

Community Development Plan for the Town of Hardwick, Massachusetts



Prepared for the Town of Hardwick
by the
Central Massachusetts Regional Planning Commission.

June 2004

This project was made possible through the Executive Order-418 Planning Program with funding made available from the Executive Office of Environmental Affairs (EOEA), the Department of Housing and Community Development (DHCD), the Department of Economic Development (DED), and the Executive Office of Transportation and Construction EOTC).

HARDWICK COMMUNITY DEVELOPMENT PLAN

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ACKNOWLEDGEMENTS

The Central Massachusetts Regional Planning Commission would like to acknowledge the hard work and dedication of the following citizens who actively participated in the development of this Community Development Plan. Their many hours of hard work, enthusiasm for the task, and fundamental concern for the well-being of Hardwick have helped to produce a document that will serve as a valuable tool for shaping the future of the community in accordance with the wishes of its residents.

Community Development Plan Committee

Erik Fleming, Committee Chairman, Planning Board

Eric Vollheim, Board of Selectmen

Jeffrey Schaaf, Planning Board

Donald Roberts, Planning Board

Lucinda Childs, Board of Assessors

Richard Jakshitis, Citizen

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HARDWICK COMMUNITY DEVELOPMENT PLAN

SECTION ONE – NARRATIVE & SUMMARY

The Town of Hardwick completed this Community Development Plan in June 2004, with assistance from the Central Massachusetts Regional Planning Commission (CMRPC), using funding provided through the Executive Order-418 Planning Program.

The Town was able to use several previous planning initiatives to obtain credit for some of the required elements of the EO-418 Planning Program. Hardwick's participation in the Quabbin Sub-Regional Housing Plan (2002) was used to satisfy the EO-418 Housing Element. Hardwick's participation in the Central Ware River Valley Rail Trail Planning and Research Project (2000) was used to satisfy the EO-418 Transportation Element. Lastly, the Town used the Hardwick Open Space & Recreation Plan to satisfy the EO-418 Environment Element. This left the Town with only the Visioning and Economic Development Elements of the EO-418 Planning Program to complete.

Visioning: The Town held a very successful and well attended visioning workshop on February 18, 2004 at the Old Town Hall in Hardwick Center. Roughly 85 citizens attended and participants were broken into four groups charged with developing a list of Hardwick's strengths, weaknesses, opportunities and threats. The results of the forum are presented in Section Two of this document. The Hardwick Planning Board and Community Development Plan Committee used the results of this forum in its deliberations for this Plan.

Economic Development: CMRPC held six working sessions with the Hardwick Planning Board and Community Development Plan Committee beginning in December of 2003 for the purpose of preparing an economic development strategy for the Town of Hardwick. Realizing that the Town's rural location will not allow Hardwick to become a commercial center, Town Planners outlined an economic development strategy that emphasized Hardwick's assets:

- Recreation opportunities
- Tourism opportunities
- Proximity and access to freight rail service
- Opportunities for niche businesses and specialty shops.

Hardwick's economic development strategy is presented in Section 3 of this document.

Zoning Amendments: Getting credit for its previous planning work allowed Hardwick great flexibility to utilize the EO-418 funding for a project of its own choosing: preparing a set of proposed Zoning Bylaw amendments. The amendments included in this Plan directly address the desires of the community as expressed in the Visioning workshop and the recently completed Master Plan to preserve rural character, achieve permanent protection of open space, control development, and encourage growth in existing villages and centers. The draft zoning amendments can be found in Section 4 of this document.

HARDWICK COMMUNITY DEVELOPMENT PLAN SECTION TWO – VISIONING

Town of Hardwick Community Visioning Forum: Implementing the Master Plan

**February 18, 2004
7:00PM to 9:00PM
Old Town Hall in Hardwick Center**

Forum Agenda

- 7:00PM Registration
- 7:10PM Welcome and Introductions
(Erik Fleming, Planning Board Chairman)
- 7:15PM Overview of the Master Plan and its Implementation To-Date
(Erik Fleming, Planning Board Chairman)
- 7:30PM Program Outline and Goals for the Evening
(Stephen Wallace, Central Mass Regional Planning Commission)
- 7:35PM Group Discussion on Hardwick's Strengths, Weaknesses,
Opportunities and Threats
- 8:30PM Presentation of Discussion Comments
- 9:00PM Evening Wrap-Up and Next Steps
(Erik Fleming, Planning Board Chairman)

**Hardwick Visioning Forum
February 18, 2004**

Summary Report

Group #1

Strengths

Rural character (10 votes)
Natural resources (2 votes)
School system (2 votes)
Genuine democracy (1 vote)
Local businesses (cottage & artists)
Sense of community
Central location
Somewhat isolated
Rich in history
Quabbin as natural buffer
Hardwick people
Sense of security
Natural and cultural diversity
Ecological integrity
Civic pride
Community events
Accessible and interesting

Opportunities

Controlling growth (9 votes)
Open space preservation (3 votes)
Organic agriculture
Old buildings in need of rehabilitation
Eco-tourism
Public participation
Railroad bed for trail system
Minimal bureaucracy for local businesses

Weaknesses

Outdated zoning (7 votes)
Limited internet/cable access (2 votes)
Inadequate support of local bus. (2 votes)
Lack of education infrastructure (1 vote)
Lack of media coverage (1 vote)
Lack of public transportation (1 vote)
Central location
Housing and land costs
Insufficient number of volunteers
Lack of uniform postal service
Insufficient youth services
Lack of assisted living for elderly
Lack of elderly services in general
Lack of employment opportunities
Deteriorating agricultural base

Threats

Uncontrolled growth (8 votes)
Lack of diversified tax base (4 votes)
Landfill expansion (3 votes)
Loss of local businesses (2 votes)
Loss of farms (1 vote)
Lack of affordable housing & land (1 vote)
Pollution
Growth infringing on local lifestyle
Loss of young people (gentrification)
Lack of code & bylaw enforcement
Insufficient local codes & bylaws

Group #2

Strengths

Scenic rural quality (4 votes)
Active passionate population (2 votes)
School system (1 vote)
Sense of community
Hardwick Fair
East Quabbin Land Trust
(recreation opportunities)
Freedoms/government tolerance
Access to Quabbin
Historic resources/character
Lack of development pressure

Opportunities

Land preservation/recreation (4 votes)
Potential for children to move back (4 votes)
Scenic Roadway protection (1 vote)
Mill redevelopment/vacant buildings (1 vote)
Preserve villages as residential (1 vote)
Time to get ahead of the curve (1 vote)
Promote cultural diversity
Use grant funds as seed money
Relocate WWII memorial to public lands
Develop affordable rental units (in factories)

Weaknesses

Zoning bylaws (7 votes)
Limited internet/cable access (3 votes)
Wastewater service in Hard. Center (3 votes)
No good pubs (2 votes)
Lack of job opportunities (2 votes)
Lack of public transportation (1 vote)
Lack of recreation connections
Lack of adult education opps. (1 vote)
Lack of low-income housing (1 vote)
Lack of local service establishments (1 vote)
Proximity to large cities
Poor quality of roads/bridges
Lack of senior housing
Lack of support for local churches

Threats

Loss of working farms (4 votes)
Potential impact of landfill (2 votes)
Loss of affordability/high taxes (1 vote)
Uncontrolled development (1 vote)
Loss of unique character (1 vote)
Increased truck traffic (1 vote)
Complacency
Losing next generation
Over-dependence on single resource
Lack of economic diversity
Over-control in general
Loss of historic blds through neglect
Cutbacks in State funding
Unfunded mandates
Deferred capital improvements

Group #3

Strengths

Rural character & agriculture (5 votes)
Quiet location (3 votes)
Natural Resources (1 vote)
The people (1 vote)
Wide range of skills (1 vote)
Community cohesion
Town Meeting form of government
Historic character
Interest and support of library
Socio-economic diversity
Good schools
Hardwick fair and tradition
Horse trails
Town quality
Wooden covered bridge
Stonewalls

Opportunities

Mill redevelopment/vacant buildings (6 votes)
Landfill (5 votes)
The music camp (3 votes)
Open spaces (2 votes)
Cottage industries/artists (2 votes)
Small farms (2 votes)
Moose Brook Valley (1 vote)
Goddard's general store
Tourism and eco-tourism
The youth
Romantic (?)
Ware River
The people decide
Recreation opportunities
Wooden covered bridge
Proximity to Ware River
Railroad

Weaknesses

Empty mills (2 votes)
Closed general store (2 votes)
Lack of job opportunities (2 votes)
No good pubs (2 votes)
Apathy (2 votes)
Lack of affordable housing (1 vote)
Lack of internet/cable service (1 vote)
Lack of community news (1 vote)
Lack of senior housing
Economic pressure on agriculture
Cost of living going up
Verizon phone service
After-school childcare
Aging municipal infrastructure

Threats

Landfill (8 votes)
Fragmentation of open space (2 votes)
Ignorance (2 votes)
Special interests (1 vote)
Budget cuts (1 vote)
Lack of info dissemination (1 vote)
Development pressure (1 vote)
Rising taxes (1 vote)
Polarization (1 vote)
Apathy
Pace of change
Government interests
Threats to the environment
Tourism
Rumors
Inappropriate industry

Group #4

Strengths

Natural resources (12 votes)
Open spaces (2 votes)
People (2 votes)
Safe community (1 vote)
Landscape and population diversity
History
Location
Access to Quabbin
Landfill
Schools
Quietness
Railroad
Size
No traffic lights
Wildlife
Town services
Recreation opportunities

Opportunities

Use of creative zoning (8 votes)
Economic revitalization – mills,
Eco-tourism, agriculture (3 votes)
Land preservation (3 votes)
Control land development (1 vote)
Still time to be proactive (1 vote)
Recreation on the Quabbin lands
Affordable housing
Preservation of grazing land & forestland
Resources of the population base
Geographic placement of zoning

Weaknesses

Coordination among town boards (3 votes)
Lack of sidewalks/bike trails (2 votes)
Need of general store (2 votes)
No centralized trash collection (1 vote)
Tax base (1 vote)
Lack of teenage recreation (1 vote)
Vacant mill buildings (1 vote)
Limited flexibility in zoning (1 vote)
Lack of job opportunities (1 vote)
Limited internet/cable access (1 vote)
Out of service bridges (1 vote)
No public pool
Disregard for public landmarks
Vandalism
Location
No public transportation
Lack of public open space

Threats

Commercial landfill (7 votes)
High taxes (5 votes)
Gentrification (2 votes)
Small mindedness (1 vote)
Potential for buildout (1 vote)
Suburban sprawl
Declining agricultural base
Safety of the Quabbin
Loss of wildlife habitat

Total Top Vote Getters

Strengths

Rural character/open spaces/natural resources: 34 votes

The people: 5 votes

Weaknesses

Outdated Zoning: 14 votes

Limited internet/cable access: 7 votes

Lack of employment opportunities: 5 votes

Opportunities

Open space protection: 12 votes

Controlling growth: 10 votes

Mill redevelopment/vacant buildings: 10 votes

Use of creative zoning: 8 votes

Threats

Landfill: 20 votes

Uncontrolled growth/overdevelopment: 11 votes

High taxes: 7 votes

Loss of farms: 5 votes

HARDWICK COMMUNITY DEVELOPMENT PLAN SECTION THREE – ECONOMIC DEVELOPMENT

Hardwick’s Labor Force:

The number of employed Hardwick residents has remained fairly constant over the past decade, with a low of 1,043 employed residents in 1992 to a high of 1,104 employed residents in 1999. By the end of the 1990’s, there were slightly fewer employed Hardwick residents than the start of the decade (28 fewer employed residents), an indication of a static local economy. Of Hardwick’s four adjacent neighbors (Barre, New Braintree, Petersham and Ware), only the town of Barre experienced an increase in the number of employed residents, adding 152 employed residents during the 1990s. Ware lost 131 employed residents during the 1990s and Petersham lost 50 employed residents. The overall loss of employed residents in this area is an indication that the region’s economy is contracting and that the problem is not limited to Hardwick locally.

The table below presents the number of employed/unemployed Hardwick residents dating back to 1990. The table also allows for a comparison of Hardwick’s unemployment rate with the State’s overall unemployment rate.

**Table ED-1
Employment Status of Hardwick Residents**

Year	Total Labor Force	Employed*	Unemployed	Hardwick Rate of Unemployment	State Rate
1990	1,183	1,095	88	7.4%	6.0%
1991	1,174	1,044	130	11.1%	9.1%
1992	1,153	1,043	110	9.5%	8.6%
1993	1,187	1,070	117	9.9%	6.9%
1994	1,143	1,057	86	7.5%	6.0%
1995	1,161	1,080	81	7.0%	5.4%
1996	1,130	1,071	59	5.2%	4.3%
1997	1,163	1,101	62	5.4%	4.0%
1998	1,135	1,081	54	4.8%	3.3%
1999	1,161	1,104	57	4.9%	3.2%
2000	1,110	1,067	43	3.9%	2.6%
2001	1,119	1,059	60	5.4%	3.7%

Source: Massachusetts Division of Employment and Training.

* = Please note that Town Clerk annual census figures indicate a higher number of employed people in town.

