24/121/7)
3. Heywood Wakefield Phase 4 (206 Central Street); P-25/10/4
4. 40-42 Main Street

In a boarder context, all of the downtown area is a priority for housing development.

#### Economic Development Priority Areas – 43D Areas:

1. 58 Main Street Rear
2. 158 Main Street Rear
3. Main Street – P-23-37B-1
4. West Lynde Street – O-24-5-36
5. West Lynde Street – O-24-4-37
6. 14 Main Street

### **Groton**

The Town of Groton's priority housing locations areas are identified as follows:

1. Prescott School: 145 Main Street (Map 113 Lot 43)
2. Station Avenue Overlay District: Map 113 Lots 47-55, 57-61, 63, 75-78, and 84.
3. Cow Pond Road/Hoyts Wharf: Map 249 Lot 51
4. Tarbell School/73 Pepperell Road: Map 102 Lot 44
5. Townsend Road: a. Map 202 Lot 83 (29.377 acres) and b. Map 205 Lot 9.01 (16.89 acres)

6. Brownloaf Road: Map 234 Lot 18.1
7. Bridge Street: a. Map 248 Lot 9 (34.7 acres) and b. Map 247 Lot 35.1361 (11.9 acres)
8. Nashua Road: Map 227 Lot 93

#### Economic Development Priority Areas

1. Station Avenue Overlay District/Groton Center: Map-Lots: 113-84, 113-75, 113-76, 113-77, 113-78, 113-57, 113-58, 113-59, 113-60, 113-61, 113-63, 113-55, 113-54, 113-53, 113-52, 113-51, 113-50, 113-49, 113-48 and 113-47
2. Route 119/Boston Road: Map-Lots: 120-3, 133-55, 133-54, 120-1, 133-1, 133-10 and 133-11

#### **Harvard**

The Town of Harvard's priority housing locations areas are identified as follows:

1. Map 22 Parcel 21
2. Map 2 Parcel 7
3. Map 11 Parcels 22.1 – 22.3

#### Economic Development Priority Areas

1. Map 4 Parcels 52, 52.1 and 52.2
2. Map 4 Parcels 39 and 40
3. Map 4 Parcel 25

#### **Hubbardston**

From review of EO 418 Community Development Plan:

#### Housing Priority Areas

1. Area on north side of Boston Road near Barre Town Line
2. Area in Southeast Hubbardston on the South Side of Route 62 near Rutland Town Line
3. Entire town center and surrounding adjacent area following the north-south axis of New Templeton Road, Main Street and Worcester Road extending north to North Sandy Brook Drive and south to Old Princeton Road including the east-west axis from the railroad line on the east to Mount Jefferson Road on the west.

#### Economic Development Priority Areas

1. Home-based business development in area at intersection of Ragged Hill Road and Birches Road
2. Waite Pond Region near vacant Cisco Lumber Site
3. Area around cell town at Bemis Road
4. Vacant business sites at the intersection of Worcester Road and Old Boston Turnpike
5. Recreational development on Worcester Road near Asnacomet Pond
6. Recreation development of walking, hiking and biking development around Brigham Street and Westminster Road
7. Senior Oriented Businesses and Doctors on Worcester Road near Main Street area

8. Eco-tourism development around Mount Jefferson Road and Root Road
9. Bicyclists businesses around Main Street
10. Industrial Development near state route 68/ new Templeton road

### **Lancaster**

The Town of Lancaster has identified the following areas that make up the Town's Local Priority Housing Areas.

1. Integrated Planning Overlay District 1 (IPOD1)
2. Integrated Planning Overlay District 2 (IPOD2)
3. Residential areas that can support flexible development

### **Economic Development Priority Areas**

1. Integrated Planning Overlay District 1 (IPOD 1)
2. Integrated Planning Overlay District 2 (IPOD 2)

### **Leominster**

From review of EO 418 Community Development Plan:

### **Housing Priority Areas**

1. Carter Housing Area
2. Second Street Housing Area
3. Area around Tucker Drive
4. All projects listed in the Affordable Housing/ Rockwell Village Revitalization Initiative
5. Accessory apartments should be promoted throughout the community
6. Multi-family housing though adaptive reuse in RC and RB Zones

### **Economic Development Priority Areas**

1. Central Business District
2. Area along State Route 117/Lancaster Street between Pioneer Drive and Harvard Street
3. Development and redevelopment in commercial and industrial zones
4. Redevelopment of brownfield sites
5. Vacant and underutilized commercial and industrial buildings

### **Lunenburg**

The Town of Lunenburg has identified their 40R Project Site off of Summer Street (Tri-Town Landing) and 30 School Street (Old Primary Housing being redeveloped as Senior Housing) as the Town's Priority Housing Areas.

### **Economic Development Priority Areas**

1. 43D Site on Summer Street
2. Commercial and Industrial Districts

### **Petersham**

From review of EO 418 Community Development Plan:



#### Housing Priority Areas

1. Town Center

#### Economic Development Priority Areas

1. Area along and at the intersection of Route 122 and South Main Street (Route 32)

### **Phillipston**

From review of EO 418 Community Development Plan:

#### Housing Priority Areas

1. Area along Routes 2, 202 and 2A from the borders of Templeton to Athol

#### Economic Development Priority Areas

1. Area along Routes 2, 202 and 2A from the borders of Templeton to Athol

### **Royalston**

From review of EO 418 Community Development Plan:

#### Housing Priority Areas

1. Area north of West Royalston bound by Route 32 on the east, Warwick Road on the south, Baptist Corners and Bliss hill on the west and New Hampshire on the north
2. Along Route 32
3. Area on both sides of Old Turnpike Road and bordering Winchendon to the east and New Hampshire to the north
4. Area just north of South Royalston
5. Center of South Royalston
6. Area on Athol Road from Athol border to Doanes Hill Road

#### Economic Development Priority Areas

1. South Royalston Center
2. Area to the east of the intersection of Tully Road and West Royalston Road for forest industry

### **Shirley**

From review of EO 418 Community Development Plan:

#### Housing Priority Areas

1. Village-Density Housing in the Residential R-3 Zone

#### Economic Development Priority Areas

1. Commercial development in commercial village and highway zone including a greater area on Great and Parker Road
2. Industrial development on all industrial zones except on area at the border of Lunenburg on Leominster Road

## **Sterling**

From review of EO 418 Community Development Plan:

### **Housing Priority Areas**

1. Elderly/Special Needs or Family Subsidized Units in the Neighborhood Residence District near Sholan Terrace
2. Multi-Family adaptive re-use in the Neighborhood Residence District
3. Elderly Housing in Rural Residence District along Princeton Road

### **Economic Development Priority Areas**

1. Expand Limited Industrial Zone on Flangan Hill Road
2. Expand Limited Industrial Zone on Chocksett Road
3. Expand Limited Industrial Zone near Sterling Airport
4. Locate Senior Center either at the intersection of State Route 12, Legate Road and North Row Road or along Route 62

## **Templeton**

The following three (3) areas have been identified by the Town of Templeton as their Priority Housing Areas:

1. State Forest Road (Map 3-12 Parcels 30.14-30.18 and Parcels 30.57-30.61)
2. Baldwinville Road (Map 4-7 Parcels 4.6)
3. Hospital Road (Parcel 6-5)

### **Economic Development Priority Areas:**

1. Exit 20 Baldwinville Road (Map 4-8 Parcel 32)
2. Exit 20 Baldwinville Road (Map 4-7 Parcel 36.1)
3. Exit 19 Patriots Road (Map 2-7 Parcels 21.3 and 31)

## **Townsend**

From review of EO 418 Community Development Plan:

### **Housing Priority Areas**

1. Assisted living facility that flanks existing senior housing on Dudley Street
2. 55 + housing situated on Townsend Hill Road.
3. Area off of Highland Street adjacent to other developable land
4. Area acceded from Proctor Road bordering Pepperell
5. Area near South Street and Warren Road
6. Area on Shirley Road that stretches west towards Turner's Road
7. Area between South Road to the west and the already developed area of Hickory Drive on the north and Ash Street on the east side
8. Mixed-use housing above commercial area along west side of Route 13 where Townsend and Lunenburg meet
9. Center of Town

### **Economic Development Priority Areas**

1. Light Industrial along the west side of State Route 13 north of Townsend Center -  
Note: Citizens at the Community Forum for the Community Development Plan proposed industrial uses for this location, but the entire area is permanently protected open space.
2. State Route 13, Fitchburg Road, from Lunenburg Road to the west to Tyler Road to the east
3. West side of Shirley Road

### **Westminster**

The following three (3) areas have been identified by the Town of Westminster has their Priority Housing Areas:

1. 69 West Main Street (affordable senior housing) – Map 87, Lot 85
2. 72 Davis Road (Habitat for Humanity) – Map 160, Lot 6
3. Hager Park Road (Village at Hager Park – affordable condos) – Map 137, Lot 2

Economic Development Priority Areas:

1. Westminster Business Park (Theodore Dr./Depot Rd.) – Map 71 – Lot 2, Map 72 – Lot 1, Map 76 – Lots 12.3, 12.4 and 12.5 and Map 77 – Lots 12.1 and 12.2
2. Fitchburg Road/Route 31 (Town-owned parcel) – Map 115 – Lot 2
3. Simplex Drive – Map 80 – Lot 1.1 and Map 81 – Lots 7 and 14

### **Winchendon**

The following five (5) areas have been identified by the Town of Winchendon has their Priority Housing Areas:

1. Corner of Lincoln & Oak Sts. - Winchendon Assessors Map 5B2 Parcel 113 (1 unit proposed)
2. Corner of Hyde Park St. & Irwin Court - Winchendon Assessors Map 5B2 Parcel 171 (2 duplexes proposed)
3. Corner of Pearl & Murdock Sts. - Winchendon Assessors Map 5A2 Parcel 27 (3 duplexes proposed)
4. Murdock Avenue (former Poland School) - Winchendon Assessors Map 5B2 Parcel 118 (8 units proposed)
5. Winchendon Assessors Map 5A2 Parcel 219 & 182. These parcels are adjoining and have some environmental constraints. (Goal a 2-unit project)

Economic Development Priority Areas:

1. Hillview Business Park, Rte. 140 – Map 12 Parcels 15, 16, 19, 20, 22 and 23 (Three phase power is being installed and Town water is available.)
2. Lincoln Ave. Extension (Town water and sewer available as well as three phase power.)
3. Route 140 and Route 12 business corridor in the C1 Large Scale Commercial District

### **Regional**

The following section describes the regional priority development areas by community with can be viewed on the map entitled “Identified Housing, Economic Development &

Open Space Areas”. Information for these areas was solicited and discussed at the November 2010 meeting with local planners and officials.

#### **Housing and Economic Development Regional Priority Areas**

1. 40R sites (Fitchburg and Lunenburg)
2. Locate Housing near Transit Areas
3. Locate Housing near areas with existing infrastructure
4. Housing targeted in mixed-use areas, including:
  - a. Ashburnham Village Center
  - b. Lancaster’s identified mixed-use area(s)

#### ***Priority Preservation Areas***

To assess the current local Priority Preservation Areas, MRPC reached out to the local municipalities through letters and other correspondence to receive community input regarding these identified areas. When MRPC received no response from these communities, priority areas from EO 418 Community Development Plans from 2004, Master Plans or Open Space Plans were used to complete the assessment.

Regional Priority Preservation Areas were determined through a public meeting on March 2, 2011 at MRPC offices in Fitchburg with local conservation commissions, local and regional land trust representative, officials and other interested non-profit conservation organizations. Regional preservation plans and initiatives were also examined and discussed in this section.

#### **Local**

The following section describes the local priority preservation areas by community with can be viewed on the map entitled “Identified Housing, Economic Development & Open Space Areas”. Recent community input was used to define priority development area unless otherwise noted.

#### **Ashburnham**

1. Mt Hunger/Mid State Trail Corridor – Southern Monadnock Plateau Project
2. Bush Hill Road Conservation Area w/link to Mt. Watatic
3. Upper Naukeag Lake Watershed Protection District
4. Rail Trail Corridor and Connections

#### **Ashby**

From review of EO 418 Community Development Plan and Open Space Plan:

1. Protect lands that support biodiversity and wildlife habitat.
  - a. Promote protection of areas identified as rare species habitat and BioMap Core Habitat: Except for wetlands and stream corridors, most of the land identified on the BioMap as Core Habitat is not permanently protected.
  - b. Create protected corridors for wildlife. Taking into account the areas that are identified as having special wildlife habitat (see bullet #2 below and the Map), the Town and/or Ashby Land Trust should pursue conservation

restrictions on land that will create protected corridors for wildlife, particularly corridors between existing large patches of protected open space, in upland areas along streams, and making connections to ponds.

2. Unite a Western Spine and Connect to Ashburnham, the Midstate Trail, & Willard Brook State Forest. Starting with the lands of public ownership Watatic Mountain, Department of Fish and Wildlife Land, Blood Hill, and the Fitchburg Reservoir, create a wildlife and recreational corridor, “a western spine,” from north to south with future consideration of connecting the corridor east to Willard Brook State Park and west to Ashburnham.
3. Preserve Contiguous Farms and Forests. Starting with the lands in the northern agricultural corridor and significant farms in the southwest corner of Ashby, promote and actively protect, through restrictions or acquisition, contiguous sections of farms and forest lands. Where possible, prioritize the preservation of the lands actively forested and farmed; thus protecting both land uses with one effort.
4. Protect the Critical Natural Water Systems & Habitats. Ashby’s natural water systems are vital to the environmental health of the local ecosystem and regional water supply. Some of these natural water systems are also important habitats for a variety of wildlife including rare species. Ashby is looking to increase the protection of areas that are both important water systems and habitats.
5. Protect the Great Meadow – a wet meadow along Trap Falls Brook in the eastern part of Town
6. Protect the headwaters of the South Branch of the Souhegan River located in the northwest corner of Ashby
7. Work with private landowners and funding sources to create easements or restrictions to protect other water systems & habitats
8. Protect the Priority Heritage Landscapes. In 2007, Ashby, with assistance from the Department of Conservation and Recreation, identified heritage landscapes with cultural or historical importance including nine priorities determined to be critical to the fabric of the community. These priorities landscapes are: Ashby Stock Farm, the three Town cemeteries, the Gazebo on the Common, the Jewett Hill Caves, the Loveland Grist and Saw mills, the scenic Route 119, and the Trapfall Stone Arch Bridge.

## **Athol**

1. Equestrian Center (Whitney Hamlet) - This 155-acre site in South Athol, purchased by the Town of Athol through grants, is being developed into the largest municipal equestrian center in New England. New England Equestrian Land Management Conservation Corporation (NELMCC) received 501(c)(3) status and has begun developing the park. A network of trails will serve equine and a variety of human activities, including cross-country skiing and hiking. The park will also develop a conservation and recreation center. It is expected that the park, when completed, will become a tremendous draw to the North Quabbin Region and will be self-sustaining through programs and fees. NELMCC has developed a large portion of Equestrian Park using volunteer services and fund

- raising. The park has also been approved through DEP to contain a composting facility
2. Millers River Greenway - A permanent greenway is proposed along the southern bank of Millers River, extending from Athol Center to Orange Center. The benefits of this greenway are two-fold: (1) the greenway would help protect water quality and wildlife habitat, and (2) provide an important opportunity for linear pursuits along the river, such as hiking and biking. Ideally the trail would merge with the recently established Tully Trail in Orange. Athol's Greenway Committee is actively working towards making the greenway a reality by encouraging area landowners to place conservation restrictions on their property. Protection of land within the recharge area of the town's new primary water supply, which comes from an aquifer below Millers River, should be viewed as a priority and will complement the Greenway Committee's efforts.
  3. Chapter 61, 61A and 61B Lands - The Farmland Assessment Act allows qualifying forest, farm and recreational lands to be taxed at its use value rather than full market value. If a landowner intends to sell the classified land or convert it to another use, town officials must be notified by certified mail. The town is granted the right of first refusal and a penalty in the form of either a conveyance tax or a roll back tax is assessed. Athol contains 36 lots or 1,513.81 acres in Chapter 61, 22 lots or 799.36 acres in Chapter 61A and 23 lots or 667.07 acres in 61B (See Appendix H Open Space Map). Currently undeveloped, these lands are of interest for both conservation and recreation purposes. Although land under this program can be taken out at the landowner's will, these parcels constitute a large amount of Athol's open space and, if protected, priority Chapter lands can help link existing conservation and recreation lands to form a continuous greenway network.

### **Ayer**

1. Pine Meadow Conservation Land: create parking and boat launching areas
2. Ponds (Long, Sandy, Flannagans/Fletchers, and Pine Meadow Ponds)
3. Trail management and expansion

### **Clinton**

From review of EO 418 Community Development Plan:

1. The banks of South Meadow Pond and Mossy Pond, especially around the peninsula separating the two ponds (Pine Street Extension and Rogers Field Way). The shorelines of these ponds are priorities for protection due to their aesthetic value as scenic landscapes and their value as potential wildlife habitat. The ponds are the focus of water quality improvement efforts. These efforts would benefit from support from the Planning Board/Community Development Office through design standards designed to control stormwater runoff, such as vegetated buffers; through site plan review, and through performance guarantees that any developments will meet or exceed the design standards. Clinton Greenways Conservation Trust may want to focus on a land acquisition program for these ponds.

