

TO: Zoning Advisory Committee, Planning Board, Selectmen, Historical Commission
FROM: Residents Living near Main Street, and Other Concerned Residents (see last page)

SUBJ: Comments on Proposed Zoning Changes for “Town Center Village”

Before we offer comments, we wish to thank the Planning Board and the Zoning Advisory Committee (ZAC) for their ongoing efforts to revise the town Zoning Bylaw in order to implement the Master Plan. We offer the following comments in advance of the review meeting scheduled for Feb 10, on the subject of the “Villages”, especially the area you are now calling “Town Center Village”.

In summary, our concern is that some of the proposed zoning changes do not fully reflect the vision presented in the Town Master Plan, and in addition the changes will have a negative impact on Main Street and may not be fair to the residents of the Village areas.

1. What are the most significant, proposed zoning changes ?

In order to understand our concerns, it is necessary to first summarize the proposed changes to zoning, because they are so numerous and complex. We have focused on just the two major zoning changes – those which are likely to have the greatest future impact. These two changes are as follows.

(1) The “Town Center Business District”. This exists today as a small “Village Business” district, but the proposal is to greatly expand this district. At present the business district is a compact area in the existing “downtown”, centered on the railroad crossing and Main St. In future this would dramatically change. The future boundaries of this district would extend west along Main St, across Rt 85, to include Fay School properties fronting on Main St. It would also extend north along Newton St to include Southborough Medical. And it would extend east and south to include properties on Latisquama Rd.

The dimensional regulations for individual lots and buildings are changed to allow smaller lots (6,000 sf) and reduced building setbacks, including a zero front yard setback -- so that the new businesses could be built directly on Main St, (like Mauro’s Market today). New buildings can be 3 floors high.

Uses allowed in the District will be as follows: “By right” for small businesses under 1800 sf (including offices, retail, banks, service, food outlets, etc.). Larger businesses over 1800 sf, (including restaurants, drive-thru’s, etc.), will require a special permit. Multifamily housing will also be allowed by special permit within the Business District, by means of the Village Overlay District, which includes the Business District and other areas (see next item).

(2) The “Town Center Village Overlay District”. This is entirely new, and would “overlay” on top of the Town Center Business District, as well as on top of the existing residential zones, e.g. RA and RB. Thus, all uses allowed in the Overlay District will also be allowed in the underlying Districts. However, in contrast to the Business District where all of the smaller business uses are allowed “by right”, in the Overlay District all approvals will require a special permit.

The boundaries of the Overlay District include a large area, as follows: The west edge covers land of Fay and St Mark’s Schools, The east edge is where Boston Rd/Framingham Rd meets the reservoir. The north edge is at Southborough Medical on Newton St. The south edge is half way down Latisquama Rd.

The purpose of the Overlay District is to allow a greater variety of housing types and is a mechanism to implement the affordable housing policies in the Master Plan. Basically, it allows more residential diversity at higher density than is currently allowed in the Village Business, or in RA or RB. New dimensional regulations would allow smaller lots and greater density, for example multifamily dwellings could be up to 6 units per building, and up to 3 floors high.

2. What long term impacts will these changes have along Main Street and in the Village ?

(1) Impacts in the Business District along Main Street -- From East Main to Fay School, the historic houses would gradually be replaced with businesses and multi-family dwellings. These new business and multifamily dwellings will be up to 3 floors high and can be placed right on the edge of the sidewalk, requiring no front setback. (Note, in contrast, that the 11 Main Professional Building and all houses are 2 floors and set back from the street).

A developer could buy an existing house lot, (e.g. a lot of 1/2 acre and 100 ft frontage), demolish the house, and divide the lot into two smaller lots of 6,000 sf and 40 ft frontage, for 2 new businesses.

This will create a domino effect. Once it starts, it will continue. It is certain to start because smaller businesses will require essentially no approval, being "by right". As for the larger businesses requiring a special permit, once a special permit has been granted on one lot, then it will be virtually impossible to deny the next special permit. The time frame that ZAC is considering is 25 years, and special permits are generally considered to be desirable uses which should be approved, if there is no major detriment.

Therefore it is our opinion that these impacts will certainly be negative. This "plan" is likely to destroy the unique historic residential character of Main Street, and replace it with a disconnected, dissimilar cluster of buildings in a half mile long strip, consisting of mixed uses, with some buildings set back, and some set on the street edge.

(2) Impacts in the RA and RB zones behind Main Street -- (in the Overlay District) -- There will be scattered sites of new or converted housing, of various types, at higher density, including some multi family dwellings up to 3 floors high.

It is our opinion that the impacts in the neighborhoods could be severe, although not as severe as along Main Street. This is because special permits will be required for all the Overlay District uses, and this will make it possible to limit the impacts (e.g. with conditions attached to any approvals). However, this is arguable. Once one permit is granted, it sets the stage for the next. Over time, it is likely that many houses will be converted to multifamily. Also, it is more than likely that most vacant sites will become multifamily.

The Master Plan calls for more residential diversity and affordable housing throughout the town, and this can be a concept worth supporting, but only if it is done fairly and with safeguards. However, the new zoning proposals for an Overlay District apply only to the Village areas of town. As a result, these Village areas (now zoned RA and RB) will no longer have that same equality or same protection as other areas of town which are also now zoned RA and RB. The issue is -- Why is this burden imposed just on the villages, and not everywhere else in Southborough?