During the past twelve years, Hardwick's unemployment rate hit a high of 11.1% in 1991 and a low of 3.9% in 2000. Hardwick's unemployment rate has historically been higher than the State average and in each of the past twelve years, Hardwick exceeded the State unemployment rate. The region's most recent economic slowdown has had an impact on the number of Hardwick residents with jobs. Hardwick's unemployment rate jumped to 6.2% by the end of 2002 (compared to the State unemployment rate of 4.8%). As of September 2003, Hardwick's unemployment rate stands at 7.7% (still higher than the State's unemployment rate of 5.6%).

Where Hardwick Residents Work:

The US Census Bureau compiles workplace origin/destination statistics as part of its once-a-decade national census effort. The information gleaned from this effort can be used to determine where Hardwick residents work and from where the people who work in Hardwick are coming. In terms of where Hardwick residents work, the 2000 US Census counted 1,067 people in the labor force working in the following locations:

Hardwick: 157	Ware: 179	Worcester: 139	Barre: 83	Springfield: 52
Palmer: 33	Spencer: 32	Holden: 27	Warren: 26	

Elsewhere in Worcester County: 144

Elsewhere in the State: 178

Out of State: 17

The numbers presented above indicate that roughly 14% of Hardwick's employed people worked in Town during 2000, while roughly 17% worked in Ware and 13% worked in Worcester. It should be noted that the number of Hardwick residents working in town has dropped dramatically during the past decade. In 1990, there were 311 Hardwick residents working in town. By 2000, there were only 157 Hardwick residents working in town, a drop of 154 in-town jobs. The number of Hardwick residents working in Barre increased by 57 during the past decade and the number of Hardwick residents working in Worcester increased by 48.

Hardwick is equidistant from two regional economic centers (Springfield and Worcester); however, job-wise, it appears that Ware serves as a sub-regional economic center between the two cities. It is unclear why so many Hardwick residents were able to find employment in Barre during the past decade.

The Number and Types of Jobs in Hardwick:

The Massachusetts Division of Employment and Training (DET) is the State entity in charge of tracking the changes taking place in the various sectors of the State's economy at both the state and local levels.

The table on the following page presents the changes that took place in Hardwick's local economy during the 1990's based on the Standard Industrial Classification (SIC) national coding

system. The table refers to jobs existing in Hardwick and not the employment status of Hardwick residents (see Table ED-1 for this).

**Table ED-2
Employment and Wages in Hardwick**

Year	Total Annual Payroll	Avg. Annual Wage	# of Establishments	# of Workers Total	Agriculture, Forestry Fishing	Government	Construction	Manufacturing	*TCPU	Whole/ Retail Trade	*FIRE	Services
1990	\$10,641,895	\$19,071	47	558	conf	38	22	301	conf	86	0	103
1991	\$10,122,242	\$20,367	43	497	conf	43	17	257	conf	81	0	92
1992	\$10,709,384	\$20,477	43	523	conf	45	11	274	15	82	0	95
1993	\$12,214,537	\$21,504	49	568	conf	41	13	255	14	147	0	97
1994	\$12,148,590	\$21,655	50	561	conf	37	17	254	20	146	0	85
1995	\$7,486,483	\$18,905	49	396	conf	72	conf	70	18	136	0	89
1996	\$7,779,493	\$20,526	44	379	conf	78	conf	68	16	115	0	89
1997	\$7,849,628	\$23,715	44	331	conf	74	14	64	15	63	0	97
1998	\$8,101,645	\$25,477	47	318	9	72	conf	51	13	60	0	100
1999	\$8,168,881	\$25,448	49	321	11	75	15	49	16	57	0	98
2000	\$8,854,207	\$27,498	45	322	conf	76	conf	45	21	59	conf	99
2001	\$9,779,928	\$30,852	48	317	9	77	17	39	21	53	0	99

TCPU = Transportation, Communication and Public Utilities

FIRE = Finance, Insurance and Real Estate

conf = data suppressed due to confidentiality

Source: Commonwealth of Massachusetts, Division of Employment and Training

Note: Employment data contained in Table ED-2 is measured by place of employment rather than place of residence.

The previous table indicates that the number of businesses operating in Hardwick has remained fairly constant during the past decade, as have the number of workers (or jobs in Hardwick) while employment dropped by over 200 jobs. This is yet another indicator of a static local economy. The most notable increase in jobs took place in the government sector, with a net increase of 39 such jobs since 1990. The most dramatic loss of jobs occurred in the manufacturing sector, which has shed 262 jobs since 1990 (a decrease of 87%). Hardwick is not

alone in the loss of manufacturing jobs. The CMRPC Region as a whole lost close to 7,000 such jobs during the same time period. The wholesale/retail sales sector has also seen a sharp decline. This sector had a high of 147 jobs in Hardwick as of 1993. By 2001, there were only 53 wholesale/retail jobs in Hardwick, a loss of 94 jobs. Out of a total of 317 jobs in Hardwick (year 2001), 31.23% were service oriented, 24.29% were Government related, 16.7% were wholesale/retail trade jobs, and 12.3% were manufacturing jobs.

Table ED-2 also indicates that the total annual payroll decreased by approximately 8.7% due to fewer jobs in Hardwick. However, the average annual wage increased from \$19,071 in 1990 to \$30,852 by the year 2001 (more than a two thirds increase). This wage increase was ahead of the inflation rate as measured by the Consumer Price Index, which increased 27% during that same period. When local wages increase, workers in Hardwick have more disposable income to spend on housing and goods and services in the local area.

The employment categories presented in Table ED-2 are comprised of a variety of businesses that fit each category description. Presented below are the various businesses that make up each employment category along with the number of such businesses within Hardwick.

Major Employment Category - Forestry, Fishing, Hunting, Agriculture & Mining: Crop production; animal production; forestry and logging; fishing, hunting and trapping; support activities for agriculture and forestry; oil and gas extraction and mining. DET did not identify how many such operations exist in Hardwick, however, it did identify that **9** people are employed in this economic sector.

Major Employment Category – Government & Education: Federal, state, regional and local governmental entities; elementary and secondary schools; junior colleges; colleges, universities and professional schools; business schools and computer training; technical and trade schools; fine arts schools; and support services. According to DET, there are **3** such operations in Hardwick, employing roughly **77** people.

Major Employment Category – Transportation; Communication; and Public Utilities: Air and water transportation; railroads; truck transportation; transit and ground passenger transportation; pipeline transportation; scenic & sightseeing; transportation support activities; postal service; couriers and messengers; warehousing & storage; electric; hydroelectric; fossil fuel; nuclear; natural gas; other fuel; water supply and irrigation systems; sewage treatment facilities; steam and air-conditioning; publishing industries; motion picture and video industries; broadcasting and telecommunications; information and data processing services. DET did not identify how many such operations exist in Hardwick, however, it did identify that **21** people are employed in this economic sector.

Major Employment Category - Construction: Building, developing & general contracting; heavy construction; and special trade contractors. According to DET, there are **4** construction firms in Hardwick, employing roughly **17** people.

Major Employment Category - Manufacturing: Food manufacturing; beverage and tobacco products; textile mills; textile product mills; clothing and apparel; leather and allied products; wood products; paper; printing and related support activities; petroleum

and coal products; chemicals; plastics and rubber products; nonmetallic mineral products; primary metals; fabricated metal products; machinery; computer and electronic products; electrical equipment, appliances and components; transportation equipment; furniture and related products; miscellaneous manufacturing. According to DET, there are **5** manufacturing operations in Hardwick, employing roughly **39** people.

Major Employment Category – Finance, Insurance & Real Estate: Monetary authorities; credit intermediation and related activities; securities, commodity contracts and other financial investments and related activities; insurance carriers and related activities; funds, trusts and other financial vehicles; general real estate, rental and leasing services. According to DET, no such operations were identified within Hardwick.

Major Employment Category – Services: The Service employment category includes a number of subcategories, including professional, scientific and technical services; administrative support; health care; accommodations and food services; as well as arts, entertainment and recreation. According to DET, there are **9** such entities in Hardwick employing **99** people.

Major Employment Category – Wholesale/Retail Trade: Durable goods and non-durable goods; motor vehicle & parts dealers; furniture and home furnishing stores; electronics and appliance stores; building material and garden equipment and supply dealers; food and beverage stores; health and personal care stores; gasoline stations; clothing stores; sporting goods, hobby and musical instrument stores; general merchandise stores; miscellaneous retail stores. According to DET, there are **5** such establishments in Hardwick. All told, these establishments employ roughly **53** people.

The Division of Employment and Training did not classify the remaining business establishments in Hardwick.

Hardwick's Largest Employers:

Hardwick's three largest employers are as follows:

- *Eagle Hill School:* This private school for developmentally challenged children employs 80 full-time staff members. The school operates year-round with both children and staff living on campus.
- *Hardwick Elementary School:* This public school currently employs 37 full-time staff members. The School also employs a number of part-time people and this number will vary over the course of the school year.
- *Hardwick Kilns:* This business establishment currently employs roughly 18 full-time workers.

Commercial Vacancy Rate: The 1998 document entitled, Ware River Valley Economic Target Area Action Strategy documented a commercial vacancy rate of roughly 60% for the Town of

Hardwick, meaning that 60% of the town’s commercial properties were not being utilized for commercial purposes. It is unlikely this percentage has changed dramatically during the past five years, as only a handful of new businesses have set up shop in Hardwick since the report while a handful have closed. Further, much of the occupied commercial space is only marginally used as warehouse and storage space. The number of vacant commercial buildings is a concern for local public safety officials due to their potential for fires.

Measures of Economic Well-Being - Income

There are measures of wealth that reflect the health of the local economy by describing the incomes of local residents: per capita, median household and median family incomes, as well as the percent of people for whom poverty status was determined.

Per capita income is equal to the total incomes generated by a population divided by the number of persons in that area. Communities with higher number of persons per household or smaller household incomes would likely have smaller per capita income figures. The per capita income for the State of Massachusetts, using the 2000 US Census, was \$25,952, while that of Hardwick was \$20,824, almost 20% below the State average. Hardwick’s per capita income was also lower than that of its neighbors with the exceptions of Barre and Ware (See Table ED-3 on the following page).

**Table ED-3
Income Statistics for Hardwick and Neighboring Communities**

Community	Per Capita Income	Median Household Income	Median Family Income	% People Living Below Poverty
Hardwick	\$20,824	\$45,742	\$54,667	7.5%
Barre	\$20,476	\$50,553	\$56,069	3.4%
New Braintree	\$21,072	\$54,844	\$60,417	4.6%
Petersham	\$24,222	\$47,833	\$58,125	11.2%
Ware	\$18,908	\$36,875	\$45,505	5.8%
Worcester County	\$22,983	\$47,874	\$58,394	9.2%
Massachusetts	\$25,952	\$50,502	\$61,664	9.3%

Source: 2000 U.S. Census

Another measure of wealth in a community is its median income, which is based on the type of household. In Table ED-3, family incomes are differentiated from other household incomes. For example, a single student living alone is considered a household but not a family. According to

the 2000 US Census, Hardwick’s median household income and median family income are both less than that of the comparable communities, Worcester County and the State, which seems to indicate lower incomes for Hardwick residents. In fact, more than half (52.2%) of Hardwick’s households made less than 80% of the median household income for Worcester County in the year 2000. Hardwick has a lower percentage of people living below poverty than Worcester County and the State, but higher than three of its adjacent neighbors (Barre, New Braintree and Ware).

Any effort to increase economic activity in Hardwick should focus on increasing wages and creating new jobs for the Hardwick labor force. There are several ways in which economic development efforts can support these goals. They include attracting and retaining businesses with good-paying jobs, stabilizing residential property tax rates, encouraging local entrepreneurship and providing social services such as subsidized daycare and pre-schools to support single-parent families and households with two working parents.

Measures of Economic Well-Being - Education

Table ED-4 on the following page presents a breakdown of education attainment levels for Hardwick and a handful of nearby comparable communities. Table ED-4 on the following page indicates that residents that have a high school diploma, but no further higher education, represent the largest segment of the Hardwick population in terms of educational attainment. The second largest segment has some college education (17.5% of the population), while 15.9% have no high school diploma, followed closely by residents with a bachelor’s degree (12.3%). Hardwick appears to have an average amount of persons with a graduate or professional degree (8.9%) in comparison to its neighboring communities; however, it is still lower than the State average of 13.7%.

**Table ED-4
Educational Attainment**

Municipality	No High School Diploma	High School Graduate	Some College	Associate Degree	Bachelor’s Degree	Graduate or Professional Degree
Hardwick	15.9%	38.1%	17.5%	7.3%	12.3%	8.9%
Barre	14.7%	32.3%	23.4%	9.1%	12.7%	7.7%
New Braintree	10.0%	43.5%	17.8%	7.3%	13.4%	8.0%
Petersham	5.3%	23.2%	16.4%	9.1%	22.3%	23.4%
Ware	19.5%	39.6%	19.0%	8.2%	9.8%	3.9%
Massachusetts	15.2%	27.3%	17.1%	7.2%	19.5%	13.7%

Source: 2000 U.S. Census

Economic Sector's Contribution to the Local Tax Base

In fiscal year 2003, Hardwick levied a total of \$2,154,009 in taxes, based on a local tax rate of \$14.92 per \$1,000 of assessed valuation. Hardwick homeowners accounted for approximately more than 89% of the total 2003 tax base, while business and industries accounted for approximately 9% of the tax base. The remainder (approximately 2%) was derived from taxes on personal property. Having property taxes account for such a high percentage of the local tax base is indicative of a “bedroom” community, that is, a community where people have their homes and commute elsewhere to work.