2. A hill adjacent to Lancaster Mill Pond and north of the Wachusett Dam. Protecting this area supports the goals of the Nashua River Watershed Association and Clinton Greenways Conservation Trust for establishment of a Greenway Corridor along the Nashua River. The scenic nature of the area is a highlight of the Wachusett Reservoir. Protecting this area also supports the creation of a link in the Mass Central Rail Trail passing through Clinton to connect with the Wachusett Greenways segment in Boylston.. The towns of Berlin and Sterling both have supporters for this objective, and Berlin recently secured a segment for the trail.
3. The abandoned Boston & Maine Railroad rail corridor, linking the Mass Central Rail Trail in Berlin to the Wachusett Dam, providing access to Clamshell Pond and Reuben's Hill, and passing through an old railroad tunnel. Preserving this abandoned rail corridor provides a unique segment in the Mass Central Rail Trail concept because of the tunnel feature and the access the corridor provides to Clamshell Pond and the Reuben's Hill area.
4. An area of land on the east bank of the South Branch Nashua River, extending from Chase Street near Schobert Street to the river, then north across Bolton Road to already protected land. Protecting this area also supports the goal of creating a Nashua River Greenway Corridor. The sensitivity of the area is apparent, and proximity to a Core Habitat for rare and endangered species enhances its preservation value.
5. An area riverine wetlands land east of the South Branch Nashua River, north of the railroad, upstream from the Clinton Wastewater Treatment Plant, and accessible from Gorham Avenue, John F. Kennedy Avenue and Woodruff Road. It is characteristic of oxbow formations on mature rivers. This area appears as developable in the buildout analysis due to the nature of how the wetlands are defined in the MassGIS datalayer. Access to the area for development appears to require a wetland crossing. The area is within the floodplain protection zone, and therefore further constrained. A wetlands delineation survey by the Conservation Commission would help to further define wetlands constraints (if not already done). Finally, the presence of wetlands in this floodplain helps to control the flood potential, upstream from the wastewater treatment plant.
6. A chain of wetlands between Route 110 and Route 70 extending from Water Street to the Clinton Town Line. This chain of wetlands is surrounded by residential land uses. They lie within the Floodplain Overlay District. They were shown as developable in the buildout analysis, but it is recommended that they are not to be built upon. Construction here, to the extent feasible, would require permits for dredging and filling and wetlands replication. Very little opportunity exists for replication.

## **Fitchburg**

From review of EO 418 Community Development Plan:

1. The lands designated as Outstanding Resource Waters due to their value to the Fitchburg water supplies are of high protection priority. The City defined the entire watershed as a Watershed Protection Overlay District in its Zoning Bylaw. The Fitchburg Water Department, recognizing the value of these lands for protection of its water supplies, has aggressively pursued acquiring these areas. Remaining areas within the Watershed Overlay District are an important priority for protection. Areas nearest the tributary streams should be the first priority, due to their value for wildlife habitat and water quality. Areas that provide connections between existing protected open space and watershed landholdings should be the next priority. Selected private parcels within the Watershed Protection Overlay Districts (*as shown on the ID\_Housing, Economic Development & Open Space Areas Map*) have been identified by the City.
2. Within the Watershed Protection Overlay District in South Fitchburg are tributaries that feed the NoTown Reservoir in Leominster. These areas contain a region that is identified as priority habitat for State-protected Rare Species and Estimated Habitat for Rare Wildlife. This region overlaps the 100-meter riparian corridor identified in the *MRIP* as a priority for protection. This portion of the watershed should be a focus for protection efforts, especially since the Rollstone Road area now has subdivision projects under construction.
3. The City identified Rollstone Hill as a protection priority. Though the analysis does not show resources present there, the hill does overlook the newly created Riverfront Park and offers a scenic view of the Revitalization area.
4. The City's Master Plan identified permanently protecting city-owned parcels next to Moran Park as a priority.
5. Open space, rural landscapes, and wildlife habitats in West Fitchburg are a protection priority while retaining accessibility for current and future residents. New subdivisions should employ Open Space Residential Design (OSRD) standards.
6. Nashua River and its banks are a protection priority that must be orchestrated in harmony with the City's revitalization goals. The River also offers potential as the "jewel in the crown" of revitalization efforts. Plans for connecting a pedestrian and bicycle path linking Fitchburg and Leominster, are coupled with establishing a greenway corridor and riverwalk, connecting a series of parks along the banks of the Nashua River. River advocates should work closely with the Fitchburg Redevelopment Authority and the Planning Department to ensure that their efforts are mutually beneficial.
7. Phillips Brook, which flows besides Route 12 through Westminster into West Fitchburg to its confluence with the North Branch Nashua River, should be an immediate priority for protection. Zoned for residential use, the area is one of the most sensitive places in the City and among the least protected. It represents a Priority Habitat for Rare Species, has potential to flood, and it has a medium yield aquifer.



**Gardner**

The Town's identified priority preservation is the watershed for Crystal Lake, as the Lake is the City's main drinking water supply.

**Groton**

The Town of Groton's priority preservation areas consist of parcels identified in their 2006 Open Space Plan as "First Priority Parcels" and whose status is unprotected. A total of 65 parcels have been identified meeting this criteria, location of which are shown on the map.

**Harvard**

The Town of Harvard's priority preservation areas consist of the following identified parcels: Map 16 Parcel 11.1, Map 26 Parcel 4 and Map 30 Parcel 106.

**Hubbardston**

From review of EO 418 Community Development Plan:

1. Mount Jefferson Road/Root Road is important to preserve and utilize trail networks for walking, hiking, and bicycling.
2. Worcester Road near Asnacomet Pond is labeled as an important area for preservation and utilization of the area for camping, and other outdoor recreation such as trails networks for walking, hiking, and bicycling and
3. State Route 68/New Templeton Road and Worcester Road is an important area for preservation and utilization of the trails network

**Lancaster**

The Town of Lancaster has identified the following seven categories that make up the Town's Local Priority Preservation Areas.

1. Nashua River and its Floodplains
2. Agricultural Lands
3. Town and State Forests
4. Conservation Lands
5. Town Green Area
6. Historical Lands & Properties
7. Public Well Sites (see Water Resource Zoning Overlay District locations).

**Leominster**

From review of EO 418 Community Development Plan and Open Space Plan:

1. Participants recommended a trail system linking protected city-owned lands at North Monoosnoc Hill and Mount Elam Road with the Mid-State Trail via a trail connecting over South Monoosnoc Hill along the Notown Reservoir south to Parmenter Street and Rocky Pond. This proposal trail system would establish a loop with the existing Monoosnoc Ridge Trail.
2. A trail connector was proposed linking Barrett Park, Sheldon Park and the Monoosnoc Ridge Trail.

3. The crest of Long Hill was recommended for protection due to its value for scenic values. Protection would link existing protected open space and buffer Fall Brook.
4. The Open Space and Recreation Action Plan included a recommendation for a buffer of Fall Brook, the North Nashua River, Monoosnoc Brook and Reservoir Brook as greenways. A hiking trail to follow Fall Brook, the North Nashua and Monoosnoc Brook, closing a large loop connecting each terminus of the Monoosnoc Ridge Trail was also recommended. This proposal was supported by participants of the Public Forum. *See Updated OS Plan for further details.*
5. A large area near the Leominster/Lunenburg border near Massapoag Pond in Lunenburg and north of Pierce Street in North Leominster is a protection priority due to its watershed value for Massapoag Pond and its value for connectivity to existing protected open space.
6. At the interchange of I-190 and Route 2 is the Gove Farm, another protection priority for Forum participants.
7. Participants recommended protecting a public access point to the North Nashua River at the southern terminus of the Leominster State Forest, near the Route 117 interchange.

### **Lunenburg**

The Town does not have any identified local priority preservation areas.

### **Petersham**

From review of Open Space Plan:

1. Farmland and open fields. Almost 90% of Petersham's land is wooded, so open fields are both visually interesting and ecologically important. They are also a key part of the Town's historic rural landscape. Of this group of lands, farmland with good soils should be the highest priority (see Prime Agricultural Soils Map).
2. Habitat connections and corridors. Petersham is a critical link in the region-wide North Quabbin habitat and open space network. Protecting connections between large patches of already-protected forest land – especially in the eastern half of Town – will ensure that these habitat values are maintained.
3. Unprotected stream corridors. Land along the East Branch of the Swift River, Moccasin Brook, Rutland Brook, Lorinda Brook, and the East Branch of Fever Brook are not only tributaries to the Quabbin Reservoir, but also provide habitat for numerous rare species. All of these stretches are mapped as "Core Habitat" by the State's BioMap project, and most are also designated as critical for rare aquatic species by the Living Waters habitat mapping project. Undeveloped land along the river also helps maintain water quality by filtering out pollutants, among other functions. These lands are already partially protected by the Cohen Act (?), but additional protection is desired.

## **Phillipston**

From review of EO 418 Community Development Plan:

1. Thousand Acre Brook is a priority for establishing linkages between protected open space at Thousand Acre Swamp and properties downstream. This would protect the source waters of the swamp and establish a buffer around the entire set of resources. The whole area is important for biodiversity as identified on the BioMap project and it is a Priority Habitat for State-Protected Rare Species.
2. The north east area off Royalston Road around Hoyt Brook and Colony Road are a protection priority because of wetlands and contiguous natural lands that serve as supporting landscapes for core habitats. This area is the watershed for Beaver Brook on the Phillipston/Templeton border.
3. An area extending from Highland Avenue to Lamb City Campground at the headwaters of Lamb City Brook was identified as a protection priority due to its hilly terrain, scenic value and the campground.
4. Phillipston Center is an historic preservation priority as it exemplifies the traditional New England Colonial Village.
5. A ridgeline between Queen Lake and Searles Hill Road, from Barre Road to Queens Lake Road is a protection priority, its views of Queens Lake, and its location within the Ware River Watershed.
6. Forum participants recommended an area between Petersham Road and Lincoln Road that has a wetlands complex at the headwaters of Dunn Brook, which flow to Beaver Brook.
7. The area encompassing Lamb City Brook and its confluence with Beaver Brook should be a protection priority because it has been identified as a Biomap Core Habitat. The area also has extensive wetlands.
8. Dunn Brook and Chickering Brook should also be a protection priority as they are also identified as Biomap Core Habitat.

## **Royalston**

From review of EO 418 Community Development Plan:

1. Forum participant delineated the alignment of the Tully Loop Trail as a protection priority. For the most part this alignment is already protected as it passes through the Tully Flood Control Project, Royalston State Forest and several privately protected areas. The Tully Loop Trail benefited greatly from the success of the Tully Initiative spearheaded by the Mount Grace Land Trust. Remaining protection efforts are needed at the northern extent where the trail meets Metacomet/Monadnock Trail.
2. The headwaters of Fish Brook were also recommended. Yet, again this area has recently been protected through private protection efforts or through conservation restrictions.
3. Pasture land on Route 32 north of Warwick Road and adjacent to Royalston State Forest was recommended for protection. This acquisition would establish a linkage between the State Forest and recently protected private open space.

4. Butterworth Ridge, overlooking Collar Brook, was recommended as well. The area has steep slopes and it is a supporting natural landscape for two BioMap Core Habitat areas. Protecting this area would preserve a linkage between protected areas of the Fish Brook Wildlife Management Area (WMA), building connections northward toward the Royalston State Forest off of Route 32. Acquisition of lands in the Chapter 61A program would facilitate this effort.
5. Another segment of the Tully Loop Trail, which winds through the Fish Brook WMA was delineated. Protection efforts would focus on the Bliss Hill area.
6. Participants recommended protection a corridor extending south from Davis Hill (to the west of Tully River) to two hills north of Doane Hill Road. Protecting this 'ridgeline' would expand a protected closed loop around Long Pond. The area has value as contiguous natural lands that offer supporting landscape for the Tully River BioMap Core Habitat. Large parcels in this area are listed in the Chapter 61 programs.
7. Two pastures located near Davis Hill Road south of Royalston State Forest were recommended for protection. They are listed in the Chapter 61 program. Again, they offer supporting natural landscape to the BioMap Core Habitat areas.
8. A Chapter 61 parcel extending southwest off of Route 32 to the Orange border would link private protected open space to the Orange State Forest to the South. Again, this area has value as supporting natural landscape.
9. Participants recommended protecting the ridgeline that extends from, Prospect Hill in the north to Jacob Hill in the south. The steep western slopes drop precipitously to the Boyce Brook and Tully River valleys, both of which area BioMap Core Habitat areas. Again, the value of the ridge is its role as supporting natural landscape though it also provides a viewshed to the west and a natural setting for Spirit Falls and Doan's Falls. The areas around the two falls have protection.
10. An extensive wetland area north of Winchendon Road, encompassing the Watershed of Beaver Brook and its confluence with Lawrence Brook, was a protection priority. The area borders the Birch Hill Wildlife Management Area and the entire region is identified as a BioMap core Habitat.
11. The confluence of Scott Brook and Towne Brook, off Old Turnpike Road, was recommended for protection as a highly valued trout fishing location. This area is within a BioMap Core Habitat, has extensive wetlands, and has rich sand and gravel deposits offering potential as a future source of groundwater.
12. Participants recommended protecting and extensive area, stretching north/south, to the west of Neale Road and New Boston Road. The protection effort would fill in the gaps of land already privately protected extending south from the Birch Hill WMA. It would focus on properties enrolled in the Chapter 61 programs. It would also preserve linkages between three Biomap Core Habitat areas.
13. Participants also recommended protecting a north/south corridor extending south from Stockwell Road to Bears Den Road. This corridor would establish a linkage to the Bears Den Conservation Area in Athol.

### **Shirley**

The Town did not respond to request for identification of local priority areas.

## **Sterling**

From review of EO 418 Community Development Plan:

1. The Stuart Pond area, off Lucas Road and Justice Hill Cutoff, although largely permanently protected already, was a priority for protection. The area is the base of Justice Hill and is the site of a picturesque farm. Stuart Pond is a part of the Stillwater River system and is within the designated Outstanding Resource Waters and the Zone C for the Sterling municipal wells. The area is also governed by the Watershed Protection Act. Its location at the northern border of Sterling and in close proximity to the Leominster State Forest enhance its value for protection to preserve connectivity.
2. The watershed of Hycrest Pond on Justice Hill and of Rocky Pond Brook which flows to the Stillwater River is another protection priority. The Rocky Pond Brook area has a wetlands complex and Hycrest Pond is a scenic feature. Its location near the Leominster/Sterling border increases its protection value to preserve connectivity with Leominster State Forest. The area supports a BioMap Core Habitat that extends north into Leominster.
3. Stillwater River watershed is a primary priority for protection, both for the Wachusett Reservoir and for the Municipal public well system. Fishermen also value access to the River for fishing. Though much of the landscape upland from the River is under protective ownership of the Division of Conservation and Recreation (DCR), there are many opportunities to further protect the landscapes surrounding the River.
4. The Wekepeke watershed extending from the Clinton reserve public water supplies at Heywood Reservoir, eastward to the Lancaster border is an immediate protection priority. The Brook exhibits a medium level of basin stress, as defined by the criteria of DEP, indicating that at low-flow months, water withdrawals from the underlying aquifer pull water from the Brook, negatively impacting aquatic habitat. The industrial zone overlying the Wekepeke aquifer should be carefully monitored as new project proposals are presented, to ensure that the aquifer recharge zone is not negatively affected by the projects. The Town may want to reconsider the zoning in this area.
5. The area surrounding the Quag and West Lake Waushacum was identified as a protection priority, however, the area is largely owned by the Division of Conservation and Recreation (DCR) already. Public access to these lands is important to residents for recreation and fishing opportunities. Since the water resources are a part of the Wachusett system, public access is governed by watershed protection priorities. It will be important to strike a balance between these priorities.
6. Forum participants identified Kendall Hill above East Lake Waushacum as an immediate protection priority to preserve the water quality of the Lake, to limit the potential for stormwater erosion and nutrient loading, and to preserve the rural character surrounding the Lake. The area has been considerable development (in the past decade), and has been the target of a Chapter 40B proposal in recent years.

7. Kendall Hill and Swett Hill, east of Swett Hill Road, are another protection priority. This area contains a large wetland complex around Fitch Pond that forms the headwaters of the South Meadow Brook. The area is identified as contiguous natural lands through the Massachusetts Resource Identification Project, and it supports vernal pools. It should be viewed as BioMap Supporting Natural Landscape.
8. Sterling in general has considerable acreage of significant agricultural and possible primary Forest soils, that perhaps should be protected (*see Prime Agricultural Soils map*).
9. Water Resources in general, most of which were already discussed, above.

