

# LAND USE PLANNING

## HOW IT INFLUENCES OUR LIVES

Land-use planning is a tool for towns to guide the way land is developed which in turn affects the way the town looks and feels. Decisions about how residential, recreational, commercial and industrial uses interact are made based on the resident's desires as well as the socio-economic goals of the community.

To some extent, our land use is a reflection of who we are and what we like. Most people locate themselves in areas that meet their personal goals and needs. Many of us fish, hunt, ride horses, dirt bike or just use empty spaces to commune with nature and achieve "spacing" from life's pressures. As kids, many of us used the woods and fields as spacing from structured "authority" while trying to decipher who we are.

Self-determination is a major element of land use planning. To some extent, the public can pass rules and regulations to guide the evolution of the town we live in and how it feels as a sense of "Place". These come in the form of the Zoning By-Law, Rules & Regulations Governing the Subdivision of Land, plus local Board of Health and Conservation Commission regulations. Mostly these local constraints are justified on the basis of protecting the health, safety and welfare of the populace; but they also allow for a level of self-determination.

The rules and regulations need to be carefully crafted and reevaluated from time to time to fully reflect the will of the residents and property owners as perceptions and objectives evolve over time. The Planning Board and Board of Appeals need to have confidence that it represents all parties, or at least it is working on an acceptable set of compromises. The "drivers" most of us feel are varied but include economics, fashion, and a strong preference for country living. Fashion and economic realities evolve with time and

circumstances. For example, possible significant changes in global circumstances resulting from reduced availability of liquid and gaseous petroleum and/or global warming may impact what residents want and need. Good planning can anticipate some change and should attempt to do so.

All but about 20% of the land in Rochester is privately owned, belonging to individuals or business entities. For some, it's an investment with a calculated return; for others it's a long term holding with longer term, and maybe even elusive objectives. Regardless, it is clear that 80% of the land in Rochester is privately owned and therefore, is potentially developable, or able to be re-developed, and consequently has the potential to change the place we live. This potential for change requires wise land use planning to guide it in a direction that we all want.

Failure to take aggressive steps will result in what one perceptive author described as the *Geography of Nowhere*: James Howard Kuntzler, in his book of that title describes how the automobile has created an amorphous wall-to-wall suburbia and strip-mall geography with no unique distinctions from town to town. Rochester can do better *but we must work aggressively and immediately*.

## WHERE WE ARE NOW

Most of the town is zoned for mixed residential–agricultural use with only a small area in the Rounseville Road area and in the northeast corner zoned for business and/or industrial. Where residential in use, Rochester has a two-acre minimum lot size with much of the balance of town either in cranberry farming or remaining as yet undeveloped.

So what do Rochester residents and landowners really want? In the Master Plan of 2000, residents were concerned about becoming suburban with the uniformity of large lots and seemingly no regard for the unique features of each parcel. They sought to preserve the landscape features

which “defined country”. People were ambivalent about multi-family facilities, affordable housing, cluster zoning and village style development. The Implementing Actions in that Master Plan called for zoning by-laws requiring preservation of the unique features of a parcel, the creation of multiple zones of various building densities, provisions for flexibility in lot size, frontage and setback requirements, active steps to promote farming, increased protected acreage and the hiring a Town Planner.

There are selected successes in achieving the objectives of the Master Plan of 2000 but many challenges remain. The achievements are: creation of the Flexible Development by-law with provisions to honor the specific features of the parcel involved, creation of a Special Residential Development by-law allowing increased density in selected circumstances, formation of a Farming Commission and preservation of large acreage from the Church’s, Linc Rounseville’s estate, and Eastover Farm. A Town Planner has been added to the staff.

**WHERE WE WOULD LIKE TO BE**

During the preparation of this Master Plan, the public’s opinion was solicited in many ways. The public identified their dominant goals along with some generic objectives as follows:

1. Enough space to be ourselves;
2. Sufficient undeveloped acreage to avoid a sense of claustrophobia;
3. Preservation of farm and cranberry activities;
4. A property tax base with sufficient non-residential tax revenue sources to “keep the lid on increases”; *Note: Non-residential means business, commercial or industrial uses which generate significantly less municipal costs such as police, fire and schools.*
5. Some level of convenience in shopping for daily essentials;
6. Safety for kids to get about in

- recreation and to school;
7. Availability of some living units for moderate wage earners to allow adult children to remain in Rochester;
8. Retention of a location for the Country Fair and other Town Center functions;
9. Keep Rochester user friendly from a traffic safety and driving comfort perspective;
10. Recreation opportunities, both formal and informal;
  - a. Ball fields
  - b. Dirt Bikes
  - c. Horseback riding
  - d. Birding
  - e. Playing in brooks, puddles and streams
  - f. Bicycling, hiking and walking
11. A town center that generates pride and positive identity;
12. And some less apparent objectives
  - a. Preserve water quality in our aquifers
  - b. Minimize noise pollution
13. The Encouragement of diverse socio-economic population

**NECESSARY ACTIONS**

So what can we do? We need to be proactive with our planning instead of reactive. The following are land use objectives which are designed to help Rochester evolve with some country flavor while addressing the other “wants”. Some of the land use “wants” are more appropriately addressed as *Infrastructure/Circulation, Economic Development and Housing* and the reader is referred to these sections.

## IMPLEMENTING ACTION TASKS

### PLANNING BOARD CHALLENGES:

1. Develop and recommend a Tradable Development Rights (TDR) By-Law to save the illusion of “country” on the roads we use daily. *Note: TDR’s provide a legally binding way for a landowner to sell By-Right development opportunities for a buyer to use somewhere that’s less conspicuous.*
2. Sponsor an Open Space Residential Development by-law to provide a place for TDR development rights to transfer into.
3. Provide recommendations to rezone more territory for commercial activities (See *Economic Development* section).
4. Consider “revamping” the by-laws for the Commercial District and Limited Commercial District to accommodate mixed use but exclude stand-alone residential units.
5. Manage development to create Open Space with specifications on approved plans.
  - a. Especially encourage preservation of existing agricultural use and existing fields
  - b. Public access is desirable, casual access should be accommodated.
6. Zone to encourage “Inventoried Affordable” by DHCD criteria plus provisions for financially accessible living facilities for moderate-income populations.
  - a. Recommend amendments to the by-laws to define an accessory apartment concept and require them to qualify as *Inventoried Affordable* under the State DHCD

rules. (See *Housing*)

- b. Recommend amendments to the by-laws to permit more densely settled districts to enable moderate income living.

7. Develop a comprehensive town center plan.

### ***BOARD OF SELECTMEN IN CONJUNCTION WITH PLANNING BOARD TASKS:***

1. Make the town more “people friendly” with walking and bicycle paths and selected sidewalks.
2. Assemble a list of potentially attractive and economically viable projects as candidates for the large Chapter 61 properties. This may possibly position the Town to make acceptable plans to acquire such properties within the allowable 120 day decision “window” provided by statute should the owner exercise the right to request release. *Note: Chapter 61 of Mass General Laws provides tax breaks for owners of farm, woodland and selected recreational acreage. When the acreage is sold, the Town gets first refusal at the P& S price with 120 days to decide.*