The next two tables look at how Hardwick compares to its neighboring communities in the region in terms of the commercial and industrial tax base.

**Table ED-5
Commercial Tax Base Comparison**

Community	FY 2003 Tax Rate	Commercial Taxes Levied	Commercial Assessed Valuation	% of Total Tax Levy
Hardwick	\$14.92	\$146,052	\$9,788,987	6.8%
Barre	\$16.42	\$292,539	\$17,816,028	7.2%
New Braintree	\$17.38	\$50,802	\$2,923,022	4.97%
Petersham	\$14.02	\$61,068	\$4,355,801	4.84%
Ware	\$19.05	\$832,858	\$42,710,658	10.65%

Source: Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section

Table ED-5 indicates that Ware's commercial development nets the highest amount of actual tax dollars compared with neighboring communities followed by Barre, with Hardwick in the middle of the pack. Ware appears to serve as a sub-regional economic center because it raises the highest amount of commercial taxes, has the highest assessed valuation for commercial properties and has commercial taxes accounting for the highest percentage of the local tax base of the communities compared.

**Table ED-6
Industrial Tax Base Comparison**

Community	FY 2003 Tax Rate	Industrial Taxes Levied	Industrial Assessed Valuation	% of Total Tax Levy
Hardwick	\$14.92	\$24,611	\$1,649,500	1.14%
Barre	\$16.42	\$67,754	\$4,126,300	1.67%
New Braintree	\$17.38	\$3,744	\$215,404	0.36%
Petersham	\$14.02	\$6,052	\$431,700	0.04%
Ware	\$19.05	\$331,721	\$17,011,345	4.20%

Source: Massachusetts Department of Revenue, Division of Local Services, Municipal Databank/Local Aid Section

Table ED-6 indicates that Ware has the highest percentage of the total tax levy (4.20%) from industrial property followed at a distance by Barre (1.57), with Hardwick in the middle of the pack. Ware raises the highest amount of taxes from industrial properties, has the highest assessed valuation for industrial properties and has industrial taxes accounting for the highest percentage of the local tax base of the communities compared. Once again, this is indicative of Ware's status as a sub-regional economic center.

Accordingly, when the industrial and commercial tax levies are combined, Ware by far has the highest percentage of commercial/industrial tax levies (14.85%) out of the comparable communities, followed by Barre (8.87%) with Hardwick (7.94%) falling in the middle of the communities compared.

Hardwick's Existing Framework for Economic Development:

Zoning for Businesses: Hardwick's zoning scheme is fairly generous in terms of where it allows businesses and commercial enterprises to locate within the town. Commercial uses such as retail stores, offices, highway businesses, food establishments and other similar uses are allowed by Special Permit in all three of the town's residential zoning districts (R-20, R-40, and R-60), as well as in the C-40 commercial district. The I-40 industrial district is the only area in town where commercial development is not permitted.

Zoning for Industry: The C-40 commercial district and the I-40 industrial district both allow industrial uses and wholesale businesses by Special Permit. The zoning bylaw further specifies that such uses are not to be noxious, offensive, or hazardous by reason of excessive noise, vibration, odors, dust, gas, fumes, smoke, cinders, effluent, bright lights, or refuse matter.

Home Occupations: Hardwick’s zoning bylaw currently allows home occupations By Right in all of its zoning districts. The only limitation in place is on the amount of habitable floor space that can be used in connection with a trade, home occupation, office or studio. No more than 25% of the floor space can be devoted to the home business. With its remote location and rural lifestyle, Hardwick is likely to see more residents working from home in the coming years. It is a trend of our modern-day economy that more people are establishing home businesses and/or working from their homes. Increased numbers of people are employed by a company and yet spend a good deal of their week working from home or “telecommuting”. The Internet and advances in home computers have created conditions where people can be quite productive working out of their homes. There are no definitive rules or regulations that govern telecommuting and the practice is still evolving. The US Census found that fewer Hardwick residents worked at home in 2000 (3.3%) compared to 1990 (6.3%). However, it is likely there will be an increase in the number of people working from their homes, whether they are engaged in home businesses or telecommuting to a job.

Local Economic Development Initiatives: The Town does not have an official entity charged with economic development or industrial development, nor is there a long-term economic development strategy in place. The Town’s 2001 Master Plan does outline a few economic development “action items”; however, they are quite vague and no municipal entity has been charged with their implementation.

Economic Development Trends for the Region:

The Division of Employment & Training (DET) published a report on the “Long Term Job Outlook Through 2008” for the sixteen Service Delivery Areas (SDAs) in Massachusetts. The Town of Hardwick is considered part of the Southern Worcester SDA, which includes regional commerce centers of Westborough and Worcester, along with 35 other communities. Following are highlights of the DET economic forecast for this region of the State.

“The Massachusetts economy will generate more than 345,000 new jobs between 1998 and 2008, and an additional 797,000 jobs will open up during that time period because of workers who retire, change careers, or receive promotions. All in all, an estimated 1.1 million jobs will need to be filled over the ten years. Job growth will vary widely, however, among the State’s sixteen SDAs because each local economy is based on a distinct mix of industries.

Southern Worcester Outlook – In the Southern Worcester SDA, the total number of 254,910 jobs is expected to increase by 21,140 new jobs by 2008. The anticipated growth rate of 8.3% for new jobs places the Southern Worcester SDA somewhere in the middle of the State’s sixteen SDAs in terms of new job growth. In addition to the newly created jobs, the DET forecasts 60,000 replacement jobs for a total of 81,140 openings in the Southern Worcester SDA between 1998 and 2008. Key points regarding employment trends according to major industries are noted on the following pages.

Services – Service industries are expected to generate 60% or more of each SDA’s new jobs between 1998 and 2008. Types of services are diverse (e.g., hospitals, engineering, information

technology, advertising, etc.) but most new jobs should arise in three industries: health care, business services and social services. In the Southern Worcester SDA, the DET estimates 45% job growth in health and human services, 37% growth rate in business services, and 13% growth of other services.

Wholesale and Retail trade – Wholesalers and retailers account for 23% of all jobs in the state and should generate the second largest number of new jobs in every SDA except Boston. During the 1990s, employment in this sector grew at about the same rate as the service sector. The wholesale and retail share of job growth is expected to slow, but on average will account for 22% of all jobs by 2008. Eating and drinking places are the largest retail industry in each SDA and are expected to remain one of the fastest growing areas.

Construction – Construction job growth is expected to moderate in all SDAs. Construction should account for only 1% to 3% of each SDAs new jobs, - a proportion much in line with historical shares of total SDA employment. DET notes that construction activity can change rapidly in response to regional conditions and job growth forecasts should be “viewed cautiously”.

Government – Jobs in most federal agencies should continue to decline at a slow rate. Local and state increases in education, police and fire are expected to correspond to population and business growth in Southern Worcester and the other SDAs.

Manufacturing – DET projects that manufacturing will continue to decline in every SDA, but at a much slower rate. Southern Worcester and other SDAs with a higher proportion of manufacturing jobs will remain the most vulnerable to changes in this sector. However, some job growth is expected in high-tech manufacturing, such as biotechnology, communications and precision medical instruments.

Transportation, Communications and Utilities (TCU) – This smaller sector is expected to generate between 2% and 4% of each SDA’s new jobs, and continue its current share of total employment. Most new employment is likely to be in transportation, the biggest industry in this sector, which includes air travel, trucking and courier services.

Finance, Insurance and Real Estate (FIRE) – Outside of the Boston SDA, few new jobs are anticipated in this sector. In Southern Worcester and other SDAs, the total number of jobs is expected to decline slightly as banks and insurance companies restructure to reduce operating costs.

Job Projections for the Southern Worcester SDA - The DET report predicts 54% of new jobs in the region will be in the following occupations:

Registered Nurses	1,130	Computer Support	480
Home Health Aides	790	Social Workers	480
Computer Engineers	770	Office Clerks	410
Teachers – Secondary School	730	Social/Human Service	
Hand packers/packagegers	680	Assistants	400

Systems Analysts	610	Electronic Technicians	360
Nursing Aides/Orderlies	600	Medical Assistants	340
General Managers and Execs.	540	Office Support	330
Retail Salespersons	530	Teachers – Elementary	320
Cashiers	520	Teachers – Special Ed.	320
Teachers Aides	520		
Waitresses/Waiters	500	Total New Jobs:	11,360

Opportunities for Economic Development:

As with the vast majority of small rural communities in Massachusetts, Hardwick has a long list of capital equipment needs that will need to be addressed during the next decade. If Hardwick’s commercial and industrial sectors do not grow and increase their contribution to the local tax base, then it will be up to the homeowners to cover an ever-larger percentage of the Town’s annual budget. Simply put, placing a greater emphasis on creating opportunities for economic development will help ease the tax burden on local homeowners. The issue of infrastructure aside, Hardwick has more than enough vacant industrially zoned land to accommodate a number of new industrial operations. Hardwick’s upcoming municipal needs are going to be there even if the Town’s vacant industrial land lies dormant. Thus the question becomes, what opportunities for appropriate economic development exist for Hardwick?

The ensuing discussion outlines the economic development opportunities available to Hardwick as well as the impediments to economic development facing the Town.

1. *Massachusetts Central Railroad – Ware River Secondary Line:* The Massachusetts Central Railroad Corporation operates the Ware River shortline, a 26-mile freight service that begins in Palmer and terminates in South Barre. The Palmer interchange provides a link with both the CSX and the New England Railroad, while the South Barre terminus is used for warehousing and distribution through trucking. The Ware River line provides daily freight service with ten stops along the way, two being in Hardwick: the villages of Gilbertville and Old Furnace. Currently only one Hardwick business (Hardwick Kilns) utilizes the railroad’s services. The railroad also offers “scenic” passenger excursion services during the fall foliage season. The Massachusetts Central Railroad plans to expand its intermodal facility in Palmer and is actively looking to expand its customer base along the Ware River shortline. As Hardwick’s commercial (C-40) and Industrial (I-40) zoning districts have extensive frontage along the railroad, it would make sense for Hardwick’s zoning scheme to cultivate those businesses and industries that would utilize freight rail service.

2. *The Massachusetts Economic Development Incentive Program (EDIP):* Created by the Legislature in 1993, the EDIP is designed to stimulate job creation in distressed areas, attract new businesses, encourage existing businesses to expand and increase overall economic readiness among Massachusetts towns and cities. The Massachusetts Office of Business Development administers the EDIP. The Economic Assistance Coordinating Council (EACC) oversees the EDIP and is charged with three responsibilities:

- Designating Economic Target Areas (ETAs)
- Designating Economic Opportunity Areas (EOAs) within an ETA
- Designating Certified Projects within an EOA

There are two benefits that the State confers on Certified Projects within designated EOAs: a 5% State Investment Tax Credit for qualifying tangible, depreciable investments and a 10% Abandoned Building Tax Deduction for costs associated with renovating an abandoned building.

Hardwick is a member of the Ware River Valley Economic Target Area (ETA) established in 1996. This ETA covers eight municipalities including Hardwick, Ware, Belchertown, Monson, North Brookfield, West Brookfield, Palmer and Warren. There have not been any Economic Opportunity Areas (EOAs) designated for Hardwick and no Certified Projects have ever been initiated within Hardwick.

3. *Tax Increment Financing (TIF) Program:* In an effort to lure new economic development and retain existing businesses, Hardwick has the option of establishing a local Tax Increment Financing (TIF) program. A local TIF program usually operates in the following manner: a new business or existing business wishing to expand would need to demonstrate that it will hire people from Hardwick and the immediate area and that it will utilize local businesses and construction firms for its new/expanded building. In return, the Town would forgive a percentage of the taxes assessed on the new/expanded building over a period of several years. The percentage of forgiven assessed taxes would get smaller over a designated period of time. The establishment of a TIF project would require Town Meeting approval.

Local TIF programs have been subjected to criticism lately due to concerns over lost tax revenue. However, citizens need to realize that local TIF programs help keep jobs in their community (most of which are held by area residents), promote the use of local businesses for the building/expansion effort and help attract new businesses that otherwise may not come to their community. A local TIF program in Hardwick would be a valuable tool for attracting new businesses and industries, especially when one considers that the Town cannot offer much in the way of direct major highway access or infrastructure (namely, municipal sewer service and publicly controlled industrial land).

4. *The Quaboag Valley Community Development Corporation (QV CDC):* The Quaboag Valley CDC is a private non-profit corporation that promotes economic development and workforce training within its 15-community service area. The CDC serves the communities of Hardwick, Belchertown, Brimfield, Brookfield, East Brookfield, Holland, Monson, New Braintree, North Brookfield, Palmer, Spencer Wales, Ware, Warren and West Brookfield. Managed by a board of directors, the CDC's objectives include:

- Redevelopment of blighted commercial areas
- Coordination of public & private resources on regional economic development projects and
- Job creation for unemployed/underemployed persons through specialized training programs.