### **Templeton**

The following three (3) areas have been identified by the Town of Templeton as their Priority Preservation Areas:

1. Villeneuve Property (Map 2-11 Parcel 2)
2. Otter River Estates (Map 4-8 Parcels 76.2-76.7)
3. Maynard Property (Map 5-10 Parcel 52)

### **Townsend**

From review of EO 418 Community Development Plan:

1. The Squannassit Area of Critical Environmental Concern covers more than three quarter's of the Town, encompassing all of the protected open space and the absolute constraints to development. The ACEC designation represents a condition of general consensus in the community that the areas within the ACEC are of critical protection priority. In the case of Townsend, this priority is based on upon the need of the Town to protect its groundwater from contamination and overuse. Significant focal areas for protection within the ACEC include:
  - a. Locke Brook, Walker Brook, and Mason Brook and their confluence in West Townsend
  - b. Areas north of Main Street and south of Dudley Road, upland from the Squannacook River and west of Townsend Center
  - c. Areas around tributaries near Brookline Street, Meadow Road and Highland Street
  - d. Areas surrounding Bixby Brook adjacent to Townsend State Forest and north of Emery Road
  - e. Areas surrounding Squannacook River State Wildlife Management Area in South ROW and in Townsend Harbor
2. A corridor for protection of Wildlife extending from Wolf Brook at Brookline Road along a small tributary southeast to North End Road.
3. A wildlife corridor extending west linking north end road with Dead Swamp.
4. The abandoned Rail Corridor extending from West Groton Village and Townsend Harbor northwest through Townsend parallel to the Squannacook River to New Hampshire. While there is a contention concerning the use of this corridor for a multi-purpose trail, this option should be preserved, as it would provide an important link in the regional trails network and would enhance the value and attractiveness of the Nashua River Rail Trail that runs from Ayer to Dunstable

through Groton (See link to the Squannacook River Rail Trail's website for more information: <http://www.squannacookriversrailtrail.org/> )

### **Westminster**

The following three (3) areas have been identified by the Town of Westminster has their Priority Preservation Areas:

1. Muddy Pond-Whitmanville (Forested Areas)
2. Whitmanville River Valley
3. Westminster State Forest/Cedar Swamp

### **Winchendon**

The following five (5) areas have been identified by the Town of Winchendon has their Priority Preservation Areas:

1. Nineteenth Hill (opposite Hillview Business Park), Route 140. Biomap area #BM255- Town would like to see development of an extensive trail system here (orienteering, etc) through to Gardner.
2. Biomap area # BM95 & LW2000
3. Viewshed to the West on North Central Street
4. Hall Road (Scenic Roadway portion)
5. Murdock Farm, Elmwood Rd.

### **Regional**

The following are regional plans and projects that have been assessed and included in this plan to provide input into the regional Priority Preservation Areas.

### **The Quabbin to Cardigan Partnership Project**

The area is part of the larger two-state region that spans one hundred miles from the Quabbin Reservoir in Massachusetts northward to the southern boundary of the White Mountain National Forest in New Hampshire. The region is bounded to the east and west by the Merrimack and Connecticut River Valleys. Encompassing approximately two million acres, the Quabbin-to-Cardigan region is one of the largest remaining areas of intact, interconnected, ecologically significant forests in New England, and is a key headwater of the Merrimack and Connecticut rivers.



Launched in 2003, the Quabbin-to-Cardigan Partnership is a collaborative effort of 27 private organizations and public agencies working on land conservation in the two Q2C states. The partners share a vision of consolidating the permanent protection of the region's most ecologically significant forests, and key connections between them for wildlife passage and human recreation. The Q2C partners worked for more than three years to develop the Quabbin-to-Cardigan

conservation plan, which combines state-of-the-art natural resource science and the consensus vision of the partner organizations.

Completed in 2007, the Q2C plan has identified approximately 600,000 acres of “conservation focus areas” that represent the region’s most ecologically significant forests. These conservation focus areas represent about 30 percent of the two-million-acre region, and are currently 39 percent protected. An additional 400,000 acres, or another 21 percent of the region, have been identified as “supporting landscapes” that buffer and link the core areas, and are currently 26 percent protected.

Nine Montachusett region communities are included within the Q2C Partnership boundary: Ashburnham, Westminster, Royalston, Phillipston, Templeton, Athol, Gardner, Hubbardston, and Petersham. Unprotected properties within these communities that have been identified as “conservation focus areas” would be considered Regional Priority Preservation Areas.

### **Southern Monadnock Plateau Project**

Preservation of working forest landscapes as well as conservation lands along the Mid-State Trail in the towns of Ashburnham and Westminster have been a focus of the Southern Monadnock Plateau Project over the past few years. The Southern Monadnock Plateau project is the result of a partnership that combines the efforts of several conservation groups and state agencies in Massachusetts and New Hampshire to protect significant tracts of contiguous forestland on the eastern ridge of the Southern Monadnock Plateau. A secondary focus on the Wapack and Midstate Trail corridor helps to engage the efforts of various conservation groups and environmental interests.

### **Long Distance Trails – Existing and Proposed**

#### The Mid-State Trail

The Mid-State Trail is a scenic footpath located throughout Worcester County. This 95-mile hiking trail (approximately 13 miles of which run through Westminster; additional mileage goes through Ashburnham with a little section of the trail located within the



well as many interesting geologic, historic and natural features.

Hubbardston) extends from Rhode Island, across the gentle hills of Central Massachusetts and eventually connecting to the Wapack Trail just north of Mt. Watatic in Ashburnham. The Midstate Trail is highly accessible, easy to hike and the best way to enjoy the natural side of the Region. Wachusett Mountain and Mount Watatic, the last undeveloped mountain east of the Connecticut River, can be found on the Trail, as



The Town of Westminster, along with the surrounding communities, is very concerned with preserving the Mid-State Trail. A large percentage of the Midstate Trail in the Montachusett Region is located on private land and may not be able to be preserved. It is a priority for the Town to protect the Midstate Trail by purchasing the right-of-way or acquiring a written document that gives trail users permission to access the trail on private property.” Recall that the Town of Ashburnham identified the Mid-State Trail corridor has one of the Town’s Local Priority Preservation Areas.

### Tully Trail

The 22-mile loop of the Tully Trail, which is located with the Montachusett Region’s towns of Royalston and Athol is the result of impressive cooperation among government agencies, private organizations (in particular, Mount Grace Land Conservation Trust), individual landowners, and volunteers (created as part of the “Tully Initiative”). It showcases various types of land conservation - state and commercial forests, wildlife management areas, and land conserved by organizations such as The Trustees of Reservations (including Doanes, Spirit and Royalston Falls within the Town of Royalston). In addition to forests, hikers also discover wonderful wetlands - lakes, ponds, rivers, streams, waterfalls, swamps, marshes, and bogs. Ridgelines and hilltops afford spectacular views of North Quabbin valleys and further hills.

The trail makes a broad loop around Tully Mountain, and the major trailhead is at Tully Lake Campground, where parking, restrooms, and tent sites are available. Parts of the trail allow easy or moderate hiking, but others require strenuous effort; spring and storm overflows can close parts of the trail. The trail is marked by rectangular yellow blazes and the blue-and-white Tully Trail logo. For those seeking additional challenge, the Tully Trail connects in the north to the white-blazed Metacomet-Monadnock Trail (see discussion below). A trail shelter at the eastern junction of the two trails is available on a first-come basis.

### Metacomet-Monadnock Trail (New England National Scenic Trail)

The New England National Scenic Trail (Comprised of the Metacomet, Monadnock and Mattabesett Trails) is a 220-mile trail route that has been in existence for over half a century. It travels through 39 communities in Connecticut and Massachusetts (The Metacomet-Monadnock Trail continues into New Hampshire to the top of Mt. Monadnock), the route features classic New England landscape features: long distance vistas with rural towns as a backdrop, agrarian lands, unfragmented forests, and large river valleys. The trail also travels through important Native American and colonial historical landmarks and highlights a range of diverse ecosystems and natural resources—traprock ridges, mountain summits, forested glades, vernal pools, lakes, streams and waterfalls. Within the Montachusett Region, the New England National Scenic Trail is located in the northwest part of the Town of Royalston.

### Monoosnoc Trail – Leominster and Sterling

### North Central Pathway – Gardner and Winchendon

A regional priority is to complete the Pathway and connect Downtown Gardner to Downtown Winchendon.

### Ashburnham Rail Trail

A Priority for the Town of Ashburnham, it would provide pedestrian connection from Ashburnham Center to South Ashburnham. The Cheshire Line purchase and development offers the future opportunity to link to the North-Central Pathway discussed above.

### Ware River Rail Trail

The Ware River Rail Trail occupies a former Penn Central railroad right of way. The southern end of the trail reaches Route 122 in Barre and the northern end connects with South Main Street in the Baldwinville portion of Templeton. The trail also passes through portions of Phillipston and Hubbardston within the Montachusett Region.

The Massachusetts Department of Conservation and Recreation - Division of State Parks (DCRSP), formally the Department of Environmental Management (DEM), manages the 15.25-mile, 66-foot wide corridor. Acquisition of the property was successfully negotiated with Penn Central in the mid-1980's. Since then, a variety of trail users have taken advantage of the publicly owned corridor, but opportunities for local transportation and recreation will be greatly enhanced when the trail is formally developed. Residents of the Town of Phillipston in previous planning efforts noted commented about liking to see development that would include hard and soft surfacing to accommodate a variety of trail users (with the exception of wheeled motorized trail vehicles), parking access points, safety features at road crossings, and bridge rehabilitation. DCR is against any further development of this already existing trail. The Phillipston portion of this trail is approximately 1.3 miles long.



### Squannacook Rail Trail

The Squannacook River Rail trail project was put together by the Squannacook River Rail Trail Committee in 2002 with a goal of converting 9.4 miles of abandoned MBTA railroad along the Squannacook River in Groton and Townsend into a multi-use recreational trail. This trail has the potential to connect to the already established 11-mile Nashua River Rail Trail that runs from the center of Ayer up into Nashua, NH. The trail

runs parallel to the Squannacook River, the Squannacook River State Wildlife Management Area and also Route 119, providing a safe and scenic alternative to a heavily traveled state highway.

#### Central Mass Rail Trail and Wachusett Greenways

Once the 104-mile route of the railroad that ran from Northampton to Boston, the Mass Central Rail Trail is being restored as a multi-use greenway. The Mass Central Rail Trail is listed as a priority cross-state trail in the Department of Conservation and Recreation's (DCR) Commonwealth Connections.

Wachusett Greenways is building the central 30 miles of the rail trail through Sterling, West Boylston, Holden, Rutland, and Oakham.

In addition, there is the Opportunity for Clinton to tie into larger Rail Trail project: The abandoned Boston & Maine Railroad rail corridor, linking the Mass Central Rail Trail in Berlin to the Wachusett Dam, providing access to Clamshell Pond and Reuben's Hill, and passing through an old railroad tunnel. Preserving this abandoned rail corridor provides a unique segment in the Mass Central Rail Trail concept because of the tunnel feature and the access the corridor provides to Clamshell Pond and the Reuben's Hill area.

#### Twin City Rail Trail

This trail has been proposed by the two cities (Fitchburg and Leominster) to connect the two major urbanized centers and to reduce traffic congestion on Route 12. This trail would use the railroad tracks parallel to Route 12 from Leominster Center to Fitchburg Center and possibly connect to the existing Steam Line Trail in West Fitchburg. When completed, this trail will total approximately 4.5 miles long, 2.6 miles of which are located in the city of Leominster.

#### **Freedom's Way Heritage Area**

A regional effort to establish a State and National Heritage Corridor has been underway since 1994, through the efforts of the non-profit Freedom's Way Heritage Association. The Freedom's Way National Heritage Area (FWHA) includes communities in Massachusetts and New Hampshire that share unique historical, natural, and cultural resources. The region is home to a series of historic events that influenced democratic forms of governance and intellectual traditions that underpin concepts of American freedom, democracy, conservation, and social justice. In 2006, the Legislature of the Commonwealth designated Freedom's Way as a Massachusetts Heritage Area that includes 37 communities from Massachusetts (including Harvard) and 8 towns in New Hampshire. Both State Governors have appointed Freedom's Way Heritage Area Commissions to oversee the heritage development efforts on behalf of the designated communities. These 45 cities and towns share common themes that have contributed toward this special landscape of American History. Seventeen (17) of the Montachusett Region's 22 communities are within the FWHA.

#### **Areas of Critical Environmental Concern (ACECs)**

There are three (3) ACECs ("Areas of Critical Environmental Concern") either located or partially located within the Montachusett Region. These three (3) ACECs are the Central

Nashua River Valley ACEC, Petapawag ACEC and the Squannassit ACEC. Information about each ACEC is presented below.

### **Central Nashua River Valley ACEC**

The Central Nashua River Valley ACEC is approximately 12,900 acres in size and is located with the Montachusett communities of Harvard (1,850 acres), Lancaster (10,100 acres) and Leominster (250 acres).

The heart of the Central Nashua River Valley ACEC is the 20-mile riparian corridor of the North Nashua and Nashua Rivers situated south of Route 2 in Leominster, Lancaster, Bolton and Harvard. Associated with this corridor are extensive surface waters, wetlands, floodplains and aquifers, as well as interrelated riparian and upland wildlife and rare species habitat, forest, farmlands, and publicly and privately owned open space.

Portions of the ACEC are included in the statewide Scenic Landscape Inventory, and reflect the unique cultural history and natural beauty of this area, with its hills, farmlands and forests gently contrasting with the Nashua River and the adjacent floodplains, streams and wetlands.



An extensive network of publicly and privately owned open space is located within the ACEC. These lands include the Oxbow National Wildlife Refuge, Bolton Flats Wildlife Management Area, and over 1,000 acres of other state, municipal and privately owned conservation and recreation lands. The 4,830 acres of the South Post of Fort

Devens provide additional open space resources (not open to the public). The total amount of open space within the ACEC is approximately 7,900 acres, or approximately 61% of the ACEC.

Further, the river valley provides significant linkages between important wildlife areas. At least 19 state-listed rare species occur within the ACEC. These figures do not include several federal or state-listed rare bird species that are known to utilize the area, but are not listed on the State's rare species database because they are not known to breed within the area. Rare species habitats cover approximately 4,975 acres, or 39% of the ACEC. The wetlands and tributaries are federally listed as priority wetlands, due to their importance to the Atlantic Flyway for migrating birds.

### **Petapawag ACEC**

The Petapawag ACEC is located along and to the east of the Nashua River, from the Town of Ayer north to New Hampshire. The **Total Approximate Acreage of the Petapawag ACEC is 25,630 acres** with Ayer (1,960 acres; 8% of this ACEC) and Groton (14,950; 58%) the two Montachusett Region communities included within this ACEC. Petapawag is adjacent to the 37,450-acre Squannassit ACEC, which is located

along and to the west of the Nashua River. The Petapawag and Squannassit ACECs share the Nashua River corridor and its associated physical, biological and cultural resources and history. Although the two areas were nominated and designated as separate ACECs, it is important to recognize that the Nashua River corridor is a central resource feature of both of these ACECs.

Sixteen state-listed rare species are known to occur within the boundaries of the Petapawag ACEC. According to the 2001 State BioMap project, approximately 54% of the Petapawag ACEC is BioMap Core Habitat, and approximately 15% of the ACEC is designated as Supporting Natural Landscape. There are 15 State-Certified Vernal Pools within the ACEC, as well as 332 Potential Vernal Pools as identified through photointerpretation by the 2001 Massachusetts Aerial Survey of Potential Vernal Pools. There are also important community drinking water resources present within the ACEC.

The area contains unique and highly significant archaeological and historical resources, as well as scenic landscapes of statewide significance. There are three state-listed Historic Districts located in Groton. These Historic Districts are part of or are surrounded by scenic landscapes included in the 1982 Massachusetts Scenic Landscape Inventory prepared by the Department of Environmental Management (now the Department of Conservation and Recreation). Several clusters of drumlins, mostly located in a north-south line through the central portion of Groton, are additional unique and distinctive features of the ACEC. Nearly 30% of the ACEC is comprised of protected open space and land under Chapter 61, 61A and 61B tax classification status.

### **Squannassit ACEC**

The Squannassit ACEC is located along and to the west of the Nashua River, from a section of Route 2 in the Towns of Harvard and Lancaster north to New Hampshire. The boundary of the Squannassit ACEC connects with the boundary of the 12,900-acre Central Nashua River Valley ACEC to the south, along the Nashua River corridor. The Squannassit ACEC is also adjacent to the 25,630-acre Petapawag ACEC, which is located along and to the east of the Nashua River. The Squannassit and Petapawag ACECs share the Nashua River corridor and its associated physical, biological and cultural resources and history. Although the two areas were nominated and designated as separate ACECs, it is important to state that the Nashua River corridor is a central resource feature of both of these ACECs (as well as a central feature of the Central Nashua River Valley ACEC.)