3. Are the zoning proposals in conflict with the Master Plan and “Village Visioning” ?

Village residents have been pleased with the concept of the Town Master Plan because it emphasized controlled development and focused on preserving the Town’s rural, historic, small-town character. At the start of the process of preparing the Master Plan, many village residents participated in a “Village Visioning” meeting, conducted by the Planning Board, and intended to provide input and help shape the plan. Some key, summary statements from that Village Visioning Report were as follows:

- Do Main Street right, with a long term plan
- Architectural preservation of Historic character
- Encourage Preservation of Historic houses
- Keep commercially Zoned area small

One section of the Visioning Meeting focused on the residential character of the town center, and improving the aesthetics and infrastructure (stone walls, trees and sidewalks and removal of utility poles) so that village residents could walk to village businesses, churches and municipal buildings; creating a more pedestrian friendly village center. These themes are captured in many places in the Town Master Plan, Chapter 9, titled “Southborough’s Villages”.

The ZAC proposal for a greatly expanded Town Center Business District is in conflict with the vision captured in the Master Plan. An extended Business Zone was never recommended. (vs. -“Keep commercially zoned area small”). The expanded Business District would destroy the historic residential character of Main Street (vs. - “Encourage Preservation of Historic houses”) and (vs.- “Do Main Street right, with a long term plan”).

4. Why is it important to protect the historic residential character of Main Street ?

The residential section of Main St, from Fay school to Park St, has been residential homes for well over 100 years. All these homes would meet the technical criteria for inclusion in a historic district, which was noted in the Master Plan. It was agreed that this historic residential section is one of the key aspects that is unique to Southborough’s historic rural character. It is a defining aspect of the town that is valued and needs to be protected. Many of the current residents of this area have deliberately bound their properties with legally restrictive covenants, in order to protect the historic residential character of their homes against business expansion. They have invested in their homes to preserve this historic character.

We are pleased to learn that the Zoning Advisory Committee has already agreed that preservation of historic homes is a legitimate reason for not zoning those properties to business use. For example, the minutes of the ZAC meeting dealing with Cordaville state that a vote was taken to change the proposed boundary (quote) “in order to save the historic mill homes” located on Southville Rd near Woodbury Rd. We also note that ZAC was careful not to rezone the historic homes surrounding the “triangle” in Cordaville. We support this decision by ZAC to protect these historic homes, and we simply ask that ZAC be consistent and apply the same principles to Southborough’s Main St, where over 12 homes are officially listed by the Mass Historical Commission: # 8, 10, 15, 16, 17, 18, 22, 24, 26, 28, 34 and 36 .

5. What are the lessons of recent history, on attempts to rezone Main Street to Business ?

Recent history provides classic examples that shed light on the problems of attempts to rezone Main St to business. In the 1970's it was proposed to rezone Main St to business, along the north side as far as Rt 85, but this was resoundingly rejected at Town Meeting. Then again in the 1980's there was another proposal to change residential to business use, this time via a use variance, thereby avoiding Town Meeting. In this case, Southborough Medical, which previously occupied most of 11 Main St, proposed to expand onto the adjacent residential lot at 15 Main St. The project was prevented by costly lawsuits brought by residents of Main St, who received town-wide support. Eventually, Southborough Medical moved to a much larger building on Route 9, and later into an even larger new building located in the Newton St industrial zone. This new building is more than five times the size of 11 Main, and the Newton St site is still expanding.

The moral of this story was: Historical Main Street was preserved, Southborough Medical got a facility better suited to their expanding needs, their new location removed a blighted industrial site, and the town got a markedly expanded tax base.

6. Conclusions in summary. (Agreed to by the residents listed below)

We oppose the expansion of the Business District along Main Street. Instead, this section of Main St should be protected as a historic residential area, as recommended in the Master Plan.

We are not opposed to some limited expansion of the Business District. It may be possible to expand the Business District in other areas, but we are not advocating it here. It needs further study.

We are concerned about the huge scale of business expansion and the negative impact this may have on some existing businesses. Where is the demand for this scale? There are currently empty business lots and space now. This could jeopardize the viability of some fragile existing businesses, and it needs study.

We suggest the Overlay District, which is intended to allow a variety of housing types and increased affordability, should be reconsidered. The issue is one of protections, fairness and equality. The burden of providing "affordability" solely within the Villages needs further study.

The following residents have reviewed this letter and are in agreement with the *general conclusions* in the last section.

Bernie Campbell, Sandy Campbell, Louise Clough, Marston Clough, Eileen Curran, Michelle Hokinson, Ray Hokinson, David Parry, Katrina Parry, Don Leavitt, Laurie Phillips, Steve Phillips, Lucia Prosperi, Warren Prosperi, Fred B. Williams, Leonara A. Williams, Mike McHenry, Eileen McHenry, Vincent Valvo, Tom McCarthy, Kelly L'Ecuyer, Dan L'Ecuyer, Stel Gasparoni, Lorraine Gasparoni, John Wilson, Sheila Wilson, Dan Donahue, Christine Donahue, Dennis Flynn

The above residents have addresses on Main Street, Latisquama Road, School Street, Middle Road and Cordaville Road. One is an owner of business property on Main Street. We are confident that other residents would join in agreement, but there has not been time to forward these materials to other residents.

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