The CDC offers training programs for job hunting, computer skills, workforce training, business planning as well as a business peer program for early-stage entrepreneurs. A subset of the agency

is the Quaboag Valley Business Assistance Corporation (BAC) that serves as the CDC's lending agency. The BAC offers small business loans of up to \$100,000, micro-enterprise loans of up to \$25,000 and peer lending group loans of up to \$20,000. The BAC's revolving loan fund has been capitalized by grants from the DHCD and the federal Department of Agriculture. As of 2002, the BAC has issued 1.2 million dollars in loans and has provided business-planning assistance to 94 companies. The CDC and the BAC are valuable resources that Hardwick businesses and local entrepreneurs have yet to fully utilize.

5. *Quaboag Valley Chamber of Commerce*: Although Hardwick is not an official member, the Quaboag Valley Chamber of Commerce is a valuable information resource for local businesses and for businesses considering locating in the Quaboag Valley area. Operating out of Palmer, the Chamber offers such services as business planning assistance, peer-to-peer business counseling, networking opportunities, educational seminars and health insurance assistance. The Chamber provides a forum for business owners/operators to discuss the local business climate and economic development in general.

6. *The Industrial Services Program (ISP)*: Operating out of Boston, the ISP provides financial and management assistance to companies and re-employment training to workers with the goal of ensuring the competitiveness of Massachusetts manufacturing companies.

7. *The Massachusetts Business Development Corporation (MBDC)*: Located in Boston, this private for-profit entity provides supplemental financing to promising small and medium-sized companies in Massachusetts. The MBDC also serves as a contractor to the State in the administration of its recycling, Brownfields redevelopment and capital access programs.

8. *The Massachusetts Capital Resource Company (MCRC)*: The MCRC is a limited partnership, privately owned by seven Massachusetts-based life insurance companies. The MCRC is a source of risk capital for Massachusetts businesses.

9. *MassDevelopment*: MassDevelopment acts as the State's industrial financing authority. It works primarily with industries and non-profit organizations; however, it does offer several programs that provide technical assistance to municipalities. MassDevelopment administers the Predevelopment Assistance Program that can help municipalities fund projects that will result in economic benefits to the community and the region. MassDevelopment can help with site-specific projects and can assist with appraisals, financing, site planning and architectural services. Under its Economic Development Lending program, MassDevelopment can also assist with the planning and financing of industrial parks. It should be noted that MassDevelopment does have a regional office in Worcester.

10. *Vacant, Developable Industrially Zoned Land*: CMRPC completed a buildout analysis for the Town of Hardwick in the spring of 2001. A buildout analysis is a planning tool that determines the amount of vacant, developable land in town and assesses the potential impacts if this land were fully developed under the town's existing zoning standards. A buildout analysis does not attempt to determine when a community will reach full buildout; rather, it simply attempts to determine what the community would look like if it were fully built out according to the town's current zoning policies.

In the case of Hardwick, a moderate amount of vacant, developable commercial /industrial land was identified (roughly 108 acres) within the Town’s commercial and industrial zoning districts. Table ED-7 below presents a rough breakdown of the amount of vacant, developable land in each of the Town’s non-residential zoning districts and how much commercial/industrial floor space could be created if the land were fully developed under the Town’s current zoning standards.

**Table ED-7
Non-Residential Buildout Analysis**

Zoning District	Developable Land (Acres)	Potential Floor Space (Square Feet)	Potential New Jobs*	Estimated Tax Revenue**
Commercial, Light Manufacturing, Residential (C-40)	64.4	448,588	1,794	\$187,402 - \$267,717
Industrial (I-40)	44.0	214,066	856	\$89,428 - \$127,755
TOTAL	108.4	662,654	2,650	\$276,830 - \$395,472

Source: CMRPC Buildout Analysis for the Town of Hardwick, March 2001.

* The new jobs figure is based on four employees per 1,000 square feet of floor space (multiplier supplied as part of the EOEa buildout methodology).

** The estimated tax revenue is based on the year 2003 tax rate (\$14.92 per \$1,000 of assessed valuation) and the assessed value of the newly created commercial/industrial floor space is based on a range of assessed valuation provided by the Assessor’s Office (\$28 per square foot – to \$40 per square foot, depending on site conditions and the building in question).

Table ED-7 indicates that 2,650 new jobs could be created under a full build-out scenario. However, that figure is somewhat dubious, as a full buildout of Hardwick’s vacant commercial/ industrial land is highly unlikely. With 317 jobs existing in Hardwick as of the year 2001, this would mean that Hardwick would have 2,967 jobs if the Town were fully built out under its current zoning standards. Again, this is not very probable. Zoning standards will likely change periodically, new development can render backland unusable and land protection efforts can effectively preclude development on certain properties. The estimated tax revenue figures are based on the unlikely scenario of a full buildout of Hardwick’s commercial and industrial zoning districts. The bottom line is that Hardwick has more than enough vacant/developable land to accommodate a substantial amount of growth in its commercial and industrial sectors.

11. *Tourism & Recreation Opportunities:* Hardwick's rural character makes the Town a unique place to visit and the substantial amount of protected land around the Quabbin Reservoir provides ample opportunity for passive recreation activities such as hiking and cross-country skiing. Hardwick should view its rural character and the recreation opportunities provided by the protected lands around the Quabbin as community assets to promote in an effort to encourage tourism. Environmental and historical tourism are becoming increasingly popular and by their very nature can only be offered by small rural communities. Knowing that Hardwick's rural location and distance from the interstate highway system serve to limit the Town's opportunities for commercial development, Hardwick should promote its natural assets to attract tourists as part of its overall economic development plan.

Impediments to Economic Development:

1. *Lack of Town-Controlled Industrial Land:* Hardwick does not have much in the way of Town-controlled land (commercially/industrially zoned or otherwise) to offer new businesses and industries. In fact, there is only one vacant property under Town control located within a non-residential zoning district. This is a 2.9-acre property located off of Lower Road in Gilbertville that is currently zoned for commercial purposes (C-40). Many Massachusetts communities have created industrial parks on town-owned land so that they may attract the types of businesses/industries they want and offer them a coordinated delivery of municipal services. In Hardwick, it is up to the new business to identify a suitable property and work with the various Town departments to obtain the necessary municipal services as best as it can.

2. *Infrastructure Issues:* The villages of Gilbertville and Wheelwright are served by Hardwick's municipal sewer system. These two village areas each have their own wastewater treatment plants. The Gilbertville plant has the capacity to process up to 230,000 gallons of wastewater per day, while the Wheelwright plant has the capacity to process up to 43,000 gallons per day. Both plants are currently running at approximately 50-70% capacity. The plants are primarily utilized by residential customers and serve a modest amount of commercial and industrial development. There are three main issues with the Town's sewer service that may act as impediments to economic development:

- The Town does not have a policy on treating industrial wastewater. This makes it difficult for new industries proposing to tie into the sewer system because there is no clear guidance as to what they will need to do in order to tie in. Rather, industrial sewer connections are considered on a case-by-case basis.
- It cannot be determined with certainty how much of the land falling within the Town's commercial districts (C-40) and industrial districts (I-40) is serviced by the municipal sewer system because there is no definitive map available that depicts the sewer system's service areas. In fact, the pipe locations for the Gilbertville sewer system service area have never been mapped. However, according to the Sewer Superintendent there are several sections of the Wheelwright and Gilbertville industrial districts that are not served by the municipal sewer system. If Hardwick wanted to extend the sewer systems to ensure full coverage of its commercial and industrial zoning districts, one option for covering the cost would be the Community

Development Action Grant (CDAG) offered by the Massachusetts Department of Housing and Community Development (DHCD). Eligible CDAG projects are those that help attract and leverage private investment, create/retain jobs for low and moderate-income persons, and address the needs of blighted neighborhoods. Hardwick could make a decent case that extending its infrastructure to this industrial district will meet the CDAG program's first two objectives.

- The Gilbertville sewer system is quite old and has a serious inflow/infiltration problem. Although the Gilbertville wastewater treatment plant runs well below its capacity during dry weather days, rain events and stormwater seeping into the sewer pipes have resulted in overloading the treatment plant's capacity. This reduction in capacity is a serious impediment to economic development in the Gilbertville village area. The only way to solve the system's infiltration problem is through a detailed sewer line capacity study and a well-coordinated sewer pipe replacement program. The Sewer Department needs to find a way to fund such an effort because the system's lack of capacity is hurting the Town's overall economic development potential. By solving the system's infiltration problem, extra treatment plant capacity would be freed up to accommodate new users, including new businesses and industries. More businesses and industries would expand the Town's non-residential tax base and help alleviate the tax burden on homeowners. New businesses and industries look for municipal sewer and water as two key factors when deciding where to locate.

Regarding municipal water, only Hardwick Center is serviced by a town-owned water supply. The Hardwick Center water distribution system is limited to 21,600 gallons per day (gpd) and service is limited to eighteen residential connections. The Town does not envision substantial commercial development in Hardwick Center due to the historic and rural nature of this particular village. The Wheelwright Water District provides limited water service to the village of Wheelwright with a system capacity of 93,600 gpd. The village of Old Furnace is entirely served by private water wells. Gilbertville village has the most extensive water distribution system of Hardwick's villages, with the private Gilbertville Water District having the capacity to provide up to 165,600 gpd. Distribution of water for fire suppression in Gilbertville is entirely separate from the domestic water supply, and is further divided into two separate systems to service either side of the Ware River.

3. *Lack of Major Highway Access:* Hardwick does not have direct access to the interstate highway system. The Massachusetts Turnpike interchange in Palmer is the Town's closest point of connection to a major roadway, and this is 13 miles south of Gilbertville Village. In fact, accessing the Pike from Hardwick requires traveling through downtown Ware. The Town does have extensive frontage on State Routes 32 and 32-A, however these are both low-volume roadways that traverse a rural landscape dotted by traditional New England villages. Hardwick's lack of major highway access is another reason why the Town's zoning scheme should emphasize its direct access to the Ware River shortline and cultivate those businesses/industries that would utilize freight rail service.

Overall Economic Development Assessment: Hardwick is unlikely to become a regional or subregional center of commerce because of its lack of access to major highways and the few State-numbered routes that pass through Town do not handle significant volumes of automobile traffic. The Town's limited infrastructure (water & sewer) is another limiting factor for attracting new economic development. Further, Hardwick's high commercial vacancy rate indicates that there are many underutilized buildings already existing within the Town's commercial and industrial zoning districts. Thus, the Town is struggling to make full use of its existing economic base. As Hardwick has had such difficulty with filling its vacant commercial/industrial buildings, perhaps it would be wise for the Town to pursue a dual strategy for these properties by allowing such buildings to be converted into residences (e.g., senior housing, affordable housing, etc.) or allow for a mixture of commercial and residential uses (commercial uses on the ground floor, apartments on the upper floors). By allowing both commercial and residential uses (or a mixture of the two), the Town doubles its opportunities for getting these buildings back into productive use.

As an overall economic development strategy, the Town should understand its limitations (poor access, limited infrastructure), while enhancing its strengths (railroad access, proximity to the Quabbin, recreation opportunities, and Hardwick's charming rural character). Hardwick's economic development goals are outlined below and graphically depicted on the Land Use Suitability Map included in this document.

Economic Development - Goals

- Expand Hardwick's non-residential tax base in a manner consistent with the Town's community character.
- Revitalize economic activity in Hardwick's three primary village areas (Gilbertville, Old Furnace, and Wheelwright) by encouraging a mixture of housing opportunities and small-scale retail sales, services and restaurants.
- Work with existing businesses and property owners to improve the utilization of abandoned and under-utilized buildings in Hardwick's commercial and industrial zoning districts in an effort to improve the Town's high commercial/industrial vacancy rate.
- Work with existing businesses in Town to ensure that they stay and possibly expand in Hardwick, thus retaining jobs within the local economy.
- Pursue low-impact tourism opportunities (recreation tourism, historic tourism, eco-tourism, non-traditional tourism) to supplement the local economy.

Economic Development - Recommendations

1. Work With Railroad to Expand Opportunities for Freight-Related Businesses and Industries: As mentioned previously, the Massachusetts Central Railroad's Ware River Secondary Line passes through Hardwick, and yet it provides freight service to only one local business: Hardwick Kilns. The Board of Selectmen and Planning Board should convene a joint

meeting with railroad officials to discuss how the Town could expand freight rail usage by existing and new businesses. This discussion should cover emerging trends in the rail freight industry, as well as what types of new businesses are likely to utilize rail service. Town planners should be prepared to review the table of uses within the Town's zoning bylaw in regards to the opportunities it provides for use of the freight rail service and revise/expand accordingly. Responsible Municipal Entity: The Board of Selectmen and the Planning Board.

2. Work With Neighboring Communities to Promote Local Businesses and Tourism: As mentioned previously, the Town does not have an official entity charged with economic development planning, such as the Barre Business Association (BBA) in neighboring Barre. While it might be wise in the long-run for Hardwick to establish a local economic development planning entity, in the short-run the Town should partner with neighboring communities to join initiatives that promote local businesses and area tourism. A first step would be for Hardwick to establish a liaison with the BBA. The BBA is already actively promoting area businesses and attractions through its own website and brochures, and will soon establish a Tourist Information Center located off of Barre Common. Hardwick should work with the BBA to ensure that its local businesses and tourist attractions are included in the BBA's tourism promotional materials. Responsible Municipal Entity: The Board of Selectmen and the Planning Board.