The Total Approximate Acreage of the Squannassit ACEC is 37,450 acres with 8 Montachusett Region communities included in this ACEC: Ashby (2,930 acres; 8% of this ACEC), Ayer (690; 2%), Groton (3,990; 11%), Harvard (250; <1%), Lancaster (10; <1%), Lunenburg(4,010; 11%), Shirley (4,490; 12%), and Townsend (15,050; 40%)

There are highly significant drinking water resources present within the ACEC, which include portions of several medium and high-yield aquifers and eight municipal wells and two public water supply facilities for the Devens Enterprise Zone (DEZ). There are 23 state-listed rare species known to occur within the boundaries of the Squannassit ACEC.

According to the 2001 State BioMap about 46% of the Squannassit ACEC is BioMap Core Habitat and 33% is designated as Supporting Natural Landscape. There are 23 NHESP Certified Vernal Pools within the ACEC, as well as 369 Potential Vernal Pools as identified through photo-interpretation in the 2001 Massachusetts Aerial Survey of Potential Vernal Pools.

The area supports a remarkable richness of wildlife ranging from concentrations of rare and endangered species to deer, moose, fisher, bobcat, otter, and even occasional black bear. The Squannacook and Nissitissit rivers and 16 tributary streams are classified as cold water fisheries that support trout, including brown, brook and rainbow trout. These rivers were designated Outstanding Resource Waters for these fisheries. Approximately 80% of the ACEC is comprised of forest and farmland, and nearly 50% of the ACEC is comprised of protected open space and land under Chapter 61, 61A and 61B tax classification status. State-owned open space covers approximately 10,000 acres or 27% of the ACEC. The area contains unique and highly significant archaeological and historical resources, as well as scenic landscapes of statewide significance.

### **Oxbow National Wildlife Refuge**

Oxbow National Wildlife Refuge is located in north-central Massachusetts, approximately 35 miles northwest of Boston, MA. The refuge lies within the towns of Ayer and Shirley in Middlesex County and the towns of Harvard and Lancaster in Worcester County. The refuge consists of approximately 1,667 acres of upland, southern New England flood-plain forest, and wetland communities along nearly 8 miles of the Nashua River corridor.

Oxbow NWR was formed by three land transfers from the former U.S. Army, Fort Devens Military Installation, and a purchase of private land in Harvard, MA. Two of the transfers from the Army (May, 1974 and February, 1988) formed the original 711-acre portion of the Refuge located south of Massachusetts Route 2. The third Army transfer occurred in May of 1999, and added the 836-acre portion of the Refuge that is located north of Route 2. Finally, approximately 120 acres were added to the Refuge in April 2001, with the acquisition of the former Watt Farm property along Still River Depot Road in Harvard.

### **Priorities from the Nashua River Watershed Association (NRWA) Five-Year Plan 2003-2007 – Identified as “Regional Priorities”**

#### Ashburnham

Recreation - Promote protection of lands and work to ensure permanent easement for the Mid State Trail (Ashburnham, Fitchburg, Westminster) DEM/ Mid-state Trail Association/ NRWA/ Towns DEM Trails/ TEA 21 I to L

Recreation - Promote the extension of the Gardner to Winchendon rail trail through Ashburnham DEM/ Land Trusts/ NRWA/ Rails to Trails Conservancy/ Towns DEM Trails/ TEA 21 I to L

### Ashby

Open Space - Support Squannacook greenway protection and the ongoing efforts of the Squannassit Regional Reserve Initiative (Ashby) and support stewardship of Squannassit ACEC DEM/ DFWELE/ Land Trusts/ NRWA/ Towns Community Preservation Act/ DCS Self help/ Forest Legacy/ LCIPS I to L

Open Space - Protect lands identified by the *Source Water Stewardship Project* DEM/DFWELE/Land Trusts/NRWA/Town ALA/ Forest Legacy/LCHP I to L

Open Space - Preserve open space in the headwaters for greenway connections as well as water supply protection (Ashby) City and Town/ Fitchburg Stream Team/ Land trusts/ NRWA ALA/ DCS Self Help/ Forest Legacy I to L

### Ayer

Open Space - Achieve permanent protection for the DFWELE Ayer Game Farm (Ayer) DEM/ DFWELE/ Land Trusts/ NRWA/ Town I to M

Open Space - Monitor additional protection needs in the Snake Hill area (Ayer) Land trusts/ MAS/ NRWA I to L

Open Space - Consider accessibility options for multi-use trails: Snake Hill (Ayer) DEM/ MAS/ NRWA staff and volunteer time I to L

Open Space - Protect land overlying aquifer south of Flanagans Pond (Ayer) Ayer Community Preservation Committee/ Land trusts/ NRWA Community Preservation Act/ DCS Self-help/ LCIPS I

Open Space - Protect open space north of Plowshop Pond (Ayer) Ayer Community Preservation Committee/ Land trusts/ NRWA Community Preservation Act/ DCS Self-help/ LCIPS I

Open Space - Monitor disposition of South Post lands to USFWS (Ayer) DEC/ DEM/ JBOS/ NRWA/ Town/ USFWS staff and volunteer time I to L

Open Space - Encourage rezoning of North Post to open space (Ayer) DEC/ DEM/ JBOS/ NRWA/ Town/ USFWS staff and volunteer time I to M

Recreation - Promote extended rail trail development (Ayer, Groton, Townsend) DEM/ Land Trusts/ NRWA/ Rails to Trails Conservancy/ Towns DEM Trails/ TEA 21 I to L

Recreation - Support completion of Nashua River greenway protection (Ayer) DEM/ DFWELE/ Landowners/ NRWA/ Town DCS Self-help/ DEM/ Forest Legacy/ LCHIP I to L

Recreation - Participate in the development of regional multi-use trail networks through Devens and beyond DEC/ DEM/ DFWELE/ NRWA/ Town DEM Trails Grants M to L

## Clinton

Open Space - Protect South Nashua floodplain and Prairie Bluffs (Clinton) DEM/ Land Trusts/ Town Community Preservation Act/ DCS Self help I to L

Recreation - Extend trail networks linking existing trails and railroad rights of way (Clinton) DEM/ Lands Trusts/ MRPC/ NRWA/ Town DEM/ TEA 21 L

## Fitchburg

Open Space - Protect Phillips Brook gorge (Fitchburg) City/ Land trusts/ Neighborhood Association/ NRWA DCS Self-help L

Open Space - Monitor Chapter 61 lands for potential acquisition (Fitchburg)

Open Space - Promote river corridor protection (Fitchburg) Cities and Towns/ Land Trusts/ NRWA DCS Self-help/ Forest Legacy I to L

Open Space - Protection of additional local water supply lands (Fitchburg) City/ DCS/ DEM/ Land trusts/ NRWA ALA/ DCS Self-help/ Community Preservation Act I to L

Open Space - Protect undeveloped lands adjacent to Sawmill Pond (Fitchburg) City/ Fitchburg Stream Team/ Land trusts/ NRWA Community Preservation Act/ Forest Legacy/ Self Help I to L

Open Space - Preserve open space in the headwaters for greenway connections as well as water supply protection (Fitchburg) City and Town/ Fitchburg Stream Team/ Land trusts/ NRWA ALA/ DCS Self Help/ Forest Legacy I to L

Recreation - Promote protection of lands on the Mid State Trail (Fitchburg) DEM/ Land trusts/ Mid-state Trail Association/ NRWA/ Towns DEM Trails & Greenways/ staff and volunteer time I to L

Recreation - Support the development of the Riverfront Park in Fitchburg seeking to extend length City/ Fitchburg Stream Team/ Landowners/ MRPC/ NRWA DFWELE/ TEA 21/ USACOE (1135) I to L

Recreation - Support additional efforts for greenway & bike path linking "daylighting" brook at Sheldon and West Streets at former Woolen Mill (Fitchburg) City/ Fitchburg Stream Team/ Landowners/ MRPC/ NRWA DFWELE/ TEA 21/ USACOE (1135) I to L

## Groton

Open Space - Protect important herpe to fauna habitat of state-wide importance i.e.: promote alternative road crossing options for the turtles and salamanders (Groton) DEM/ DFWELE/ Land Trusts/ NRWA/ Towns Community Preservation Act/ DCS Self help/ LCIPS I to L



Open Space - Protect the area described as the Throne (Groton) DEM/ DFWELE/ Land Trusts/ NRWA/ Town Community Preservation Act/ DCS Self-help/ Forest Legacy/ LCIPS I to L

Open Space - Protect prime agricultural lands through APRs or CRs and protect natural features such as drumlin swarm (Groton) DFA/ NRCS/ NRWA/ Town APR/ Community Preservation Act/ DCS Self Help I to L

Open Space - Monitor additional protection needs in the Snake Hill area (Groton) Land trusts/ MAS/ NRWA I to L

Open Space - Consider accessibility options for multi-use trails: Snake Hill (Groton), Groton School and Lawrence Academy (Groton) DEM/ Groton School and Lawrence Academy/ MAS/ NRWA staff and volunteer time I to L

Open Space - Protect lands identified by the Source Water Stewardship Project DEM/DFWELE/Land Trusts/NRWA/Town ALA/ Forest Legacy/LCHP I to L

Recreation - Promote extended rail trail development (Groton) DEM/ Land Trusts/ NRWA/ Rails to Trails Conservancy/ Towns DEM Trails/ TEA 21 I to L

Recreation - Support completion of Nashua River greenway protection (Groton) DEM/ DFWELE/ Landowners/ NRWA/ Town DCS Self-help/ DEM/ Forest Legacy/ LCHIP I to L

#### Harvard

Open Space - Protect lands from the Oxbow NWR to Pine Hill and Bolton Flats (Harvard) DEM/ Land trusts/ Town/ USFWS Community Preservation Act/ DCS Self help/ Forest Legacy/ LCIPS I to L

Open Space - Protect the Nashua River greenway and work with Fruitlands and partners in other subbasins to protect the viewshed from Prospect Hill (Harvard) Fruitlands/ Land Trusts/ NRWA/ Town/ USFWS Community Preservation Act/ DCS Self-help/ Forest Legacy/ LCIPS M to L

Recreation - Link trail networks between Bolton Flats, Oxbow NWR and Devens (Harvard) DEC/ DEM/ Land Trusts/ NPS/ NRWA/ Town/ USFWS DEM Trails/ NPS Rivers/ I to L

Recreation - Support completion of Nashua River greenway protection (Harvard) DEC/ DEM/ DFWELE/ Landowners/ NRWA/ Town/ USFWS DCS Self-help/ DEM/ Forest Legacy/ LCHIP I to L

#### Lancaster

Open Space - Protect lands from the Oxbow NWR to Pine Hill and Bolton Flats (Lancaster) Central MA Trails Committee/ DEC/ DEM/ Land Trusts/ NPS/ NRWA/

Towns/ USFWS Community Preservation Act/ DCS Self help/ Forest Legacy/ LCIPS I to L

Open Space - Monitor disposition of Devens South Post to USFWS (Lancaster) DEC/ DEM/ DEP/ DFWELE/ Land Trusts/ NRWA/ Town/ USFWS staff and volunteer time L

Open Space - Promote river corridor protection (Lancaster) Land Trusts/ NRWA/ Town DCS Self-help/ Forest Legacy I to L

Recreation - Link trail networks between Bolton Flats, Oxbow NWR and Devens (Lancaster) DEC/ DEM/ Land Trusts/ NPS/ NRWA/ Town/ USFWS DEM Trails/ NPS Rivers/ I to L

Recreation - Support completion of Nashua River greenway protection (Lancaster) DEC/ DEM/ DFWELE/ Landowners/ NRWA/ Town/ USFWS DCS Self-help/ DEM/ Forest Legacy/ LCHIP I to L

#### Leominster

Open Space - Promote river corridor protection (Leominster) Cities and Towns/ Land Trusts/ NRWA DCS Self-help/ Forest Legacy I to L

Open Space - Protection of additional local water supply lands (Leominster) City/ DCS/ DEM/ Land trusts/ NRWA ALA/ DCS Self-help/ Community Preservation Act I to L

Open Space - Protect undeveloped lands adjacent to Notown Reservoir (Leominster) City/ Land trusts/ NRWA Community Preservation Act/ Forest Legacy/ Self Help I to L

Recreation - Support greenways to link communities via intermunicipal trails and open spaces, and in particular the Mass Central Rail Trail (Leominster) DEM/ Land trusts/ MDC/ NRWA/ Towns/ Wachusett Greenways DEM Trails/ TEA 21

Recreation - Support Monoosnoc Brook greenway and bike path efforts (Leominster) City/ DEM/ Greenway Committee/ NRWA DCS Self Help/ DEM Trails

#### Lunenburg

Open Space - Preserve and protect lands with prime agricultural soils (Lunenburg) DFA/ NRCS/ NRWA/ Town APR/ Community Preservation Act/ DCS Self-help/ DFA I to L

#### Shirley

Open Space - Support Squannacook greenway protection and the ongoing efforts of the Squannassit Regional Reserve Initiative (Shirley) and support stewardship of Squannassit ACEC DEM/ DFWELE/ Land Trusts/ NRWA/ Town Community Preservation Act/ DCS Self help/ Forest Legacy/ LCIPS I to L

Open Space - Protect prime wildlife corridors and habitats ie: Brattle and Squannacook Hills (Shirley) DEM/ DFWELE/ Land Trusts/ NRWA/ Town Community Preservation Act/ DCS Self-help/ Forest Legacy/ LCIPS I to L

Open Space - Protect lands identified by the Source Water Stewardship Project DEM/DFWELE/Land Trusts/NRWA/Town ALA/ Forest Legacy/LCHP I to L

Recreation - Support completion of Nashua River greenway protection (Shirley) DEC/ DEM/ DFWELE/ Landowners/ NRWA/ Town/ USFWS DCS Self-help/ DEM/ Forest Legacy/ LCHI I to L

#### Sterling

Open Space - Protect riparian zones for habitat and water quality especially threatened lands adjacent to Wekepeke Brook (Sterling) DEM/ DFWELE/ Land Trusts/ NRWA/ Town ALA/ Community Preservation Act/ DCS Self help/ LCIPS/ Towns I to L

Open Space - Continued protection of local water supply lands and continued support for MDC-MWRA water supply protections (Sterling) DEM/ Land Trusts/ MDC/ NRWA/ Town ALA/ Community Preservation Act/ DCS Self help/ LCIPS I to L

Open Space - Protect high priority habitat areas near Hycrest Pond south of Justice Hill Road (Sterling) DFWELE/ Land Trusts/ MDC/ NRWA/ Town Community Preservation Act/ DCS Self help/ Forest Legacy/ LCIPS I to L

Open Space - Continued protection of local water supply lands and continued support for MDC-MWRA water supply protections (Sterling) DEM/ DFWELE/ Land trusts/ MDC/ NRWA/ Town Community Preservation Act/ DCS Self help/ Forest Legacy/ LCIPS I to L

Recreation - Support greenways to link communities via intermunicipal trails and open spaces, and in particular the Mass Central Rail Trail (Sterling) DEM/ Land trusts/ MDC/ NRWA/ Towns/ Wachusett Greenways DEM Trails/ TEA 21 I to L

#### Townsend

Open Space - Support the ongoing efforts of the Squannassit Regional Reserve Initiative and support stewardship of ACEC DEM/ DFWELE/ Land Trusts/ NRWA/ Town Community Preservation Act/ DCS Self-help/ Forest Legacy/ LCIPS I to L

Open Space - Protect lands identified by the Source Water Stewardship Project DEM/DFWELE/Land Trusts/NRWA/Town ALA/ Forest Legacy/LCHP I to L

Recreation - Promote extended rail trail development (Townsend) DEM/ Land Trusts/ NRWA/ Rails to Trails Conservancy/ Town DEM Trails/ TEA 21 I to L

Recreation - Support completion of Nissitissit Greenway protection (Townsend) Land Trusts/ NRWA/ Town DCS Self-help/ NPS Rivers & Trails Program

Recreation - Help protect habitat areas identified in the Nashua River watershed habitat assessment report (Townsend) DEM/ DFWELE/ Land trusts/ NRWA/ Town Self help I to L

#### Westminster

Open Space - Protect western edge of Muddy Pond (Westminster) DEM/ DFWELE/ Land Trusts/ NRWA/ Town ALA/ Community Preservation Act/ DCS Self help/ LCIPS/ Towns I to L

Open Space - Protect Van Hazinga property (Westminster) Lands Trusts/ NRWA/Town Community Preservation Act/ DCS Self-help/ LCIPS I to L

Open Space - Monitor Chapter 61 lands for potential acquisition (Westminster) Lands Trusts/ NRWA/Town

Open Space - Extend protection for Muddy Pond (Westminster) DEM/ Land trusts/ Town DCS Self Help M to L

Recreation - Work to ensure permanent easements for the Mid-state Trail (Westminster) DEM/ Mid-state Trail Association/ NRWA/ Town DEM Trails/ TEA 21 I to L

Recreation - Promote the extension of the Gardner to Winchendon rail trail through Ashburnham DEM/ Land Trusts/ NRWA/ Rails to Trails Conservancy/ Towns DEM Trails/ TEA 21 I to L

Recreation - Support greenways to link communities via intermunicipal trails and open spaces, and in particular the Mass Central Rail Trail (Westminster) DEM/ Land trusts/ MDC/ NRWA/ Town/ Wachusett Greenways DEM Trails/ TEA 21 I to L

Recreation - Promote protection of lands on the Mid State Trail (Westminster) DEM/ Land trusts/ Mid-state Trail Association/ NRWA/ Town DEM Trails & Greenways/ staff and volunteer time I to L

Recreation - Improve access to Mid-State Trail at Crow Hill (Westminster) DEM/ Town DEM recreational trails M

#### **Priorities from the Millers River Watershed Council (MRWC) Five-Year Plan 2004-2009 – Identified as Action Plan in Regards to Open Space Preservation and Recreation**

Goal: Preserve and Restore Biodiversity and Wildlife Habitat

Action: Support the work of the North Quabbin Regional Landscape Partnership to identify regionally significant open space lands that provide wildlife habitat; regionally significant linkages, funding sources, and the prioritization of lands for acquisition.