3. Turn Hardwick's Location from a Disadvantage to an Advantage by Promoting Recreation Opportunities: Hardwick should promote its access to the Quabbin Reservoir and Ware River, and the recreation opportunities provided by these resources. Further, Hardwick planners should revise the zoning bylaw to allow uses that enhance said recreation opportunities. Hunters and fishermen make extensive use of the Quabbin Reservoir and the Ware River, and Hardwick could enhance these recreation activities by making allowances in its zoning bylaw for such uses as canoe shops, rod & gun stores, bait shops, etc. Once again, the Town should partner with neighboring communities to promote its recreational resources through a joint marketing strategy designed to promote tourism (possibly working with the BBA on this as well). Hardwick could take some unilateral measures to promote/enhance its recreation resources by improving signage (where are these resources and how does someone unfamiliar with the area get to them?) and making on-the-ground improvements to trail systems, recreation facilities and their associated parking areas. Responsible Municipal Entity: The Parks and Recreation Commission and the Planning Board.

4. Revise the Zoning Bylaw to Expand Opportunities for Agriculture: Although dairy farming is on the decline throughout the region, agricultural uses are still a predominant feature of Hardwick's rural landscape. The Town should revise its zoning bylaw to expand the types of agricultural uses allowed in Hardwick. The first step would be to include a definition in the zoning bylaw's definition section for what constitutes "agriculture". This definition should be as broad and expansive as possible, and may include such agricultural uses as: the cultivation of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops (including pick/cut your own operations); the raising, feeding and management of livestock, poultry, fish, bees, and equines (including boarding stables and riding academies); the operation of commercial greenhouses; the operation of vineyards and wineries; the preparation and sale of agricultural products principally produced on the farm; and timber harvesting. As agriculture has gone "high tech", the definition could include some of the newer agricultural uses such as

agriculture-related research & development. The zoning bylaw already allows for agricultural-related retail sales and this provision should be kept intact or perhaps even expanded. Farmers are under increasing competition for customers and direct sale to the public can contribute to the sustainability of agricultural operations. Given the competition facing farmers, it makes sense to allow as much flexibility as possible as long as the farm remains the principal use and the rural character of the area is not compromised. Responsible Municipal Entity: The Planning Board.

5. Develop the Town's Grant Writing Capacity: Hardwick is eligible for a wide variety of federal and State grant programs, however, applying for them can be a time consuming endeavor that requires a great deal of research and writing. Many municipal departments would like to apply for grants but simply do not have the manpower or time to adequately deal with the application process. With numerous capital expenditures on the horizon, it is imperative the Town cultivates its grant writing capacity so that it may access the significant amount of money being made available through State grants. The Town could contract with a professional grant writer on an as-needed basis. There are numerous private sector planning consultants that would be happy to work with Hardwick on a specific grant application, and there are several area grant writers that will not charge a fee unless the grant application is successful. Another option would be to utilize the grant writing services of the Central Massachusetts Regional Planning Commission (CMRPC). As a member of CMRPC, Hardwick is eligible to receive 24-hours of planning assistance every year. Many member communities have utilized their 24-hours of planning assistance for the purpose of having CMRPC assist them with a particular grant application. Responsible Municipal Entity: The Board of Selectmen.

6. Coordinate Development Activity With the Owners of Industrial Land: As mentioned previously, the vast majority of Hardwick's industrially zoned land is under private ownership. Since the Town is highly unlikely to purchase such land, it is paramount that Hardwick planners work in partnership with the owners of industrial land to make sure this land is developed in accordance with the Town's objectives and render assistance when possible. Such assistance could be in the form of extending municipal infrastructure, or simply helping the landowners access the technical assistance made available by the myriad of private/public entities that promote economic development. The Town should begin its coordination effort by hosting a roundtable meeting between Town officials (specifically the Board of Selectmen and the Planning Board) and local business owners and their landlords. Responsible Municipal Entity: The Board of Selectmen, the Planning Board and Zoning Board of Appeals.

7. Develop a Computerized Database of Available Industrial Properties and Buildings: The Town should develop a computerized database of its available industrially zoned properties (both land and buildings) as a service for new industries investigating Hardwick as a potential location. The database should be searchable by parcel size, building size, available floor space, availability of water and sewer, proximity to major highway, easements in place, and any other information that a potential developer may find useful. Not only would such a database be very useful to potential developers, it would show that Hardwick is business-friendly and willing to provide resources in support of new industrial development. Responsible Municipal Entity: The Board of Selectmen and the Planning Board in conjunction with the Board of Assessors.

8. Tax Increment Financing: Hardwick should investigate the possibility of establishing a Tax Increment Financing (TIF) program to create and retain jobs in Town and stimulate the local economy. A local TIF program should insist that new businesses reserve a certain percentage of jobs for Hardwick residents, local contractors are used for building construction/rehabilitation and that local businesses are used as service providers. Although it would take a few years before Hardwick could reap the tax benefits from any TIF-created projects, the benefits to the local economy will be felt immediately. If Hardwick wants to maintain a low tax rate while still providing quality municipal services, then it has to grow its non-residential tax base, even if the tax benefits get pushed ten years into the future. Since the Town cannot offer new businesses much in the way of infrastructure, a local TIF program would be a significant draw for new economic development. A TIF program may represent the most feasible way to revitalize the vacant commercial and industrial buildings in the village areas and get them back on the tax roll. Responsible Municipal Entity: The Board of Selectmen.

9. Continue to Improve High Speed Internet Access: The Town needs to influence local cable companies and telecommunication firms to provide access to high speed data and networking technologies in preparation for existing and new businesses that may want to take advantage of these technologies. These technologies are “the wave of the future” and if businesses can’t find them in Hardwick, they will look elsewhere. High-speed Internet access is on the rise with the advance of DSL (Digital Subscriber Line), Cable, Cellular, Satellite, and T1/T3 (digital line using pulse code modulation and time-division multiplexing) technologies. It is estimated that over 20 million high-speed Internet users will be subscribers by early 2004, using one of these technologies. Ultra high-bandwidth (44.736 Mbps) is available on T3 lines that are typically provided through telecommunication companies such as Verizon.

DSL, Cable, Cellular, and Satellite digital data streams are available to consumers in two general classes; synchronous and asynchronous. Synchronous streams provide equal speed data transfer for both upload (sending information from the computer) and download (bringing information into the computer) functions. Asynchronous data streams typically provide higher download rates, and conversely, slower upload speeds. All of these technologies are becoming widely available to consumers but are not always available everywhere. This is especially true with DSL, Cable, Cellular and Satellite technologies. Many communities have access to these technologies but only in selected areas within the town. This is due, in part, to the proximity of existing cable, copper and/or fiber lines owned by a telecommunications company. Cellular access is typically limited by coverage areas determined by the cellular companies, but are also impacted by the topography of the land, large water bodies, and weather, to some extent. Satellite access is also limited by a service provider’s service area. Satellite is further limited by topography, weather, and the juxtaposition of the satellite in orbit. For DSL, Cable, T1, and T3 high-speed subscriber technologies, access is always on, and there is no telephone dialing. Cellular and Satellite data streams may require dial-up access. It is recommended that the Town continue to work with Hardwick’s Internet service providers to ensure that the needs of the local business community are being met. Responsible Municipal Entity: The Board of Selectmen.

10. Revise the Zoning Bylaw to Expand Opportunities for Cottage Industries and Niche Businesses: While Hardwick will never become a regional commerce center, the Town can do more to promote cottage industries and niche businesses (craft shops, artists, potters, furniture

makers, etc.) by expressly integrating such uses into the zoning bylaw, especially for those commercial and industrial zoning districts with high vacancy rates. Responsible Municipal Entity: The Planning Board.

11. The Town Should Increase its Participation with Regional Economic Development Entities: Hardwick is a member of the Quaboag Valley Community Development Corporation (QV CDC) and should increase its participation with this regional economic development entity. As mentioned previously, the CDC works on such issues as: redevelopment of blighted commercial areas, coordination of public & private resources on regional economic development projects and job creation for unemployed/underemployed persons through specialized training programs. The CDC also offers training programs for job hunting, computer skills, workforce training, business planning, as well as a business peer program for early-stage entrepreneurs. A subset of the agency is the Quaboag Valley Business Assistance Corporation (BAC) that serves as the CDC's lending agency. The CDC and the BAC are valuable resources that Hardwick businesses and local entrepreneurs have yet to fully utilize. Hardwick should also consider joining the Quaboag Valley Chamber of Commerce, as it is a valuable information resource for local businesses and for businesses considering locating in the Quaboag Valley area. The Chamber offers such services as business planning assistance, peer-to-peer business counseling, networking opportunities, educational seminars and health insurance assistance. Responsible Municipal Entity: The Board of Selectmen.

Insert Land Use and Economic Suitability Map here.

HARDWICK COMMUNITY DEVELOPMENT PLAN SECTION FOUR - ZONING BYLAW AMENDMENTS

The final component of the planning process was to prepare zoning amendments to implement the recommendations of the Master Plan and the wishes of the community as articulated through the Visioning process described in Section Two. Numerous meetings were held with the Community Development Plan Committee to craft the amendments. The first order of business involved a thorough review of the existing Zoning Bylaw for consistency with state law and for its ability to achieve the land use goals of the community. The current Zoning Bylaw has been modified on occasions over the years to address relevant topics of concern. For example, Town Meeting adopted amendments to address earth removal problems and to regulate wireless communications facilities.

The Committee realized that the Zoning Bylaw lacks the tools to achieve the Vision of Hardwick's citizens for the future. While it is clear that there is a strong sentiment to preserve the rural character of the Town, the Bylaw does not contain adequate provisions to safeguard the valuable natural resources, active farmland, and scenic views that are the hallmark of the community. Proposed zoning amendments address the major concerns voiced by the Committee. The specific amendments contained in this report are listed below:

1. Wholesale revisions to the *Schedule of Use Regulations* to clearly align the uses permitted or prohibited in the Town's existing zoning districts according to the wishes of the community.
2. A new *Site Plan Approval* bylaw to better manage non-residential development.
3. A new *Open Space Subdivision* provision to allow cluster development by right in order to promote widespread use of this tool to preserve open space and promote development that is compatible with the character of the Town.
4. A new *Senior Residential Development* section to address the needs of senior citizens.
5. A new *Outdoor Lighting* provision to prevent light pollution from uncontrolled light sources.
6. A *Residential Compound* option to allow small-scale, creative residential land development that preserves open space without the need for extensive land alterations.
7. A complete revision to the *Administration* section to bring the Bylaw into conformance with the procedural requirements of the Zoning Act, M.G.L.c. 40A.
8. A new *Mill Conversion Overlay District* to allow for adaptive reuse of the Town's old mills into mixed-use developments, especially since there is low demand for industrial space in Hardwick.
9. Revisions to *Nonconforming Uses and Structures* to provide clear language for regulating these troublesome land uses.

Throughout the amendments, strikethrough fonts are used to show existing text to be deleted, and italics fonts are used to show new text to be inserted.

Section 3. Use Regulations

3.1 Basic Requirements

No building shall be erected or used and no land shall be used or divided unless in conformity with the regulations in Section 3.2 of this bylaw and in accordance with the notation system below. All other building and all other uses of land or building are hereby expressly prohibited, except those buildings and uses already lawfully existing which by the provisions of this bylaw become lawfully non-conforming. The construction of multi-family dwellings other than those allowed in Section 3.2 is expressly prohibited.

3.2 Schedule of Use Regulations

- Y - Use Permitted
- SP - Use Allowed by Special Permit issued by the Planning Board
- P - Use Authorized after Site Plan Review by the Planning Board
- N - Use Prohibited

<u>Use</u>	<u>District</u>				
	R-60	R-40	V	I-40	C-40
3.2.1 Agricultural Uses					
1. Use of land for the primary purpose of agriculture, horticulture, floriculture or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y
2. Use of land for the primary purpose of agriculture, horticulture, floriculture or viticulture on a parcel of less than five acres in area.	Y	Y	SP	SP	SP
3. Farm stand for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, provided such land contains at least five acres in V, I-40, and C-40.	Y	Y	Y	Y	Y
4. Farm stand where the majority of products for sale, as specified in §3.2.1.3 above, have not been grown on the premises by the owner or lessee	SP	SP	Y	N	Y
5. Riding stables and boarding of horses, horse riding trails and riding academies	Y	Y	SP	N	SP
6. Veterinary clinics, raising or breeding animals for sale, and boarding animals	Y	SP	SP	SP	SP
7. Kennels used for commercial purposes	SP	SP	N	SP	SP

<u>Use</u>	<u>District</u>				
	R-60	R-40	V	I-40	C-40
3.2.2 Residential Uses					
1. Single family detached dwelling	Y	Y	Y	N	Y
2. A conversion within present dimensions of a single-family dwelling having at least 6 rooms exclusive of hallways existing prior to adoption of this bylaw to a 2-family dwelling	Y	Y	Y	N	Y
3. That a new 2-family dwelling may be constructed provided that the lot has 50% more than the minimum lot size and 50% more than the minimum lot frontage as required by Section 4.2 of this bylaw	Y	Y	Y	N	Y
4. Senior Residential Development Housing for the Elderly	SP	SP	SP	N	SP
5. Nursing home	N	SP	SP	N	SP
6. Accessory apartment	P	P	P	N	P
7. Multi-family dwelling	N	N	SP	N	SP
8. Lodging or boarding house for more than 4 persons	N	N	SP	N	SP
9. Dwelling units over first floor commercial uses	N	N	Y	N	N
10. Open space subdivision	Y	Y	Y	N	N
11. Residential compound	SP	SP	N	N	N
12. Bed and breakfast inn	SP	SP	SP	N	SP
13. Mobile home park	N	N	N	N	N
3.2.3 Institutional and Recreational Uses					
1. Any religious or educational uses exempt under Chapter 40A, §3 of the General Laws.	Y	Y	Y	Y	Y
2. Municipal Uses	Y	Y	Y	Y	Y
3. Private schools, dormitories, cemeteries, public service corporations, libraries, hospitals, nursing homes, day nurseries, day camps, recreational facilities, campgrounds, licensed kennels, community centers, and other similar uses	SP	SP	SP	SP	SP
4. Cemetery	P	P	P	P	P
5. Day care centers, day camps, community centers and other similar uses	P	P	P	N	P
6. Country club, golf course, or driving range, not including miniature golf	SP	SP	N	N	N
7. Museum, community theater, performing arts center	P	P	P	P	P

<u>Use</u>	<u>District</u>				
	R-60	R-40	V	I-40	C-40
8. Public or non-profit recreational facilities and campgrounds, including those for recreational vehicles and summer camps for children	SP	SP	SP	N	SP
9. Other recreational facilities conducted for profit, including physical fitness centers, bowling alleys, health clubs, and indoor sports facilities	N	N	SP	N	P
10. Private lodge, club, or philanthropic organization	SP	SP	P	N	P
3.2.4 Business Uses					
7. Commercial use such as retail stores, offices, highway services, food establishments, and other similar uses. (3)	SP	SP	SP	N	SP
10. Commercial, retail business, light manufacturing and moderate density residential purposes. (4)	SP	SP	SP	SP	SP
1. Retail sales, under 3,000 sq. ft.	SP	SP	P	N	P
2. Retail sales, 3,000 sq. ft. or more	N	N	SP	N	SP
3. Antique shops, artist galleries and craft shops	SP	SP	P	N	Y
4. "Big Box" retail establishments	N	N	N	N	N
5. Hospitals and clinics for in- and out-patient care	N	N	SP	SP	SP
6. Banks and financial institutions, including Automatic Teller Machine (ATM), whether free-standing or attached	N	N	P	N	P
7. Professional or administrative uses	N	N	P	P	P
8. Conference center	N	N	N	P	P
9. Office of licensed medical and dental practitioners limited to general out-patient care and diagnosis	P	P	Y	Y	Y
10. Building materials establishments, farm and garden equipment sales and service	N	N	N	SP	SP
11. Commercial auction galleries or flea markets	N	N	SP	SP	SP
12. Hotel or Inn	N	N	SP	SP	SP
13. Motel	N	N	N	N	SP
14. Personal and consumer service establishments, such as barber and beauty shops, shoe repair, laundry or dry cleaning establishments, etc.	N	N	P	N	P
15. Gasoline service stations, that may include a convenience store and/or drive-through window for sale of coffee, donuts and similar foods	N	N	SP	SP	SP

<u>Use</u>	<u>District</u>				
	R-60	R-40	V	I-40	C-40
16. Car wash establishments	N	N	SP	N	SP
17. New or used car and truck dealers, automobile rental establishments, motor vehicle repair garages	N	N	SP	N	SP
18. Sales and service of agricultural and construction equipment, boats, and recreational vehicles.	N	N	N	SP	SP
19. Massage parlor	N	N	SP	N	Y
20. Fast food restaurants, that may provide drive-through service, including such uses as donut shops, pizza parlors, hamburger stands, etc.	N	N	SP	N	SP
21. Pubs and sit-down restaurants dispensing food to be consumed within the building	N	N	P	N	P
22. Funeral homes	SP	SP	Y	N	Y
23. Adult Entertainment Establishments as defined in M.G.c. 40A, §9A	N	N	N	SP	N
3.2.5 Communications, Transportation and Public Utility Buildings					
1. Wireless Communications Facilities (5)	SP	SP	SP	SP	SP
2. Communications tower for federally licensed amateur radio operator	P	P	P	P	P
3. Radio and television broadcasting facilities	N	N	N	SP	SP
4. Rail terminals, including rail freight yards or freight terminals	N	N	N	SP	N
5. Electric generating facilities	N	N	N	N	N
6. Electric distribution station or sub-station	SP	SP	SP	SP	SP
3.2.6 Industrial Uses					
1. <i>Light</i> Industrial and wholesale businesses that are not noxious, offensive, or hazardous by reason of excessive noise, vibration, odors, dust, gas, fumes, smoke cinders, effluent, bright lights, or refuse	N	N	N	SP	SP
2. Scrap metal and other materials storage yards including scrap automobiles and trucks	N	N	N	N	N
3. Truck terminals, truck freight yards or freight terminals	N	N	N	SP	N
4. Research and development in the pharmaceutical, biotechnology, and biomedical field	N	N	N	SP	SP

<u>Use</u>	<u>District</u>				
	R-60	R-40	V	I-40	C-40
5. Scientific or research laboratories and accessory uses thereto, including related assembly, production, and testing	N	N	N	SP	SP
6. Facilities engaged in disposal or transportation of hazardous, medical or biological waste	N	N	N	N	N
7. Saw mill or lumber producing facility, including incidental sales of wood products produced at the site	N	N	N	SP	N
8. Temporary sawmill for not more than 60 days	Y	Y	Y	Y	Y
9. Fuel oil dealers, fuel storage or distribution facility	N	N	N	SP	N
10. Contractor's yards provided all materials and equipment are stored away from view from public ways or abutting properties	N	N	N	SP	N
11. Landfill	N	N	N	SP	N
12. Self-storage facility	N	N	N	SP	SP
13. Recycling facility for locally-generated solid waste	N	N	N	SP	N
3.2.7 Accessory Uses					
1. Accessory buildings and uses including but not limited to garages, greenhouses, swimming pools, and renting rooms not more than 4 persons; and the use of a property limited to 25% of the habitable floor space in connection with a trade, customary home occupations, office or studio	Y	Y	Y	N	Y
2. Wind energy conversion system	P	P	P	P	P
3. Family day care home	P	P	P	N	P
4. Construction trailer only for office and storage use during construction	Y	Y	Y	Y	Y
5. Cafeteria, fitness center, day care center, or exercise facility as an accessory use to a business or industrial use	N	N	Y	Y	Y

5.1 Site Plan Approval

5.1.1 Purpose: The purpose of this section is to provide for a comprehensive review of site plans for those uses and structures that may have a significant impact on adjacent properties, the Town's character, infrastructure, environment and quality of life. Before applying for a building permit, all projects requiring site plan review, as required by this Bylaw, shall have obtained site plan approval from the Planning Board.

5.1.2 Uses Requiring Site Plan Review and Approval: These site plan approval provisions shall apply to the following types of structures and uses:

1. New construction of all uses identified with the symbol "P" in Section 3.2 of this Bylaw, the Use Regulation Schedule.
2. Expansion of any existing use requiring Site Plan Review as identified with the symbol "P" in Section 3.2 resulting in a floor space increase of twenty-five (25%) percent or three thousand (3,000) square feet, whichever is less.
3. For all uses identified with the symbol "SP" in Section 3.2., a site plan shall also be submitted to the Planning Board as part of an application for a special permit.

5.1.3 Site Plan Review Procedure

1. **Filing:** An applicant for site plan approval shall file with the Planning Board, at a regularly scheduled meeting, ten (10) copies of the site plan and any supporting documents. The applicant shall also file a copy of the site plan with the Town Clerk.
2. **Submission Requirements:** Site plans shall be prepared by a registered professional engineer, architect or landscape architect at a scale of 1" = 40' on standard 24" x 36" sheets, (or such other scale or size as the Planning Board may accept) unless this requirement is waived by the Planning Board because of unusually simple circumstances. The site plan shall show the following information:
 1. Name of the project, property boundaries, location map, date, north arrow and scale, and the name and address of the owner and registered engineer, architect or landscape architect who prepared the plan.
 2. Ownership of the abutting land as indicated on the most recent Town Assessors' records, and location of buildings thereon, within three hundred feet (300') of the property lines.
 3. The location of all existing and proposed buildings and structures within the development, including dimensions, height and floor area.
 4. The zoning district of the site and the required zoning setback lines on the property.
 5. The location of all existing and proposed roads, driveways, parking and loading areas, sidewalks, fences and walls; and the number of parking and loading spaces provided.
 6. Service areas, exterior storage areas, waste disposal facilities, and proposed measures to screen them from public view.
 7. The location, height, size, and design of all proposed signage and lighting fixtures.
 8. Proposed landscaping, including the size and type of plant material.

9. The location of existing and proposed utility systems, including water supply, public sewer or septic system, storm drainage system, and other utilities.
10. Existing and proposed topography at two (2) foot contour intervals, including natural features, water courses, wetlands and the 100-year flood plain.
11. The location where earth removal or filling is proposed and the volume of material to be removed.
12. Elevations for all exterior facades of the proposed structure including the type and color of materials to be used.

Upon written request from the applicant, the Planning Board may waive the submission of such information, plans, studies or analyses, or parts thereof of the above requirements, as may not be necessary for the consideration of the application. The Board's decision shall be in writing and be made part of the record.

3. **Plan Review:** The Planning Board shall refer copies of the site plan to the Board of Health, Conservation Commission, Building Inspector, applicable Water and Sewer Department, Highway Superintendent, and other boards or officials as deemed necessary. These parties shall have thirty (30) days in which to review and comment on the plan. Failure to submit written comments within thirty (30) days shall be interpreted as lack of opposition to the approval of the site plan.
4. **Review Fees:** The Planning Board is authorized to retain a professional engineer, architect, landscape architect or other professional consultant to advise the Board on any and all aspects of the site plan. The applicant shall pay the fee at the time of plan submission. The Planning Board shall adopt a fee schedule that accurately reflects the cost of reviewing site plans and regulations regarding the use of outside consultants.
5. **Decision:** The Planning Board shall deliver its written decision to the Building Inspector and Town Clerk within sixty (60) days of the receipt of the site plan application. This time limit may be extended by written agreement between the applicant and the Board. Failure of the Planning Board to take final action within sixty (60) days, or extended time, shall be deemed to be approval of the application as submitted. The Planning Board's final action shall consist of either:
 1. Approval of the site plan based on a determination that the proposed project will constitute a suitable development and will not result in substantial detriment to the neighborhood or the Town.
 2. Disapproval of the site plan with an explanation of the reasons for such disapproval and the elements of the proposal that are deemed by the Planning Board to be inadequate, unsuitable or detrimental to the neighborhood or the Town.
 3. Approval of the site plan subject to such reasonable conditions, modifications and restrictions as the Planning Board may deem necessary to insure that the proposed project will constitute a suitable development and will not result in substantial detriment to the neighborhood or town.

5.1.4 Uses Also Requiring a Special Permit: In cases where a development requires both site plan review and a special permit from the Planning Board, the applicant shall file a combined site plan and

special permit application with the Board. Procedures for granting special permits as provided in Section 10 shall govern.

5.1.5 Criteria for Approval: The Planning Board shall review all proposed site plans to insure conformance with the following standards and criteria:

1. Conformance with all the provisions of the Hardwick Zoning Bylaw;
2. Provisions for convenient and safe vehicular and pedestrian movement within the site, for driveway openings that are convenient and safe in relation to the adjacent street network, and for adequate emergency vehicle access;
3. Provisions for adequate parking and loading spaces, and site design that minimizes visual intrusion of these areas from public ways;
4. Landscaping measures taken to screen the appearance of off-street parking areas from abutting properties and to create visual and noise buffers that minimize the encroachment of the proposed use on neighboring land uses;
5. Adequate provision for controlling surface water runoff to minimize impacts on neighboring properties and streets and to prevent soil erosion and sedimentation of any surface waters;
6. Measures taken to minimize contamination of ground water from sub-surface sewage disposal and operations involving the use, storage, handling, or containment of hazardous substances;
7. Protection of adjoining property or the Town from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, glare, etc.

5.1.6 Site Plan Conditions: The Planning Board may impose conditions, safeguards and limitations on time and operations as may be appropriate for the protection of the natural environment, the neighborhood, and the Town. Such conditions shall be imposed in writing in the site plan approval decision and shall be enforced by the Building Inspector. The applicant may be required to post a bond or other security in an amount satisfactory to the Planning Board for compliance with these conditions.