Action: Collaborate to design and conserve local and regional greenways

Action: Encourage town Open Space Committees to collaborate with each other and local schools, Boy/Girl Scout groups, and volunteers to implement a program to train

volunteers to track/monitor wildlife movement on a landscape/watershed scale. This data would help to inform land conservation planning.

Action: Collaborate with educational outreach groups to install and/or identify and post signage for additional amphibian crossing.

Action: Protect potential vernal pools locations by utilizing volunteers (i.e., high school students) to complete the NHESP certification process.

Goal: Promote, Protect and Enhance the Open Space and Recreational Value of the Millers River Watershed

Action: Investigate the feasibility of additional river access points along the mainstem of the Millers River

Action: Identify existing and potential local and regional trail networks and greenways

Action: Collaborate to sponsor local workshops to educate landowners and voters about Conservation Restrictions, Chapter 61 programs, values of protected land, estate planning that includes land protection, the Community Preservation Act, and other land preservation strategies and tools.

Action: Encourage towns to review municipal land holdings and place conservation restrictions on those properties that are of scenic, historic, cultural, ecological recreational significance to ensure properties are protected in perpetuity or transfer ownership to local Conservation Commission.

Action: Encourage sportsman clubs and other private recreation organizations to place conservation restrictions on their properties to protect them in perpetuity.

### **Wachusett Greenprint Report**

The Wachusett Greenprint was prepared by the Massachusetts Watershed Coalition in 2009. The Greenprint is a regional template for land conservation and development in nine communities (Four of which are in the Montachusett Regional Planning Commission planning area: Hubbardston, Leominster, Sterling, and Westminster).

The Greenprint identifies priorities for preservation in a series of subject areas. These areas, along with specific locations, are as follows:

Priorities for the protection of water supplies during next five years. The areas listed below overlap with the priorities for working lands and habitats presented in the next two sections:

(Seven of the twelve areas identified are within the 4 Montachusett communities –

- Riparian lands along Burnshirt River and Canesto Brook in Hubbardston (Boston Water Supply)
- Watershed lands in Hubbardston that drain to East Ware River (metropolitan Boston water supply)
- Watershed lands in Westminster that replenish Mare Meadow Reservoir (Fitchburg Water Supply)
- Watershed lands in Westminster that replenish Meetinghouse Pond (Fitchburg Water Supply)

- Large parcel in Leominster that drains to the Notown Reservoir (Leominster Water Supply)
- Large parcel in Leominster that drains to the Fall Brook Reservoir (Leominster Water Supply)
- Riparian lands along Rocky Brook in Sterling (Sterling and metropolitan Boston water supplies)

Working Lands – The preservation of rural landscapes is a main objective of the Greenprint. Protection of working farms and forest has many benefits for wildlife, water supplies, scenic qualities, energy, tourism, and the local economy. It prevents fragmentation of forests, stimulates expansion of small businesses that create jobs for the region’s residents, and slows the alteration of open spaces into new housing.

Priorities for preservation of working lands during next five years are listed below: (Six of the twelve areas identified are within the 4 Montachusett communities –

- Working lands, Canesto Brook riparian corridor and Core Habitat areas in Hubbardston.
- Working lands, East Ware River riparian corridor and Core Habitat areas in Hubbardston.
- Chapter 61 and other working lands, Whitman River watershed in Westminster
- Chapter 61 lands, Mare Meadow Reservoir watershed in Westminster.
- Chapter 61 lands, Rocky Brook and Wekepeke Brook in Sterling

Wildlife Habitats (reference to the 2005 Massachusetts Comprehensive Wildlife Conservation Strategy)

Although 660,000 acres identified on the BioMap are protected (of the 9 Wachusett Greenprint communities), approximately 710,000 acres of the Core Habitats and 760,000 of Supporting Natural Landscapes remain unprotected. These areas represent the highest priority for biodiversity in Massachusetts.

Priorities for wildlife protection over next five years include: (Four of the seven areas identified are within the 4 Montachusett communities)

- BioCore habitat, Natty Pond Brook and Canesto Brook watersheds in Hubbardston
- BioCore and Priority habitat, East Ware River watershed in Hubbardston and Rutland
- Priority habitat, Fall Brook watershed in Leominster
- BioCore and Priority habitat, Wekepeke Brook watershed in Leominster and Sterling

### **Wildlands and Woodlands**

In 2005, the first “*Wildlands and Woodlands*” vision (*Wildlands and Woodlands: A Vision for Massachusetts Forests*) recommended protecting 50 percent of Massachusetts

(2.5 million acres) in forest. For some background context, as of 2005 it was indicated that Massachusetts is more than 60 percent forested and ranks eighth nationwide in percentage of forest cover. Approximately 20 percent (one million acres) of Massachusetts is already protected from development. Back in the Historical Background and Context Chapter (Chapter II), it was indicated that the Montachusett Region consists of 290,956 acreage of forested lands, which is 66.7% of our land area, a percentage that exceeds the Statewide percentage.

The Massachusetts vision called for the permanent protection of:

- 2.25 million acres of Woodlands, mostly privately owned and managed for multiple goods and services
- 250,000 acres of Wildland reserves, mostly publicly owned and allowed to grow naturally

Under the Wildlands and Woodlands Vision for Massachusetts Forests, proposed is a bold vision to add approximately 1.5 million acres to the State's existing protected land base of one million acres, to reach a target of 2.5 million acres – half of the state of Massachusetts. Further proposed is that 250,000 of these acres should be large Wildland reserves that would be embedded within 2.25 million acres of managed Woodlands. This framework for conservation relies on mutually reinforcing public/private collaboration to provide both labor and funding. Together, Wildland reserves and managed Woodlands will maintain and enhance the State's biodiversity while offering future generations environmental services, recreational opportunities and economic benefits in a permanently forested landscape.

Here are the details of the vision:

Wildland reserves: 250,000 acres

Wildland reserves would be large, “unmanaged” lands (5,000 to 50,000 acres) situated predominantly on existing public land. Wildlands would be selected to accomplish five objectives:

- To promote natural landscape-level processes, ecological patterns and biodiversity across the region's range of forest and environmental conditions;
- To protect water supplies;
- To protect, connect and enhance existing old-growth forests;
- To provide opportunities for the scientific study of natural processes and reference for the changes occurring in actively managed forests; and
- To afford special educational, recreational, aesthetic and spiritual experiences.

Managed Woodlands: 2.25 million acres

The Woodlands will comprise the remaining state-owned forests and conservation land and an additional 1.5 million acres of currently unprotected land largely in private ownership. Woodlands will accomplish four objectives:



- To support biodiversity by reinforcing the Wildlands, providing habitat variation and supporting assemblages of plants and animals that do not occur on the reserves;
- To enable sustainable resource production such as timber, wildlife and clean water;
- To provide ecosystem services that sustain life and generate many direct and indirect economic benefits, including productive soils, clean air and natural flood control; and
- To provide extensive recreational, educational, aesthetic and spiritual experiences.

Given that the Montachusett Region has more existing forested area (66.7% forested as of 2005) than the State-wide goal of 50% protected forested land, our Region should target a higher percentage for permanently protected forested land

### **Ashburnham Bio-Reserve**

At the start of the Patrick-Murray Administration, the Massachusetts Executive office of Energy and Environmental Affairs targeted 10 large, undeveloped forested landscapes across the state for conservation in order to protect our most unique large habitats for future generations and to serve as attractive destinations for the Massachusetts “green



tourism” industry. These conserved tracts of habitat include mountain tops, wilderness areas, sustainably managed forests and forest reserves, and wild rivers. One of these reserves is within the Montachusett Region, and has been referred to during a public outreach session as the “Ashburnham Bio-Reserve.” The Ashburnham Bio-Reserve is 69.48 square miles across 6 communities (Most of the reserve boundary is in Ashburnham, but extends into the towns of Ashby, Westminster and

Winchendon as well as the cities of Fitchburg and Gardner). Significant acreage has been preserved between 2007 through end of 2010 with notable focus around the Mt. Watatic area and Fitchburg Watershed lands.

### **BioMap 2 Core Habitat Areas**

Released in 2010, BioMap 2 is designed to guide strategic biodiversity conservation across the Commonwealth over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. The BioMap 2 is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan. Regional Priority Preservation Areas have been made to include the BioMap 2 Core Habitat Areas. Core Habitat includes the following areas:

- Habitats for rare, vulnerable or uncommon mammal, bird, reptile, amphibian, fish, invertebrate, and plant species
- Priority Natural Communities
- High quality wetland, vernal pool, aquatic, and coastal habitats, and
- Intact forest ecosystems.

Based on a GIS analysis provided by MRPC Staff, the Montachusett Region has 106,880 acres of BioMap 2 Core Habitat areas (167 square miles). For reference, work provided by Mass Audubon from their 2010 *Losing Ground* had the following figures for the Montachusett Region, based on the initial BioMap project: 109,629 Acres of BioMap Core Habitat Area with 45,685 acres protected (41.6%).

### **Working Landscapes – Prime Agricultural Soils**

A separate GIS Map of Prime Agricultural Soils has been included within the Plan. Given the importance of local and regional food security, economic opportunities provided by working landscapes and environmental benefits of locally/regionally grown foods (e.g. reduced energy usage with decreased transportation of food from outside the Region) lands that are identified as Prime Agricultural Soils have been identified as Regional Priority Preservation Areas. The different types of Prime Agricultural Soils are as follows:

- All Areas Are Prime Farmland – Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water).
- Farmland of Statewide Importance – This is land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, fiber, forage, and oilseed crops, as determined by the appropriate state agency or agencies. Generally, these include lands that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods.
- Farmland of Unique Importance – Land other than prime farmland that is used for the production of specific high value food and fiber crops. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit, vegetables.

### ***Identified Regional Growth Centers and Recommended Priority Development and Preservation Area Maps***

The following five maps show regional land-use, zoning, prime agricultural land, identified housing, economic development and open space areas, and priority development and preservation areas.

### ***Land Use Partnership Act (LUPA) Assessment and Analysis***

The Land Use Partnership Act (LUPA), M.G.L. Chapter 40T, is a proposed bill in the process of further consideration of the legislature. If LUPA were to pass, it would allow communities to become a “certified plan community” who could benefit from additional zoning tools as well as some priority funding from the state.

To become a certified plan community, a municipality has to prepare a community land use plan with certain specified requirements. After completion, these plans will need to be certified by the community’s regional planning agency. Once certified, the plan needs to be adopted by the municipality to become a certified plan community.

Certified plan communities will be able to limit the number of new housing units (within certain parameters) in their zoning bylaws/ordinances without being declared exclusionary or against public policy. These communities will be able to require minimum lot areas of two or more acres for single-family developments on farmland, forestland or other land of environmental resource and not be deemed exclusionary. Also, the state will give priority consideration to infrastructure improvements identified in the plan along with capital spending that will effect land use and development within community.

For a plan to become certified, it must address five elements: economic development, housing, open space protection, water management and energy management. It should have overall goals and objectives as well as specific ones regarding these five areas. It should describe zoning polices to be implemented, assess infrastructure, discuss the plan’s consistency with the Montachusett Regional Plan, the Commonwealth’s land use objectives and compliance with minimum standards as well as the manner and degree of public participation.

Communities can incorporate materials from master plans, community development and open space plans, prepared within the last five years, into their community land use plan.

#### **Compliance with standards of the Commonwealth’s land use objectives:**

1. The plan must establish prompt and predictable permitting for commercial and/or industrial development with one or more economic development districts. Prompt and predictable permitting will allow development to proceed by right with final decisions and approval within 180 days. An economic development district allows commercial or industrial use or permits mixed-use including these areas. (43D areas are considered prompt.) The regional planning agency may waive this requirement if alternatives for economic development exist in the region elsewhere in a more appropriate area.

2. Prompt and predictable permitting of residential development within one or more residential development districts that can collectively accommodate, in the determination of the regional planning agency, a number of new housing units (excluding new housing units which are restricted, through zoning or other legal means, as to the number of bedrooms or as to the age of their residents) equal to the housing target number. For the

initial certification of a plan, a municipality's housing target number shall be reduced by the number of new housing units for which building permits were issued within two years prior to the municipality's effective date, to the extent such building permits were issued within residential development districts for which there was prompt and predictable permitting at the time of building permit issuance. This standard may be waived or modified upon a determination by the regional planning agency that the lack of adequate water supply and/or wastewater infrastructure within the municipality prevents full compliance with this standard, provided that the municipality may be required to instead participate in any regional housing plan established by the regional planning agency.

3. The plan requires that, for any zoning district that requires a minimum lot area of forty thousand square feet or more for single-family residential development, development of five or more new housing units utilize open space residential design, except upon a determination that open space residential design is not feasible.

4. The plan requires (through zoning ordinances or by-laws) all development that disturbs more than one acre of land, including as of right development, utilize low impact development techniques.

5. The plan establishes prompt and predictable permitting of (i) renewable or alternative energy generating facilities, (ii) renewable or alternative energy research and development facilities, or (iii) renewable or alternative energy manufacturing facilities, within one or more zoning districts that are eligible locations.



### **Eligible Locations**

The definition of an "Eligible location" shall mean an area that by virtue of its physical and regulatory suitability for development, the adequacy of transportation and other infrastructure and the compatibility of proximate land uses is, in the determination of the regional planning agency, a suitable location for development of the type contemplated by a community land use plan and meets the land use minimum objectives compliance of the Commonwealths land use objectives as listed above.. Any area that would qualify as an "eligible location" under Chapter 40R of the General Laws shall automatically qualify as an "eligible location" for a residential development district.

### **Adopted Eligible Actions for Certified Plan Communities**

"Implementing regulations" shall mean the local zoning ordinances or by-laws, subdivision rules and regulations, and other local land use regulations, or amendments

thereof, necessary to effectuate the minimum standards for consistency with the Commonwealth's land use objectives established or required by a certified plan.

### **Actions Required for Certified Plan Communities**

In order for a community to become certified either before or after a plan has been established, a community must implement and adopt regulatory provisions that engender the minimum land use standards established by the Commonwealth as listed above. Once a plan is completed, approved by an RPA, it is when the provisions' are adopted when a community will become certified.

### **Local Communities Status**

An integral part of becoming a Certified Plan Community is for a community to be actively planning. A certified plan may include materials prepared within the past five years as part of a local planning document, including a master plan prepared pursuant to Chapter 41, Section 81D of the General Laws.

Out of all the 22 communities in the Montachusett Region, only Lancaster has a master plan that has been updated within the last five years. Only eleven of the region's communities have a current open space plan: Athol, Clinton, Fitchburg, Gardner, Harvard, Hubbardston, Leominster, Phillipston, Royalston, Westminster and Winchendon. (See Table 10.)

Another part in becoming certified is adopted land use objectives as designated within the Act. An overview of each community shows that there would have to be changes to zoning to meet the land use objectives with in LUPA. The objectives include elements of Economic Development Housing, Open Space Protection, Water Management, and Energy Management. With in each element certain criteria would be required. (For more detailed information see Table 10)

### **Economic Development Element**

- A zone that allows commercial, industrial, or mixed use by right. Currently, 20 communities with in the Montachusett Region have such zoning.
- Another component is having an area that has transportation and infrastructure that could support commercial, industrial, or mixed use by right; nearly all Montachusett communities meet the criteria.

### **Housing Element**

- A zone that allows ¼ (10,890 s.f.) acre single-family homes by-right - Seven (7) communities meet this criteria.
- A zone that allows at least a 12 unit multi-family structure on 1-acre or 43,560 square feet of land by-right. Two communities meet such criteria.
- To meet a housing target number that is determined by the amount of total year round housing units. The target number would equal 5% of the total year round housing

units. Such provision maybe waived if the regional planning agency finds there is not adequate water supply to a town. As it stands, more research would have to be undertaken to determine if communities could meet this criterion.

- A zone that allows Open Space Residential Design. Sixteen communities have such zoning in place.
- A community has adopted 40R of a smart growth district. Currently one community, Lunenburg has established a Smart Growth District.

### **Open Space Protection Element**

- Open Space Residential Design (OSRD) zoning by-right with a district. One community presently has this zoning by-right.
- An allowance of at least 5 housing units with in a designated OSRD development. Eleven communities meet this criterion.
- A minimum lot size of 40,000 square feet or 1 acre for a single family home in an OSRD development. Thirteen communities meet this criterion.

### **Water Management Element**

- A Low Impact Development Bylaw/Ordinance for the disruption of one acre or more of land. Three communities have adopted this provision.

### **Energy Management Element**

- A zone with by-right uses of renewable energy facilities. Six communities have this criterion with in their zoning.
- Zone with by-right uses of renewable energy research and Development facilities. Only two community has adopted this provision
- Zone with by-right uses of renewable energy manufacturing facilities. At this time, one community has adopted this provision.

### ***LUPA Guidance***

#### **Eligible Location Guidance**

Communities should use Eligible locations as defined in the Land Use Partnership Act (LUPA) Assessment and Analysis section. These eligible locations are used for determining appropriate and suitable land for housing growth and economic development.

#### **Criteria for Waivers**

Guidance is being provided to municipalities regarding criteria to be used for granting waivers from proposed LUPA 'opt-in' benchmarks. Many of the smaller, rural communities within the Montachusett Region lack adequate water and wastewater

infrastructure to support the housing development required under LUPA (specifically having a housing district that can accommodate 5% of the year-round housing stock). Communities will need to demonstrate that at current levels of capacity, that they lack adequate capacity of expansion of water, wastewater and other related infrastructure in order to have a waiver granted from such a LUPA benchmark. Given that if passed, LUPA would only allow municipalities to have development rate limitation, or growth management, bylaws if they become “Certified Plan Communities”, there will become more of an impetus for municipalities to assess and plan for their infrastructure capacities. Such information will assist each municipality and MRPC in the waiver review process.

#### Review Process for Certified Community Land Use Plans

The following is a proposed review process for certification of local community development plans to comply with LUPA legislation.

#### General Provisions/Purpose

The purpose of the development of this Montachusett Regional Review Process and Guidance for Local Community Development Plan Review and Certifications documentation is to establish the Montachusett Regional Planning Commission’s (“MRPC”) requirements for Local Community Land Use Plan certification as would be authorized by Section 4 of the Chapter 40T Land Use Partnership Act (“the Act”), as amended upon passage. The Act is also known as “LUPA” and/or “CLURPA (Comprehensive Land Use Reform Partnership Act) legislative proposals.”

It is through each municipality’s Local Community Land Use Plan that each municipality defines its vision of how to achieve the goals and requirements cited in the Partnership Act (“LUPA”) and meets the Commonwealth’s land use objectives. As a key part of the



local planning process, each municipality in the Montachusett Region may prepare a Community Land Use Plan that is consistent with the Montachusett Regional Strategic Framework Plan and the requirements spelled out in this section/document/Plan (and the Act).

The following definitions contained in Section 2 of the Act are proposed to apply to this Montachusett Regional Review Process and Guidance for Community Land Use Plan Review and

#### Certifications:

**Certified Plan Community:** Shall mean a community for which a Community Land Use Plan and implementing regulations have been certified by the Montachusett Regional Planning Commission, adopted by the Municipality, and remain in effect.

**Implementing Regulations:** Shall mean the local zoning ordinances or by-laws, subdivision rules and regulations, and other local land use regulations, or amendments thereof, necessary to effectuate the minimum standards for consistency with the Commonwealth's land use objectives established or required by a Certified Plan.

**Interagency Planning Board:** Shall mean a Board comprised of the Mass. Secretary of Housing and Economic Development, the Secretary of Energy and Environmental Affairs, and the State Permit Ombudsman, or their designees, together with a representative designated by the Massachusetts Association of Regional Planning Agencies - MARPA (the "regional representative") and a representative designated by the Massachusetts Association of Planning Directors – MAPD (the "municipal representative"). The State Permit Ombudsman shall serve as the chair of the Board. The Board, acting without the participation of the regional representative and the municipal representative, shall have the power to promulgate regulations to effect the purposes of the Act.

**Municipality's effective date:** Shall mean the date upon which a municipality has adopted certified implementing regulations pursuant to a Certified Community Land Use Plan.

**Plan:** Shall mean a Community Land Use Plan prepared by the Planning Board in accordance with Section II of these guidelines and Section 3 of the Act.

#### The Elements of a Community Land Use Plan

A Planning Board may prepare, and from time to time amend or renew, a Community Land Use Plan ("the Plan") for a municipality, to be submitted to the MRPC for certification. The Plan shall address at least the following five issue areas: economic development, housing, open space protection, water management, and energy management.

The Plan shall contain:

- (a) An overall statement of the land use goals and objectives of the municipality for its future growth and development, including specific reference to each of the five issue areas;
- (b) A description of the zoning and other land use regulation policies that will be used to implement those goals and objectives, including with respect to each of the five issue areas;
- (c) An assessment of the infrastructure improvements needed to support the implementation policies and strategies identified in (b);
- (d) An assessment of the Plan's consistency with any applicable existing regional plan ("Montachusett Regional Strategic Framework Plan") and/or other planning guidance;
- (e) An overall assessment of the Plan's consistency with the Commonwealth's land use objectives (We can put these in the Appendix, or somewhere else within our Regional Plan);



- (f) An assessment of the Plan's specific compliance with the minimum standards for consistency set forth in Section IV below; and
- (g) A description of the manner and degree of public participation and involvement in the preparation of the plan.

The Plan may include materials prepared within the past five years as part of a local planning document, including a master plan prepared pursuant to Chapter 41, Section 81D of the General Laws.

The Planning Board shall hold at least one public hearing, with two weeks prior notice, for public review of and comment upon the plan, before the Plan is submitted to MRPC for certification. After the public hearing, the Planning Board may recommend to the chief executive officer of the municipality that the Plan be submitted to MRPC for certification.

Consistency - Minimum standards for consistency of plan with the Commonwealth's land use objectives

The Montachusett Regional Planning Commission (MRPC) shall determine that a Plan is consistent with the Commonwealth's land use objectives if the Plan meets certain minimum standards in the following five areas: economic development, housing, open space protection, water management, and energy management. The minimum standards for consistency shall be set forth in regulations duly promulgated by the Interagency Planning Board. Notwithstanding the foregoing, for plans submitted for certification within the first five years of the effective date of passage of LUPA/CLURPA, a determination of consistency with the Commonwealth's land use objectives shall be mandatory if the following minimum standards have been satisfied:

A. The Plan establishes prompt and predictable permitting of commercial and/or industrial development within one or more economic development districts. This standard may be waived or modified upon a determination by the regional planning agency that adequate alternatives for economic development exist elsewhere in the region and are more appropriately located there. (We will have some guidance on issuance of waivers in the Regional Framework Plan)

B. The Plan establishes prompt and predictable permitting of residential development within one or more residential development districts that can collectively accommodate, in the determination of the regional planning agency, a number of new housing units (excluding new housing units which are restricted, through zoning or other legal means, as to the number of bedrooms or as to the age of their residents) equal to the housing target number. For the initial certification of a plan, a municipality's housing target number shall be reduced by the number of new housing units for which building permits were issued within two years prior to the municipality's effective date, to the extent such building permits were issued within residential development districts for which there was prompt and predictable permitting at the time of building permit issuance. This standard may be waived or modified upon a determination by MRPC that the lack of adequate water supply and/or wastewater infrastructure within the

municipality prevents full compliance with this standard, provided that the municipality may be required to instead participate in any regional housing plan established by MRPC. (We will have some guidance on issuance of waivers in the Regional Framework Plan)

C. The Plan requires that, for any zoning district that requires a minimum lot area of forty thousand (40,000) square feet or more for single-family residential development, development of five or more new housing units utilize open space residential design, except upon a determination that open space residential design is not feasible.

D. The Plan requires (through zoning ordinances or by-laws) all development that disturbs more than one acre of land, including as of right development, utilize low impact development (LID) techniques.

E. The Plan establishes prompt and predictable permitting of (i) renewable or alternative energy generating facilities, (ii) renewable or alternative energy research and development facilities, or (iii) renewable or alternative energy manufacturing facilities, within one or more zoning districts that are eligible locations.

#### Certification and Approval Process

Regional planning agency certification and municipal adoption of the Plan

The chief executive officer of the municipality may, if such action is recommended by the Planning Board, submit the Plan to the MRPC for certification. Within 90 days after receiving a submission, MRPC shall determine whether the Plan is (a) complete and (b) consistent with the Commonwealth's land use objectives. A Plan shall be determined to be complete if it contains all the elements required in Section II. A Plan shall be determined to be consistent with the Commonwealth's land use objectives if it satisfies the minimum standards for consistency in accordance with Section III. If MRPC determines that the plan is complete and consistent with the Commonwealth's land use objectives, then the MRPC shall issue a written certification to that effect. If MRPC determines that it is unable to issue such a certification, then MRPC shall provide the municipality with a written statement of the reasons for its determination. A municipality may re-submit for certification at any time a modified Plan that addresses the issues set forth in MRPC's statement of reasons. If MRPC does not issue a certification or provide a statement of reasons within 90 days after receiving a Plan (including a re-submitted Plan), then the Plan shall be deemed certified.

Following certification by the MRPC, the Plan may be adopted by the municipality by a simple majority vote of its legislative body.

#### Certification and adoption of implementing regulations

(a) Prior to or following municipal adoption of a Certified Plan, the municipality may prepare implementing regulations. To assist municipalities in this effort, MRPC will work with the Interagency Planning Board to provide at least one model provision (Bylaw/Regulations) for implementing regulations for open space residential design, low

impact development, and clean energy generation/cogeneration facilities that would satisfy the standards hereof.

(b) The chief executive officer of the municipality may submit the implementing regulations to MRPC for certification. Within 90 days of receiving a submission, MRPC shall determine whether the implementing regulations are consistent with the Certified Plan. The implementing regulations shall be deemed consistent with the Certified Plan if they effectuate the minimum standards for consistency with the Commonwealth's land use objectives established or required by the Certified Plan. If MRPC determines that the implementing regulations are consistent with the Certified Plan, then the agency shall issue a written certification to that effect. If MRPC determines that it is unable to issue such a certification, then MRPC shall provide the municipality with a written statement of the reasons for its determination. A municipality may re-submit for certification at any time modified implementing regulations that address the issues set forth in the MRPC's statement of reasons. If MRPC does not issue a certification or provide a statement of reasons within 90 days after receiving implementing regulations (including re-submitted implementing regulations), then the implementing regulations shall be deemed certified. The municipality shall have the option of submitting its implementing regulations together with its submission of its Community Land Use Plan pursuant to Section IV, in which case MRPC shall review both the Plan and the implementing regulations within the same 90 day period.

(c) Following certification by MRPC, the implementing regulations may be adopted by the municipality by a simple majority vote of its legislative body. On the date of receipt by MRPC of proof of adoption of the certified implementing regulations pursuant to a certified plan, a municipality shall be deemed a "Certified Plan Community". Such date shall be deemed the "Municipality's effective date".

#### Expiration and renewal of certified plan community status; amendments

(a) A municipality's status as a Certified Plan community shall expire ten years after the municipality's effective date, unless a renewal plan, together with any necessary implementing regulations, is prepared, certified, and adopted in accordance with the provisions hereof prior to such date. Each such renewal plan shall also expire in ten years.

(b) From and after a municipality's effective date, any material amendment to a certified plan or to any certified implementing regulations shall be prepared, certified and adopted in accordance with the provisions hereof. The Interagency Planning Board may by regulation define categories of amendments that shall be deemed non-material.

#### Review of certification by the Montachusett Regional Planning Commission (MRPC)

Any certification or determination of non-certification by MRPC with respect to a plan or implementing regulations or a material amendment of either is subject to review by the Interagency Planning Board. The Interagency Planning Board may, upon the request of the subject municipality or upon its own motion, review any such decision in an informal,

non-adjudicatory proceeding, may request information from any third party and may modify or reverse such decision if the same does not comply with the provisions hereof.

If a municipality provides written notice to the Interagency Planning Board of the certification by MRPC of a Plan or implementing regulations or a material amendment of either (including a deemed certification resulting from MRPC's failure to act), then the board may only review such certification if it commences such review with 60 days of such certification.

The Interagency Planning Board may through regulation establish a procedure for reviewing and approving guidelines prepared by all Massachusetts's regional planning agencies to be used in the certification of plans, implementing regulations and material amendments. If a certification or determination of non-certification under review by the Interagency Planning Board has been issued by MRPC based upon an approved guideline, then the board may only modify or reverse such decision for inconsistency with the approved guideline.

## **6. PUBLIC PARTICIPATION AND OUTREACH**

From the beginning of the project MRPC realized that, to be successful, the project must involve as large a constituency as possible. Broad-based public support would result in a plan that meets the needs and desires of the region and provide the groundwork for implementing recommendations. All meetings/events were open to the general public and everyone with an interest was highly encouraged to attend including citizens, local officials, environmental groups, economic development proponents, and others. Outreach included, but was not limited to press releases in local newspapers, and mailings/postings throughout the region. Those that participated were directly involved in activities to identify key issues for MRPC to address in this project.

The public process is outlined below – meeting notices/agendas can be found in the appendix. MRPC staff also presented updates on the study to MRPC Planning Commissioners and guests on a monthly basis at regularly scheduled Commission Meetings throughout the duration of the project.

- Presentations were made by MRPC Staff at the MRPC Commission Meetings held on both October 26, 2010 and January 25, 2011 concerning Regional Goals and Objectives. Much discussion followed the presentations and consensus was reached by the Commissioners at the January 25<sup>th</sup> meeting and incorporated into this plan (see Section 3 that includes Regional Goals and objectives).
- On November 18, 2010 meeting at MRPC with area planners and other local officials to discuss regional priority housing and economic development growth and preservation areas. The meeting was well attended with a broad range of representation.

- A Progress Report Presentation was made by MRPC Staff Members at the Heywood Memorial Library on February 16, 2011 in downtown Gardner. The intention of this meeting was to solicit input on progress to date from citizens, local officials, and representatives. The meeting also received media attention (See appendix, Press Releases).
- A meeting was held on March 2, 2011 at MRPC Offices to discuss regional priority preservation areas with conservation commissions and other interested conservation groups. At this well attended meeting, MRPC received significant input on the identification of Local/Regional Priority Preservation Areas for the Montachusett Region.
- In April, a draft version of this plan was forwarded to all MRPC communities including environmental groups, economic development proponents, planning departments, conservation commissions, and others. Comments were received and incorporated into this document.

## 7. CONSISTENCY WITH COMMONWEALTH'S SUSTAINABLE DEVELOPMENT PRINCIPLES

The Montachusett Regional Planning Commission (MRPC) has reviewed the ten (10) Sustainable Development Principles of the Commonwealth of Massachusetts for consistency with the Montachusett Regional Strategic Framework Plan. MRPC did review the Sustainable Development Principles while developing the set of Regional Goals and Objectives for Housing, Economic Development and Open Space to make sure that our Goals and Objectives are consistent with the State's Principles.



Below is a discussion of each of the ten Commonwealth's Sustainable Development Principles and how the Montachusett Regional Strategic Framework Plan has achieved consistency with each Principle.

### **Concentrate Development and Mix Uses**

Regional Priority Development Districts that have been identified for the Montachusett Region include the 40R districts in Lunenburg and Fitchburg. Both provide examples of redevelopment and reuse of existing sites, structures and infrastructure. Additional support has been identified during the planning process to locate future housing near

transit, near areas with existing infrastructure and also in targeted mixed-use areas, including the locally identified priorities areas for housing targeted for the Ashburnham Village Center and Lancaster's identified mixed-use area, known as the "IPOD" – "Integrated Planning Overlay District". These two areas can serve as models for other communities to develop mixed-used centers. Therefore, the Montachusett Regional plan has been made consistent with this Principle.

### **Advance Equity**

The Montachusett Regional Strategic Framework Plan promotes the concept of having housing and jobs located near existing services, transit and reducing sprawling development patterns. This objective not only promotes smart growth but keeps services and infrastructure focused in existing population centers. Promoting development near transit areas allows for less reliance on automobiles. This makes the ability to get to needed services and jobs easier for those who cannot afford cars. The redevelopment and clean up of brownfield sites being can helps address environmental justice considerations.