5.1.7 Modification to an Approved Site Plans

1. In the event a modification is requested to an approved site plan, the applicant shall submit to the Planning Board a written description of the proposed modifications and twelve (12) copies of the revised plan showing such modification. Modifications will be subject to the same review procedures as the original filing.
2. For small and insignificant modifications, the Planning Board may waive one or more requirements if it determines that the proposed changes will have no significant impact on the abutters, the neighborhood or the Town. However, modifications to special permits shall require the issuance of a new special permit. Such a determination shall be made only after a written request and ten (10) copies of the plan showing the modifications have been submitted to and reviewed by the Planning Board. A determination that the modification does not require a public hearing shall be made by the Planning Board within twenty-one (21) days of receipt of the written request and plans. A copy of the determination and revised plans shall be filed with the Town Clerk and Building Inspector. Failure to act within twenty-one (21) days on the request for determination shall be deemed as approval.

5.1.8 Performance Guarantee

The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any permit or license when work is not performed as required.

5.2 Open Space Subdivision

In R-60, R-40, and R-20, as an alternative to a conventional subdivision, an applicant may subdivide his property in accordance with the following procedures and requirements by-right upon approval of the Planning Board pursuant to its Subdivision Rules and Regulations and the Subdivision Control Law, MGL c. 41 §88K-81GG.

5.2.1 Purpose

The primary purposes of an Open Space Subdivision, hereafter OSS, are:

1. To advance the goals and policies of the *Hardwick Master Plan* and the *Hardwick Open Space and Recreation Plan*.
2. To allow for greater flexibility and creativity in the design of residential developments.
3. To facilitate the permanent protection of open space, agricultural land, and natural, historic, and scenic resources.
4. To maintain the town's traditional character and land use pattern in which small villages contrast with open land.
5. To encourage a more economical and efficient form of development that is less sprawling, consumes less open land, does not tax community services unduly, respects a site's physical characteristics and minimizes the total amount of disturbance on the site.
6. To protect scenic vistas from the town's roadways and other places.

5.2.2 Procedures

5.2.2.1 Pre-Application: Applicants are encouraged to meet with the Planning Board at a pre-application conference to consider general development approaches prior to the submission of a complete application.

5.2.2.2 Filing: Each application for an Open Space Subdivision shall be filed with the Planning Board in accordance with the provisions of this Section 5.2 and with the Board's Subdivision Regulations.

5.2.2.3 Plan Submission: Applicants shall submit two plans complying with the requirements for a Preliminary Plan as specified in the Planning Board's Subdivision Rules and Regulations: an Open Space Subdivision Plan and a Conventional Subdivision Plan. The Conventional Subdivision Plan shall determine the number of building lots that could reasonably be expected to be built upon in consideration of site conditions and in conformance with all applicable development requirements of the Town and state. The total number of lots or dwelling units in an Open Space Subdivision shall not exceed the number of lots in a Conventional Subdivision Plan as determined by the Planning Board.

Applicants shall file with the Planning Board five copies of the following, to have been prepared by an interdisciplinary team including a registered land surveyor, a professional engineer and a registered architect or landscape architect.

1. The conventional subdivision plan and open space subdivision plan, indicating in a general manner the configuration of access, lots, building siting, reserved open space, landscaping, drainage and utilities, consistent with the drawing requirements for a preliminary subdivision plan under the subdivision regulations of the Hardwick Planning Board.
2. Narrative and tabular materials describing the proposal, including the number and size of dwelling units; proposed project phasing; and any provisions being made to target special occupancies, such as for the elderly or for affordable housing.
3. The maps and supporting documentation as specified in section 5.2.3.4 below, Design Process.

5.2.2.4 Design Process: Each development plan shall follow the design process outlined below. Each applicant shall submit to the Planning Board its analysis for each step to demonstrate that this design process was followed in determining the layout of proposed streets, house lots, and protected open space.

1. *Evaluating Site Context.* The first step is to evaluate the site in its larger context by identifying physical features, (e.g., stream corridors, wetlands, land forms), transportation systems, (e.g., road and bicycle networks), and cultural assets, (e.g., recreational sites, historic and archaeological resources), and surrounding land uses and activities.
2. *Understanding the Site.* The second step is to inventory and map existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other. These resources include wetlands, riverfront areas, floodplains, steep slopes, mature woodlands, hedgerows, unique or special wildlife habitats, historic or cultural features (such as old buildings or stone walls), unusual geologic formations and scenic views into and out of the property.
3. *Designating Open Space to be Preserved.* The third step is to identify the open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks.
4. *Location of Development Areas.* The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns.
5. *Lot Lines.* The final step is to draw in the lot lines to enable a comparison of the Conventional and Open Space Subdivision Plans. The Conventional Subdivision Plan shall show lots that comply with the dimensional requirements of section 4.2, Schedule of Land Intensity Regulations. The number of lots shown on that Plan and approved by the Planning Board as buildable lots shall be the maximum number of lots permitted on the Open Space Subdivision Plan. Lots in the Open Space Subdivision may have reduced dimensional requirements in accordance with section 5.2.3 below.

5.2.2.5 Planning Board Decision: After reviewing the two development plans, the Planning Board shall determine if the Conventional Plan or Open Space Subdivision Plan shall be the preferred form of development on the site. The applicant shall then proceed to prepare a Definitive Plan complying with the Planning Board's Subdivision Rules and Regulations and seek approval by the Board of a subdivision.

5.2.2.6 Relationship to Subdivision Control Law: Nothing contained herein shall exempt a proposed subdivision from compliance with other applicable provisions of this Bylaw or the Subdivision Rules and Regulations of the Planning Board, nor shall it affect the right of the Board of Health and of the Planning Board to approve, condition or disapprove a subdivision plan in accordance with the provisions of the Subdivision Control Law.

5.2.3 Dimensional Requirements

5.2.3.1 Minimum Requirements: Building lots for single-family dwellings within an Open Space Subdivision shall conform to the following Dimensional Requirements:

Zoning District	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (Ft.)	Minimum Yard Depth			Max. Height (Ft.) (c)
			Front (a)	Rear	Side (b)	
R-60	20,000	100'	25'	25'	20'	35'
R-40	15,000	80'	20'	20'	15'	35'
R-20	12,000 ¹	65'	10'	15'	10'	35'

¹ Building lots may contain 12,000 square feet if connected to a public sewer system.

5.2.3.2 Types of Buildings. Dwellings may consist of any combination of single-family, two-family and attached residential structures (townhouses). Attached dwellings shall not contain more than five (5) dwelling units. The number of dwelling units permitted shall not exceed that otherwise determined by the Planning Board according to the procedures of section 5.2.2 above.

5.2.4 Open Space Requirements

5.2.4.1 A minimum of thirty (30%) percent of the land area in an Open Space Subdivision shall be permanently protected open space and shall be suitable for recreation, agriculture, or open space uses. The Planning Board may require that at least fifty (50%) percent of the open space to be free from wetlands as defined in the Wetlands Protection Act.

5.2.4.2 The location of open space provided in an Open Space Subdivision shall be consistent with the policies contained in the Town’s *Master Plan* and the *Open Space and Recreation Plan*. The following design requirements shall apply to open space provided through this bylaw:

1. Open space shall be planned as large, contiguous areas whenever possible. Long thin strips or narrow areas of open space (less than one hundred (100) feet wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas.
2. Open space shall be arranged to protect valuable natural and cultural environments such as stream valleys, wetland buffers, unfragmented forestland and significant trees, wildlife habitat, open fields, scenic views, trails, and archeological sites, and to avoid development in hazardous areas such as flood plains and steep slopes. The development plan shall take advantage of the natural topography of the parcel, and cuts and fills shall be minimized.

3. Open space may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses. Where feasible, these parcels shall be linked by trails.
4. Where the proposed development abuts or includes a body of water or a wetland, these areas and the one hundred (100) foot buffer to such areas shall be incorporated into the open space. Where appropriate, reasonable access shall be provided to shorelines.
5. The maximum number of dwelling units compatible with good design shall abut the open space and all homeowners within the Open Space Subdivision shall have reasonable physical and visual access to the open space through internal roads, sidewalks or paths. Such access may be limited where the Planning Board finds that resource areas are vulnerable to trampling or other disturbance.
6. Open space shall be provided with adequate access, by a strip of land at least twenty (20) feet wide, suitable for a footpath, from one or more streets in the development.
7. The visual impact of new development shall be minimized from scenic and historic roads by open space parcels or buffers separating the Open Space Subdivision from the road. Creation of new driveway openings on existing roadways shall be minimized.
8. Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to abutting conservation land. Trail connections shall be provided where appropriate.
9. All buildings, roads and driveways shall be located away from soils that are most suitable for agriculture (prime farmland soils and soils of state and local importance) to the maximum practical extent.

5.2.4.3 Allowable Uses of Protected Open Space:

1. Purposes: Open space shall be used solely for recreation, conservation, agriculture, forestry or educational purposes by residents and/or the public. Where appropriate, multiple use of open space is encouraged. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the open space.
2. Recreation: Where appropriate to the topography and natural features of the site, the Planning Board may require that at least ten percent (10%) of the open space or two (2) acres (whichever is less) shall be of a shape, slope, location and condition to provide an informal field for group recreation or community gardens for the residents of the subdivision.
3. Leaching Facilities: If not connected to public sewerage, and subject to the approval of the Board of Health, or as otherwise required by law, the Planning Board may permit a portion of the open space to be used for components of sewage disposal systems serving the subdivision, where the Planning Board finds that such use will not be detrimental to the character, quality, or use of the open space, wetlands or water bodies, and enhances the site plan. The Planning Board shall require adequate legal safeguards and covenants, to be included in the deeds to the lots in the development, that such facilities shall be adequately maintained by the lot owners within the development.

4. Accessory Structures: Up to five percent (5%) of the open space may be set aside and designated to allow for the construction of structures and facilities accessory to the proposed use of the open space including parking.
5. Agriculture and Forestry Management Plan: For agriculture, horticulture, floriculture, viticulture, or forestry uses, if the land is not conveyed to the Town, the owner shall submit a management plan for the long-term use and stewardship of the land, including, as appropriate, sustainable forestry or agricultural processes. The Planning Board shall review and approve the plan in making its decision.

5.2.4.4 Ownership of Open Space: At the developer's option and subject to approval by the Planning Board, all areas to be protected as open space shall be either:

1. Conveyed to the Town and accepted by it for open space use.
2. Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space, with a conservation restriction as specified in Section 5.2.3.5. Such organization shall be approved by the Planning Board as a non-profit conservation organization.
3. Conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development (i.e. "homeowners association") and placed under a conservation restriction. If such a corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots or residential units. The developer is responsible for the maintenance of the open space and other facilities to be held in common until such time as the homeowners association is capable of assuming such responsibility. Thereafter, the members of the association shall share the cost of maintaining the open space. The Planning Board shall require the applicant to provide documentation that the homeowners association is an automatic (mandatory) association that has been established prior to the conveyance of any lots within the subdivision.

5.2.4.5 Permanent Restriction: In any case where open space is not conveyed to the Town, a permanent conservation or agricultural preservation restriction in accordance with M.G.L. Chapter 184, §§31-33, approved by the Planning Board and Board of Selectmen and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this bylaw and approved by the Planning Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Planning Board prior to approval of the project and recorded at the Registry of Deeds/Land Court simultaneously with recording of the definitive subdivision plan.

5.2.4.6 Maintenance of Open Space: In any case where open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land and to allow the Town to enter the property for the purposes of inspecting the maintenance of the property. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance expenses.

Delete Section 3.2.3C, *Housing for the Elderly*, from the Use Regulation Schedule, and add Section 3.2.2.4, *Senior Residential Development*, as follows:

	R-60	R-40	V	I-40	C-40
3C. Housing for the Elderly	N	N	SP	N	N
4. Senior Residential Development	SP	SP	SP	N	SP

Add to Definitions:

Senior Residential Development: Independent living and assisted living facilities located in detached single-family dwellings, townhouse-style dwellings or multi-family dwellings restricted to individuals or families in which residents are aged 55 or older, with the exception of spouses or caregivers, or unless specifically precluded by a public housing program under which the proposal is submitted.

Delete section 5.3, *Housing for the Elderly in R-20*, and replace with the new section 5.3, *Senior Residential Development*, as follows:

5.3 Senior Residential Development

5.3.1. Purpose: The purposes of this Senior Residential Development (SRD) are to provide alternative housing for a maturing population; to provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

5.3.2 Application: An SRD shall be allowed by special permit of the Planning Board in R-60, R-40, R-20, and C-40 districts. The application shall comply with procedures for site plan review, section 5.1, and special permits, section 10.6.2, contained elsewhere in this Bylaw.

5.3.3 Age Restrictions: Each SRD applicant shall submit to the Planning Board private deed restrictions that will ensure each dwelling unit is used as a residence only for a person or persons one of whom shall be 55 years of age or older. The deed restriction shall be approved by the Planning Board and recorded at the Registry of Deeds. The Special Permit including the age restriction shall run with the land in perpetuity and shall be enforceable by any owners of dwelling units in the SRD and/or the Planning Board of the Town of Hardwick. In the event of the death of the qualifying owner or occupant of a unit, or foreclosure or other involuntary transfer of a unit in a SRD, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

5.3.4 Density Standards

1. The SRD shall be located on a parcel having at least ten (10) acres and two hundred (200) feet of frontage.
2. There dwelling unit density in any SRD shall not exceed four units per acre. In calculating density, all land in the development parcel not reasonably suited for residential development shall be excluded, and all land used for access and egress, parking, or dedicated to open space shall be included. Land not reasonably suited for residential development shall include wetlands, land within the 100-year flood plain, slopes greater than ten percent (10%), and land subject to the

River Protection Act or Watershed Protection Act. The Planning Board may require a lesser density if difficult soil conditions or other development constraints warrant a lower overall density.