### **Make Efficient Decisions**

The Plan has identified the approved MGL 43D sites as Regional Priority Development Areas, further promoting MGL 43D as an innovative planning tool. The Montachusett Region's communities already have made use of this planning tool with 10 of our 22 communities having adopted 43D districts within their communities. In addition, the Plan helps build awareness of approving Open Space Residential Developments (OSRDs) on a "by-right" basis. Lunenburg already has an OSRD by-right bylaw and the Town of Ashburnham will be voting on theirs at the May 2011 Annual Town Meeting.

### **Protect Land and Ecosystems**

The Montachusett Region is blessed with abundant natural resources. Through our Regional planning process, we have identified priority preservation areas, both at the local and regional level. Regional Priorities include preservation of BioMap 2 Core Habitat areas, prime agricultural soils, lands within the 69.48-square mile Ashburnham Bio-Reserve, and the long distance trails located within the Region. Preservation of these landscapes and ecosystems will ensure our Plan is consistent with this Sustainable Development Principle.

### **Use Natural Resources Wisely**

Through implementation of the Montachusett Regional Strategic Framework Plan Goals and Objectives, targeting development of Priority Development Areas coupled with targeting land preservation efforts within the Priority Preservation Areas, this Plan is consistent with this Commonwealth Sustainable Development Principle.

### **Expand Housing Opportunities**

Almost all of the 22 communities have identified areas of housing opportunities, either through this planning process and/or the EO 418 Community Development planning process. A number of these communities have also participated in the Massachusetts Department of Housing and Community Development's Housing Production Plan

program. By identifying areas of new housing opportunities, especially those opportunities that are being targeted near job centers, transit availability and where other services area available, this Plan is consistent with the Expand Housing Opportunities Principle.

#### **Provide Transportation Choice**

By targeting housing in areas of existing transit services, this Plan is consistent with Sustainable Development Principle #7, as locating housing in such areas would give the Region's citizens greater transportation choice.

#### **Increase Job and Business Opportunities**

The Plan is consistent with this Principle through the identification of regional growth centers, which include Devens, the MGL 43D sites, and areas with great highway and transit access. For the latter identified area, this includes the locally identified priority areas for economic development targeted for Lancaster near the Route 2 and I-190 interchange and Templeton's two priority EDAs at the Town's Route 2 interchanges. Thus, the Montachusett Regional plan has been made consistent with this Principle.

#### **Promote Clean Energy**

Implementation of this Plan would reduce greenhouse gas emission and consumption of fossil fuels, by channeling development within the Priority Development Areas and preserving lands in the Priority Preservation Areas. The Montachusett Region is also working on a Regional Energy Plan, targeted for completion in October 2011. Both of these plans work together towards meeting this Sustainable Development Principle.

#### **Plan Regionally**

This Plan is very consistent with this Commonwealth Sustainable Development Principle. The Framework Plan represents the first Regional Policy-based Plan for the Montachusett Region. With our without the Comprehensive Land Use Reform Act being approved by the State Legislature, the Montachusett Region now has a framework plan that encourages Smart Growth and helping our 22 communities in achieving consistency with the Commonwealth's ten Sustainable Development Principles.

### **8. IMPLEMENTATION AND PERFORMANCE MEASURES**

The Montachusett Regional Strategic Framework Plan strives to promote sustainability by encouraging development in targeted areas and protecting environmentally-sensitive areas. To do this, local communities must continue writing and keeping up-to-date Master, Housing and Open Space Plans; they must adopt and use innovative zoning and planning tools while being consistent with this Regional Plan, the State's Sustainable Development Principles and the targeted areas for growth, development and preservation. If LUPA or CLUPA passes, municipalities will also need to change zoning and bylaws/ordinances to comply with this legislation and to become a certified planned community.

The responsibility for this implementation will fall on the Montachusett communities and their planning boards and other elected officials. State agencies and MRPC can support the communities' efforts in these matters if funds are available. Many of the Montachusett Region's communities struggle with funding planning efforts. Through the District Local Technical Assistance Grants and other funding programs, MRPC is able to assist communities implement these needed changes to plans, zoning and bylaws/ordinances.

The Region can use the following performance measures to see if it is on target with the Plan in regards to sustainable housing and economic development growth and preservation:

1. Number of housing units within the local and regional housing target areas
2. Number of businesses within the local and regional economic development areas
3. Number of acres persevered especially in areas targeted for priority preservation
4. Adoption of innovative planning and zoning tools
5. Up-to-date master, housing and open space plans
6. Compliance with CLUPA or LUPA (number of certified plan communities)

## **9. ADOPTION PROCESS**

The Montachusett Regional Strategic Framework as of yet has not been officially adopted by the Region. There was a comment period of one week between the dates of April 19 through the April 26, where the Draft version of the Plan was emailed and placed on the MRPC website to solicit input. After this comment period, the responses were incorporated into the Plan. The members of the Montachusett Regional Planning Commission which are composed of representatives from each member community including members of the planning board of each city and town will vote on the adoption of the Montachusett Regional Strategic Framework Plan sometime between the Summer and Fall of 2011.

## **10. CONCLUSIONS**

The Montachusett Region is made up of 22 communities that vary from rural small towns to urban centers. They also differ on their level and completion of planning activities. The Montachusett Regional Strategic Framework Plan can guide all the communities in the Region to plan for development and preservation in a sustainable manner. The Plan provides an inventory of local plans, planning and zoning tools, guidance to comply with future LUPA legislation and presents area both identified regionally and locally for housing and economic development growth and open space preservation. Many of the Montachusett communities can benefit from funding assistance if federal or state planning grant programs continue to be offered in the future.



## APPENDIX

Memorandum Regarding Regional Goals and Objectives Discussion at MRPC Meeting - October 19, 2010

Minutes from the MPRC Meeting - October 26, 2010

Meeting Notes and Sign-in Sheet from Planner Meeting regarding Regional Economic Development, Housing and Open Space Priority Areas - November 18, 2010

Memorandum Regarding Regional Goals and Objectives Discussion at MRPC Meeting - January 14, 2011

Minutes from the MPRC Meeting - January 25, 2011

Press Release Regarding Progress Presentation of Plan - February 8, 2011

Flyer for Progress Presentation - February 16, 2011

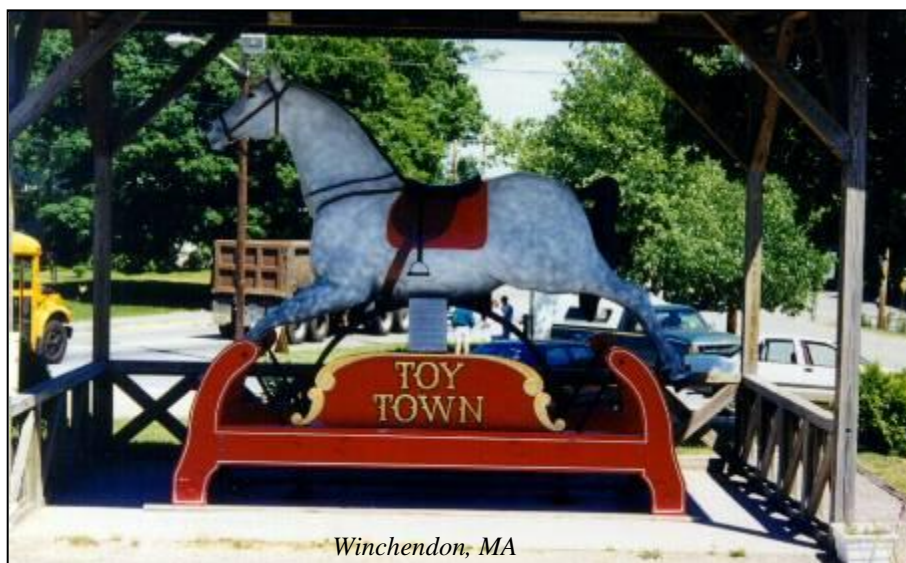
Media Coverage of Progress Presentation - February 17, 2011

Flyer for Meeting Regarding Local and Regional Priority Preservation Area - March 2, 2011

Complete Ruling of the Zukerman v Town of Hadley Court Case

Summary of Zuckerman v. Town of Hadley

Town of Hadley's Rate of Development Bylaw Caution from the Attorney General Office



*Winchendon, MA*

**Complete Ruling of the Zukerman v Town of Hadley Court Case**

**ZUCKERMAN**

**v.**

**TOWN OF HADLEY**

442 Mass. 511

SJC-09169

MARTHA W. ZUCKERMAN vs. TOWN OF HADLEY.

Suffolk. March 2, 2004. - August 24, 2004.

Present: Marshall, C.J., Greaney, Ireland, Spina, Sosman, & Cordy, JJ.

Zoning, Validity, By-law, Building permit, Limitation on rate of development.  
Subdivision Control, Limitation on rate of development. Constitutional Law, Witness.

Civil action commenced in the Land Court Department on July 12, 2000.

The case was heard by Alexander H. Sands, III, J., on motions for summary judgment.

The Supreme Judicial Court on its own initiative transferred the case from the Appeals Court.

Joel B. Bard (John J. Goldrosen with him) for the defendant.

Diane C. Tillotson for the plaintiff.

The following submitted briefs for amici curiae:

John A. Pike for Massachusetts Municipal Association.

Thomas J. Urbelis for The Massachusetts City Solicitors and Town Counsel Association.

Richard J. Gallogly & Gareth I. Orsmond for The Abstract Club & another.

Howard P. Speicher & Benjamin Fierro, III, for Home Builders Association of  
Massachusetts, Inc., & others.

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CORDY, J. This case involves a landowner's challenge to the statutory and constitutional validity of a town zoning bylaw of unlimited duration that regulates the number of

building permits issued annually for the construction of single family homes. It requires us to confront more broadly the issues of duration and purpose left open in *Sturges v. Chilmark*, 380 Mass. 246 (1980), in which the court held that a "municipality may impose reasonable time limitations on development, at least where those restrictions are temporary and adopted to provide controlled development while the municipality engages in comprehensive planning studies." *Id.* at 252-253. We now make explicit what was implied in the *Sturges* case, that, absent exceptional circumstances not present here, restrictions of unlimited duration on a municipality's rate of development are in derogation of the general welfare and thus are unconstitutional.[1]

Background. The facts of the case are largely set forth in the decision of the Land Court. At a special town meeting held in October, 1988, the town of Hadley (town) adopted a rate of development amendment (ROD amendment) to its zoning bylaws. The ROD amendment limits the rate of growth in the town by restricting the number of building permits that may be issued in any given year to a developer of lots held in common ownership, generally requiring development to be spread over a period of up to ten years.[2] As articulated by the town, the bylaw was adopted for the purposes of preserving the town's agricultural land and character, and providing for a "phasing-in" of population growth, thereby allowing time for the town to plan and to expand its public services, consistent with the fiscal constraints of Proposition 2 1/2, G. L. c. 59, § 21C.[3] The ROD amendment has been in effect for fifteen years. It is undisputed that the town intends the restriction to be of unlimited duration.[4]

Since adopting the ROD amendment in 1988, the town has undertaken various initiatives in response to the pressures imposed by the demands of growth. It has engaged in two planning exercises, the first culminating in 1989 with a growth management plan,[5] and the second in 1998 with an open space and recreation plan.[6],[7] It has also appropriated funds to participate in the Commonwealth's agricultural preservation restriction program,[8] built a new elementary school and a public safety building, hired more full-time officials, and improved its water supply by purchasing land for aquifer protection and enhancing its water delivery system. The town has not, however, adopted many of the measures recommended in the studies that it undertook. It has not prepared or adopted a comprehensive land use plan or a community open space bylaw (as recommended in the 1998 study); it has not effected a major overhaul of its zoning bylaws (as recommended in the 1989 study); it has not adopted a cluster development bylaw (as recommended in the 1989 study), increased minimum lot sizes in agricultural districts to 80,000 square feet (as recommended in the 1987 study), or hired a full-time planner (also recommended in the 1987 study).[9]

Since 1986, the plaintiff, Martha Zuckerman (or her husband), has owned an approximately sixty-six acre parcel of land located in an agricultural-residential use district within the town. The zoning bylaw applicable to such districts permits, as of right, detached one-family dwellings, agriculture, and the raising of stock. Under the subdivision control law, G. L. c. 41, §§ 81K-81GG, in effect in Hadley, Zuckerman's property could accommodate a large subdivision of approximately forty single-family

homes. The ROD amendment, however, limits development of her property to four units a year for ten years. See note 2, *supra*.

Claiming that it is not economically feasible to sequence the development of her property over a ten-year period,[10] Zuckerman brought an action in the Land Court seeking a declaration that the ROD amendment was invalid and unconstitutional, or alternatively that it constituted a taking for which she must be compensated. The judge, ruling on cross motions for summary judgment, relied on *Sturges v. Chilmark*, 380 Mass. 246 (1980), in concluding that "time limitations on development must be temporary and must be dependent on the completion and implementation of comprehensive planning studies." [11] Finding that the ROD amendment created a restriction on development of unlimited duration and that the town had failed to implement many of the measures recommended in the planning studies, the judge held the ROD amendment unconstitutional and entered judgment for Zuckerman. The town appealed, and we transferred the appeal to this court on our own motion.

Discussion. As we observed in *Sturges v. Chilmark*, *supra* at 253, "[f]rom the wide scope of the purposes of The Zoning Act [G. L. c. 40A], it is apparent that the Legislature intended to permit cities and towns to adopt any and all zoning provisions which are constitutionally permissible," subject only to "limitations expressly stated in that act (see, e.g., G. L. c. 40A, § 3) or in other controlling legislation." Like the Land Court judge, we find no statutory bar to the adoption of the ROD amendment, and hence move directly to the constitutional question. See *id*.

The classic recitation of the constitutional test is whether a zoning bylaw is "clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare." *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 395 (1926).[12] See *Sturges v. Chilmark*, *supra* at 256; *Sinn v. Selectmen of Acton*, 357 Mass. 606, 609 (1970); *Wilbur v. Newton*, 302 Mass. 38, 39 (1938). More specifically, due process requires that a zoning bylaw bear a rational relation to a legitimate zoning purpose. In our review, we make every presumption in favor of a zoning bylaw, and we measure its constitutional validity against any permissible public objective that the legislative body may plausibly be said to have been pursuing. *Sturges v. Chilmark*, *supra* at 256-257. "[I]f its reasonableness is fairly debatable, [a zoning bylaw] will be sustained." *Id.* at 256.

In the *Sturges* case, we upheld a restrictive rate of development zoning bylaw, adopted by the town of Chilmark to control the rate of growth for a limited period to allow time for the town to carry out various planning studies and to implement various measures necessary to protect the water supply and to ensure proper sewage disposal.[13] *Id.* at 259-260. Hadley asks us to expand that holding to zoning bylaws intended to control growth for an unlimited duration to assist towns in better managing their fiscal resources and in preserving their character, in this case, agricultural.

The town acknowledges that the purposes justifying the bylaw in Chilmark were short lived and specific, observes that the bylaw's relationship to those purposes depended on its temporary nature, but concludes that restraining the rate of development is a zoning

tool available whenever, as in Chilmark, it bears an adequate relation to a legitimate purpose. So prefaced, the town argues that the pressures of growth justifying the ROD amendment in Hadley are indefinite in duration and substantial in their potential effect on the town's finances and character, and that the unlimited duration of the ROD amendment is therefore consistent with the purposes that motivated it. In essence, the town contends that, so long as the ROD amendment continues to limit growth over time, creating the buffer that the town considers necessary to absorb an increasing population while continuing to preserve those characteristics and to provide those public facilities that make Hadley a desirable place to live, the amendment is in the public interest and advances legitimate zoning purposes, and thus passes constitutional muster.

We recognize the enormous pressures faced by rural and suburban towns presented with demands of development, and that towns may seek to prevent or to curtail the visual blight and communal degradation that growth unencumbered by guidance or restraint may occasion. In this respect, however, Hadley is no different from other towns facing the pressures attendant to an influx of growth. Like all such towns, Hadley may, in an effort to preserve its character and natural resources, adopt any combination of zoning bylaws,[14] and participate in a wide variety of State-enacted programs,[15] that may, as a practical matter, limit growth by physically limiting the amount of land available for development. Hadley may also slow the rate of its growth within reasonable time limits as we explained in *Sturges v. Chilmark*, *supra*, and *Collura v. Arlington*, 367 Mass. 881 (1975), to allow it to engage in planning and preparation for growth. What it may not do is adopt a zoning bylaw for the purpose of limiting the rate of growth for an indefinite or unlimited period.[16] Restraining the rate of growth for a period of unlimited duration, and not for the purpose of conducting studies or planning for future growth, is inherently and unavoidably detrimental to the public welfare, and therefore not a legitimate zoning purpose.[17]

Rate of development bylaws such as the one at issue here are restrictions not on how land ultimately may be used, but on when certain classes of property owners may use their land. Where classic zoning bylaws keep the pig out of the parlor, see *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 388 (1926), rate of development bylaws tell the farmer how many new pigs may be in the barnyard each year. In their intent and in their effect, rate of development bylaws reallocate population growth from one town to another, and impose on other communities the increased burdens that one community seeks to avoid. Through zoning bylaws, a town may allow itself breathing room to plan for the channeling of normal growth; it may not turn that breathing room into a choke hold against further growth. *Simon v. Needham*, 311 Mass. 560, 565 (1942) ("zoning by-law cannot be adopted for the purpose of setting up a barrier against the influx of thrifty and respectable citizens who desire to live there and who are able and willing to erect homes upon lots upon which fair and reasonable restrictions have been imposed"). Despite the perceived benefits that enforced isolation may bring to a town facing a new wave of permanent home seekers, it does not serve the general welfare of the Commonwealth to permit one particular town to deflect that wave onto its neighbors. *Euclid v. Ambler Realty Co.*, *supra* at 390 (zoning regulation invalid "where the general public interest would so far outweigh the interest of the municipality that the municipality would not be allowed to

stand in the way"). *Johnson v. Edgartown*, 425 Mass. 117, 120 (1997) (general welfare transcends one town's "parochial interests"). See *Board of Appeals of Hanover v. Housing Appeals Comm.*, 363 Mass. 339, 384 (1973). *Accord Associated Home Builders of the Greater Eastbay, Inc. v. Livermore*, 18 Cal. 3d 582, 607, 610-611 (1976) (requiring analysis of general welfare in light of all affected in region). As concisely stated by the Supreme Court of New Hampshire, "prevent[ing] the entrance of newcomers in order to avoid burdens upon the public services and facilities . . . is not a valid public purpose." *Beck v. Raymond*, 118 N.H. 793, 801 (1978).[18] *Accord National Land & Inv. Co. v. Easttown Bd. of Adjustment*, 419 Pa. 504, 532 (1965) ("zoning ordinance whose primary purpose is to prevent the entrance of newcomers in order to avoid future burdens, economic and otherwise, upon the administration of public services and facilities can not be held valid").

There is little doubt that the initial adoption of Hadley's ROD amendment appropriately sought to enable the town better to plan for growth and to adopt programs and other zoning measures to preserve its agricultural resources and character. But fifteen years have passed, and the town has had more than ample time to fulfil that legitimate purpose. Neither the desire for better fiscal management nor the revenue-raising limitations imposed by Proposition 2 1/2, G. L. c. 59, § 21C, is a proper basis on which to adopt a zoning ordinance intended to limit growth or the rate of growth in a particular town for the indefinite future.[19] See *122 Main St. Corp. v. Brockton*, 323 Mass. 646, 650 (1949) ("not within the scope of [zoning] to enact zoning regulations for the purpose of assisting a municipality . . . to inflate its taxable revenue"); *Simon v. Needham*, supra at 566 ("zoning by-law cannot be used primarily as a device to maintain a low tax rate"). Except when used to give communities breathing room for periods reasonably necessary for the purposes of growth planning generally, or resource problem solving specifically, as determined by the specific circumstances of each case, see *Sturges v. Chilmark*, supra at 257, such zoning ordinances do not serve a permissible public purpose, and are therefore unconstitutional.

The judgment of the Land Court is affirmed.[20]

So ordered.

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#### FOOTNOTES:

[1] We acknowledge the amicus briefs submitted by the Massachusetts Municipal Association; the Massachusetts City Solicitors and Town Counsel Association; the Home Builders Association of Massachusetts, Inc., & others; and The Abstract Club and the Real Estate Bar Association.

[2] The relevant portions of the rate of development amendment (ROD amendment) provide:

"15.0.1. Building permits for the construction of dwellings on lots held in common ownership on the effective date of this provision shall not be granted at a rate per annum greater than as permitted by the following schedule . . . .

"15.1.1. For such lots containing a total area of land sufficient to provide more than ten dwellings at the maximum density permitted for the District in which such lots are located: one tenth of the number of dwellings permitted to be constructed or placed on said area of land based on said maximum permitted density.

"15.2.1. For such lots containing a total area of land insufficient to provide more than ten dwellings at the maximum density permitted under these Bylaws for the District in which such lots are located: one dwelling."

[3] The preamble to the ROD amendment recites that the town is "dedicated to keep the distinction as the most agricultural community in the Commonwealth," "operates entirely with a part[-]time staff of elected officials," that the town's existing school system is operating near capacity, that its fire department is comprised solely of volunteer fire fighters and that its police department employs only three full-time officers, that fiscal constraints imposed by the requirements of Proposition 2 1/2, G. L. c. 59, § 21C, limit the town's ability "to correct the situations which could arise by a sudden increase in population," and that a "rate of development bylaw will allow the Town of Hadley to plan for any new or expanded services required by a population increase."

[4] The town highlights what in its view is the efficacy of the ROD amendment in slowing growth, noting that, in 1987, the year before the amendment was adopted, the town issued fifty building permits, and that, in the seven years following the amendment's adoption, that number was, on average, reduced by more than one-half.

[5] The growth management plan arose from an effort by the town "to revise and update the Hadley zoning bylaw to better achieve established community goals, such as protecting community character, preserving farmland and water resources, and strengthening the local tax base." It recommended, among other measures, development of a bylaw to address commercial site plan approval; modification of the table of permitted uses; general revision and reorganization of the zoning bylaws; consideration of mechanisms for the protection of farmland; expansion of affordable housing; and preservation of historic properties.

[6] The plan "expand[ed] . . . Hadley's previous land protection efforts to build a more comprehensive open space system," emphasizing "farmland protection[,] . . . conservation of historic resources[,] and development of new recreational opportunities." The plan specifically described five goals and objectives: protection of agricultural, natural, and historic resources; provision of recreational opportunities; and plan implementation. It also outlined a five-year schedule for its realization.

[7] In December, 1987, shortly before the adoption of the ROD amendment, the University of Massachusetts at Amherst completed a study for the town, entitled: A Preliminary Growth Management Study for Hadley, Massachusetts. Its principal recommendations were: reorganization of the town's planning process; modification of waterfront zoning

rules; enhanced flood plain protection; protection of farmland through development of incentive districts, limited water and sewer service expansion, use of land trusts, and establishment of overlay districts; and revision of specified commercial and residential zoning rules to facilitate conservation.

[8] The agricultural preservation restriction program essentially buys deed restrictions to prevent farmland from being developed. See *Twomey v. Commissioner of Food & Agric.*, 435 Mass. 497 (2001). See also St. 2003, c. 26, §§ 62, 408 (repealing original legislation, codified at G. L. c. 132A, §§ 11A-11D [2002 ed.], and enacting substantially identical provisions, codified at G. L. c. 20, §§ 23-26). Pursuant to G. L. c. 40L, the town also has elected to designate "agricultural incentive areas," giving it a right of first refusal to purchase farmland that otherwise would be sold or converted for nonagricultural use. As the result of these efforts, the town in 1998 was second in the Commonwealth in the number of acres of protected farmland.

[9] The chairman of the Hadley planning board testified at his deposition that the town "should" develop and implement a comprehensive land use plan, "should" increase minimum lot sizes in agricultural districts to 80,000 square feet, and "should" adopt a community open space bylaw. He admitted, however, that fifteen years after the adoption of the ROD amendment, none of these had been effectuated.

[10] In response to interrogatories, Zuckerman stated that three developers informed her that, as a result of the bylaw, it was "not economically feasible" to develop the property, largely because the bylaw reduces the developers' flexibility and makes unavailable the economic advantages of large-scale development, thereby increasing the cost of development and reducing the marketability of the land.

[11] In *Sturges v. Chilmark*, 380 Mass. 246 (1980), the need for comprehensive planning studies was prompted by legitimate concerns over subsoil conditions that might affect water supplies and sewage disposal. In reaching its conclusion upholding the restrictions on development, the court noted that the bylaw furthered regional ("not simply local") concerns in preserving the unique and perishable qualities of the island of Martha's Vineyard, concerns that had been "articulated by the Legislature." *Id.* at 255-256.

[12] More recent Supreme Court cases have articulated the test somewhat differently, using the more familiar language of the rational relation standard. See, e.g., *Schad v. Mount Ephraim*, 452 U.S. 61, 68 (1981) ("Where property interests are adversely affected by zoning, the courts generally have emphasized the breadth of municipal power to control land use and have sustained the regulation if it is rationally related to legitimate state concerns . . ."); *Moore v. East Cleveland*, 431 U.S. 494, 498 & n.6 (1977) (plurality opinion) (requiring "rational relationship").

[13] In *Collura v. Arlington*, 367 Mass. 881 (1975), we upheld an interim zoning bylaw that prohibited construction of new apartment buildings in certain districts of a town for a two-year period while the town developed a comprehensive plan, indicating that "[i]nterim zoning can be considered a salutary device in the process of plotting a



comprehensive zoning plan to be employed to prevent disruption of the ultimate plan itself." *Id.* at 886.

[14] Within reason, such bylaws might include, for example, either large-lot or cluster zoning, expanded frontage requirements, the development of exclusive agricultural use districts, or any other measure permitted by statute. See generally, e.g., Comment, *Preserving Our Heritage*, 17 *Pace L. Rev.* 591, 619- 623 (1997).

[15] For example, towns may seek the purchase of deed restrictions to prevent development of farmland, see G. L. c. 20, §§ 23-24, inserted by St. 2003, c. 26, § 62; elect to designate agricultural incentive areas and thereby gain a right of first refusal to purchase farmland that otherwise would be sold or converted to nonagricultural use, see G. L. c. 40L; accept the provisions of the Community Preservation Act, which allows communities to establish preservation funds (and to tap a State matching fund) that they may use for open space protection, see G. L. c. 44B; and obtain zero-interest loans from the Commonwealth's Open Space Acquisition Revolving Fund to acquire land for open space, see G. L. c. 21, § 3E.

[16] The restraint in the *Sturges* case did not contain a specific time limitation, and had "the potential of limiting construction in the town over an indeterminate period." *Sturges v. Chilmark*, *supra* at 251 n.7. In that case we held that "a municipality may impose reasonable time limitations on development, at least where those restrictions are temporary" and adopted to assist the municipality to plan for growth (emphasis added). *Id.* at 252-253. Our holding in that case, and our holding today, should make clear that bylaws restraining growth pass constitutional muster only where they specifically contain time limitations or where it is abundantly clear that they are temporary, because they are enacted to assist a particular planning process. Where the needs of a town to plan for an aspect of growth prove to exceed the time limits of a bylaw, the town may extend the restriction for such limited time as is reasonably necessary to effect its specific purpose.

[17] In *Home Builders Ass'n of Cape Cod, Inc. v. Cape Cod Comm'n*, 441 Mass. 724 (2004) (*Home Builders Ass'n*), we upheld the town of Barnstable's adoption of a zoning ordinance that included a permanent building cap. We did so recognizing that the cap was adopted to protect a sole source aquifer, the integrity of which was an issue of regional importance, and that the cap was adopted through the Cape Cod regional commission, a body specifically established by the State Legislature in recognition of the "unique natural, coastal, scientific, historical, cultural, architectural, archaeological, recreational, and other values . . . threatened . . . by uncoordinated or inappropriate uses of the region's land and other resources." St. 1989, c. 716, § 1 (a). The purpose of the commission was to enable "the implementation of a regional land-use policy plan for all of Cape Cod, to recommend for designation [of] specific areas of Cape Cod as districts of critical planning concern, and to review and regulate developments of regional impact." St. 1989, c. 716, § 1 (b). See *Home Builders Ass'n*, *supra* at 729-730. The unusual circumstance that the entire town lay atop the aquifer, cf. *Prime v. Zoning Bd. of Appeals of Norwell*, 42 Mass. App. Ct.

796, 802 (1997) ("protection of an aquifer is a valid public interest"), and that the zoning ordinance permanently restricting development was adopted by a body established to address issues of region-wide concern, presented the unusual situation in which the permanent bylaw advanced the public welfare. See *Home Builders Ass'n*, supra at 735-738. Cf. *Sturges v. Chilmark*, 380 Mass. 246, 256 (1980) ("This expression of the public interest in the preservation of the qualities of Martha's Vineyard and the creation of a statutory commission to assist in that preservation are factors to be weighed . . . . The concerns . . . are regional and have been articulated by the Legislature").

[18] The Supreme Court of New Hampshire continued to emphasize that growth controls adopted by cities and towns "should be the product of careful study and should be reexamined constantly with a view toward relaxing or ending them." *Beck v. Raymond*, 118 N.H. 793, 800 (1978).

[19] We are aware that *Giuliano v. Edgartown*, 531 F. Supp. 1076, 1082-1083 (D. Mass. 1982), and *Advanced Dev. Concepts, Inc. v. Blackstone*, 33 Mass. App. Ct. 228, 233 (1992), anticipated a contrary result.

[20] The Land Court judge ruling on cross-motions for summary judgment did not reach the issue whether enforcement of the ROD amendment effected a taking of the plaintiff's property, and our decision today makes consideration of that claim unnecessary.

## Summary of Zuckerman v. Town of Hadley

The ruling for this case is “restraining the rate of growth for a period of unlimited duration, and not for the propose of conducting studies or planning for future growth, is inherently and unavoidably detrimental to the public welfare, and therefore not a legitimate zoning purpose”.

In a pervious 1980 case, Sturges v. Chilmark, the court ruled in favor of the Town and found that a “municipality may impose reasonable time limitations on development, at least where those restrictions are temporary and adopted to provide controlled development while the municipality engages in comprehensive planning studies”.

The purpose of the development rate bylaw in Chilmark was to limit development for a limited amount of time so that the Town could carry out various planning studies and to implement various measures necessary to protect their water supply and to ensure proper sewage disposal.

Hadley’s development rate bylaw was enacted "for the purposes of preserving the town's agricultural land and character, and providing for a "phasing-in" of population growth, thereby allowing time for the town to plan and to expand its public services, consistent with the fiscal constraints of Proposition 2 ½.”

Hadley argued that the pressures of growth justifying the Rate of Development bylaw are indefinite in duration and substantially effect the town’s finances and character and the unlimited duration of the bylaw is consistent with the purposes of that motivated it.

Hadley, after enacting this law in 1988, did the following:

- 1989 Growth Management Plan
- 1998 Open Space and Recreation Plan
- Appropriated funds for agricultural preservation
- Built a new elementary school and public safety building
- Hired additional local governmental staff
- Improved water supply by purchasing land for aquifer protection and enhanced its water delivery system

Hadley, after enacting the bylaw, had not implemented the following recommendations:

- Prepared a Comprehensive Plan (recommended in Growth Management Plan)
- Overhauled its zoning bylaws (recommended in Open Space Plan)
- Adopted a cluster development bylaw (recommended in Open Space Plan)
- Increased minimum lot sizes in agricultural district (recommended in a previous study)
- Hired a full-time planner (recommended in a previous study)

The court stated that Hadley's Rate of Development Bylaw was appropriately sought to enable the Town to better plan for growth and to adopt programs and other zoning measures to preserve its agricultural resources and character, but after 15 years, the town

had ample time to fulfill the bylaw's legitimate purpose. The Town did not implement the recommendations (stated above) from its various plans.

The court stated that "rate of development bylaws reallocate population growth from one town to another, and impose on other communities the increased burdens that one community seeks to avoid". "It does not serve the general welfare of the Commonwealth to permit one particular town to deflect that wave onto its neighbors". Yet, towns can enact bylaws to "allow itself breathing room to plan for the channeling of normal growth".

## **Town of Hadley's Rate of Development Bylaw Caution from the Attorney General Office**

Article 24 – The amendments adopted under Article 24 amend Section 15.7, which pertains to the expiration date of the Town's Rate of Development by-law. As amended, Section 15.7 provides as follows:

This Rate of Development By-law shall expire on June 1, 2011; provided however that Town Meeting may, before June 1, 2011, extend this by-law if Town Meeting finds, based on a report from the Planning Board or other Town board, official or committee, that an extension of the bylaw is necessary to address the Town's growth planning needs or resource-based problems.

In approving the proposed by-law, we call the Town's attention to the case of Zukerman v. Town of Hadley, 442 Mass. 511, 512 (2004), in which the Town was a party. In this case, the court held that the Town's rate-of-development by-law restricting the rate of growth for a period of unlimited duration was unconstitutional. In Footnote 16 of the decision, the court stated that by-laws restraining growth pass constitutional muster only where they specifically contain time limitations or where it is abundantly clear that they are temporary because they are enacted to assist a particular planning process. The court also stated in Footnote 16 that where needs of the town to plan for an aspect of growth prove to exceed the time limits of the by-law, the town may extend the restriction for such limited time as is reasonably necessary to effect its specific purpose. Zukerman, 442 Mass. at 518 n. 16. Because the proposed amendment to the Town's Rate of Development by-law has a durational limit, we do not find the proposed amendment facially inconsistent with the court's holding in Zukerman. However, whether the duration of the Town's Rate of Development By-law would be upheld by the courts if challenged is not appropriate for the facial determination made by this Office in its approval. We suggest that the Town consult with Town Counsel on the many aspects of the by-law's as-applied consistency with the court's holdings in Zukerman.