3. A buffer zone of fifty feet (50') shall be provided between any dwelling unit or paved area and the exterior property line of the tract.
4. Buildings shall be located in a close proximity to facilitate pedestrian access and to preserve open space. No more than fifty percent (50%) of the tract shall consist of buildings, parking areas or other impervious surfaces.
5. No building constructed in a SRD shall exceed 35 feet in height.

5.3.5 Building And Dwelling Unit Requirements

1. Independent dwelling units in an SRD may be attached or detached, or a combination of these types. Multi-family or garden style apartments are discouraged for independent units.
2. Independent units shall be in structures containing no more than six (6) dwelling units. Assisted living units may be provided in buildings of a scale compatible with the neighborhood and the particular site on which the development will occur.
3. No dwelling unit shall contain more than two (2) bedrooms.
4. SRD communities may have accessory uses for the use and convenience of residents and staff, such as snack bars, gift shops, laundry services and banking facilities. No accessory use other than a restaurant shall occupy more than one thousand (1,000) square feet of floor area. Structures for the use of residents and their guests may be permitted, including clubhouses, swimming pools, tennis courts, cabanas, and storage and maintenance structures.

5.3.6 Requirement for Affordable Units

1. A minimum of twenty percent (20%) of the total units shall be affordable in perpetuity. Such units shall be affordable to households whose annual incomes do not exceed eighty percent (80%) of the area median income (AMI) adjusted for family size, as determined by the U.S. Department of Housing and Urban Development. Affordable units shall be dispersed throughout the SRD and shall be indistinguishable from market rate units. As an alternative, 10 % of the units may be affordable to households earning up to 60% of the AMI.
2. Ownership units shall have use restrictions recorded at the Worcester Registry of Deeds at the time of initial sale that limit the future sale of the units to households earning no more than eighty percent (80%), or sixty percent (60%) as the case may be, of the AMI adjusted for family size.
3. For rental units, monthly rents payable by a household exclusive of utilities shall not exceed 30% of the monthly income based on household size. For ownership units, initial purchase prices and resale prices shall be established so that households are not required to spend more than 30% of their income for annual debt service on a mortgage (at 30-year fixed-interest rates at the time of initial sale), taxes, insurance, and condominium or homeowners fees with no more than a five percent (5%) down payment, including any required entrance deposit.

5.3.7 Common Land: In an SRD, at least thirty (30%) percent of the total tract area shall be set aside as Common Land for the use of the SRD residents or the general public. The following additional requirements shall apply:

1. The Planning Board may require that at least fifty percent (50%) of the Common Land shall not contain wetlands, as defined in the Wetlands Protection Act, M.G.L. c. 131 §40, or 100-year flood plains.
2. Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common Land shall be permitted only when necessary for access, or to buffer the SRD from adjacent properties in accordance with section 5.3.4.3 above.
3. Access at least forty (40) feet wide shall be provided to each parcel of Common Land from one or more streets in the development and shall be contiguous across proposed rights of way. Each point of entry shall be clearly marked through appropriate signage that will identify ownership, what activities are permitted, and whether access is permitted to the general public. Where appropriate, trail markers shall be installed to guide users and to insure that private property rights are respected.
4. The Common Land shall be dedicated and used for conservation, recreation, park purposes, outdoor education, agriculture, horticulture or forestry, or any combination of such uses. No other uses shall be allowed in the Common Land except as follows:
 1. A portion of the Common Land may be used for construction of leaching areas associated with septic disposal systems serving the SRD.
 2. A portion of the Common Land may be used for walkways, bicycle paths and emergency access or egress to the SRD, if the Planning Board determines that such use will enhance the specific purpose of the SRD and promote better overall site planning, and if the Planning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner of the Common Land.
 3. A portion of the Common Land may be used for utility and drainage facilities serving the SRD, and may be subject to easements for the maintenance and repair of such facilities.
 5. The Common Land shall remain unbuilt upon, provided that a maximum of five (5%) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land.
 6. The proposed use of the Common Land shall be specified on a land use plan and appropriate dedications and restrictions shall be a part of the deed of the Common Land.
 7. The Planning Board shall have authority to approve or disapprove particular uses proposed for the Common Land in order to enhance the specific purposes of the SRD.
 8. In any case where the Common Land is not conveyed to the Town, a permanent conservation or agricultural preservation restriction in accordance with M.G.L. Chapter 184, §§31-33, approved by the Planning Board and Board of Selectmen and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this bylaw and approved by the Planning Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Planning Board prior to approval of the project and recorded at the Registry of Deeds/Land Court simultaneously with recording of the special permit.

5.3.8 Maintenance: In every SRD there shall be a management organization or association of all owners of the dwelling units that shall be responsible for the maintenance and repair of common elements and facilities owned by and serving the residents, and the Town of Hardwick shall not be responsible therefore.

5.3.9 Security: Before the start of construction, the developer shall submit a bond, deposit of money, or negotiable securities, in an amount determined by the Planning Board, to secure performance of the construction of ways and streets, utilities, drainage and landscape improvements shown on the plan. The choice regarding the type of security shall be the Planning Board's. The security shall be in accordance with the provisions of the Planning Board's Rules and Regulations Governing the Subdivision of Land.

5.3.10 Development Standards: The following development standards shall apply to applications for a special permit for an SRD to ensure that the SRD fits within the intent of this Bylaw and the community character of Hardwick.

1. Roads and driveways shall remain private ways and shall comply with the Planning Board's Rules and Regulations Governing the Subdivision of Land. The minimum roadway width shall be not less than twenty (20) feet from curb to curb. No building permit shall be issued until such time as the developer posts a bond with the Planning Board to guarantee the completion of the roadways in accordance with the Planning Board requirements.
2. Two parking spaces shall be provided for each dwelling unit (with the exception of one bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages. Assisted living facilities shall provide one (1) parking space for each living unit. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no single accessory parking area shall contain more than twenty parking spaces, and all such areas shall be adequately landscaped.
3. Sidewalks shall be provided within the development on at least one side of the street or drive that provides access to the units.
4. All facilities for utility services, drainage, lighting, landscaping, and signage shall be in accordance with applicable provisions of the Zoning Bylaw and the Planning Board's Subdivision Regulations. Such provisions may be waived or modified by the Board to meet site conditions and design requirements.
5. Exterior building walls shall reflect a single-family residential scale, to the greatest degree possible.
6. An SRD may have one (1) ground sign at each principal access to the development from a public way, indicating the name and address of the SRD. Such sign shall not exceed sixteen (16) square feet in area nor four (4) feet in height. Directional signs guiding visitors to principal buildings and major uses of the SRD may be installed at internal street intersections. Such signs shall not exceed twelve (12) square feet in area and their number, location and design shall be subject to Planning Board approval.

5.3.11 Planning Board Action: The Planning Board shall not grant a Special Permit for an SRD unless it finds that:

1. The SRD complies with the purposes stated in this section;

2. The SRD is proposed in an appropriate location and is designed so that it does not significantly alter the character of the neighborhood in comparison to single family development;
3. The SRD will not be detrimental to neighboring properties due to the effects of lighting, noise, sewage disposal, refuse materials, or other nuisances;
4. The SRD will not cause undue traffic congestion in the immediate area; and
5. The Common Land within the SRD provides an amenity to the residents of the development, protects significant natural resources, preserves scenic views, connects with existing or proposed open space lands or trail systems, and serves to minimize the impacts of the SRD on the surrounding neighborhood.

5.4 Outdoor Lighting

5.4.1 Purpose

The purpose of this section is to create standards for outdoor lighting so that its use does not unreasonably interfere with the use and enjoyment of property within the Town. It is the intent of this section to minimize light pollution, glare, and light trespass, improve nighttime public safety and security, reduce energy use of outdoor lighting, and preserve the night sky as a natural resource for people's enjoyment of looking at the stars.

5.4.2 Lighting Plan

All applications for Site Plan Review and Special Permit shall include a proposed lighting plan that meets functional security needs of the proposed land use without adversely affecting adjacent properties or the neighborhood. The plan shall show existing and proposed exterior lighting, the location, mounting height and orientation of luminaires, and sufficient technical information from the manufacturer of the lamps and fixtures to determine their type and resulting illumination levels.

5.4.3 Design Standards

1. Any light used to illuminate signs, parking areas or for any other purposes must be arranged to reflect light away from adjacent residential properties and away from the vision of passing motorists.
2. Each outdoor luminaire shall be a full cutoff luminaire, and the use of decorative luminaires with full cutoff optics is desired. The design of light standards and fixtures shall be consistent with the style and character of architecture existing or proposed on the site.
3. The development shall eliminate glare onto adjacent properties through the use of lighting shields, earthen berms, or retention of existing natural vegetation. All outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business, unless needed for safety or security, provided the average illumination on the ground is not greater than 0.5 footcandles.
4. Maximum on-site lighting levels shall not exceed 8 footcandles, except for loading and unloading platforms where the maximum lighting level shall not exceed 20 footcandles.
5. Light spillover onto adjacent premises shall not exceed 0.5 footcandles in residential districts or 1.0 footcandles in nonresidential districts.
6. The maximum height of the luminaire shall not exceed twenty feet (20') feet in parking areas or twelve feet (12') for sidewalks and paths.
7. Where wall-pack type luminaries/lighting fixtures are utilized for outdoor lighting fixtures, the fixture shall be equipped with a prismatic lens to reduce glare. Wall-pack lighting shall be designed to a maximum cutoff of seventy (70) degrees from vertical. The location of the wall-pack on the structure shall not exceed 20 feet in height.

5.4.4 Exceptions

1. Hazard Warning: All hazard warning luminaires required by government regulatory agencies are exempt from the requirements of this bylaw except that all luminaires used must be shown to be

as close as possible to the Federally required minimum lumen output requirement for the specific task.

2. **Nonconforming Temporary Outdoor Lighting:** Non-conforming temporary outdoor lighting may be permitted for a period of up to seven (7) days upon issuance of a temporary lighting permit by the Building Inspector.
3. **Outdoor Recreational Facilities:** Illumination of outdoor recreational facilities (public or private), shall not occur after 11:00 P.M., except to conclude a scheduled event that was in progress before 11:00 P.M.

5.4.5 Definitions

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser or through the refractor or diffuser lens of a luminaire.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, or a refractor or lens.

Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Full Cutoff Luminaire: An outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture is projected below the horizontal plane

Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases causing momentary blindness.

Height of Luminaire: The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Lamp: The component of a luminaire that produces the actual light.

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen: A unit of luminous flux. One (1) footcandle is one (1) lumen per square foot. For the purposes of this Bylaw the lumen output values shall be the initial lumen output ratings of a lamp.

Luminaire: A complete lighting system including a lamp or lamps and a fixture.

Outdoor Lighting: The illumination of an outside area or object by any man made device located outdoors that produces light by any means.

Temporary Outdoor Lighting: The specific illumination of an outside area or object by any man made device located outdoors that produces light by any means for a period of less than seven (7) days with at least one-hundred-eighty (180) days passing before the device is used again.

5.5 Residential Compound

5.5.1 Purpose

The purpose of this section is to provide an option for limited residential development within large tracts of land in a manner that minimizes Town maintenance responsibility and cost, while preserving the rural character of the Town. A residential compound minimizes construction costs through lower road standards, reduces the impact of new development on abutting properties, and helps to preserve open space and natural resources.

5.5.2 Applicability

A residential compound is allowed in R-60 and R-40 districts by special permit of the Planning Board. A residential compound shall consist of not more than five (5) single-family dwelling sharing common frontage and a private access road.

5.5.3 Development Standards

A Residential Compound shall comply with the following standards.

5.5.3.1 Density: The Residential Compound tract shall contain at least four (4) acres per dwelling unit. Land that, at the time of submission of an application under this section, is subject to a perpetual restriction of the type described in M.G.L. c. 184 §§31-33 or any restriction similar thereto, shall not be included in the minimum tract size.

5.5.3.2 Tract Frontage: A Residential Compound may be permitted on a single tract of land in one ownership, having a minimum frontage of one hundred fifty feet (150') on a public way or a private way that has been approved and constructed in accordance with the Planning Board's Subdivision Rules and Regulations.

5.5.3.3 Dimensional Requirements: There is no minimum lot frontage requirement in a Residential Compound, but no structure other than a fence may be erected within thirty (30) feet of any lot line. Building lots within a Residential Compound shall be at least one-half the minimum lot size for the district in which it is located.

5.5.3.4 Access: Each building lot in the Residential Compound shall have adequate and legally enforceable rights of access to a public street via a private access road or driveway.

5.5.3.5 Open Space: Any land within the Residential Compound not designated as a building lot shall be designated as permanent open space. Such land may be used only for conservation, outdoor recreational facilities of a noncommercial nature, agriculture, preservation of scenic or historic structures, and structures accessory to any of the above uses (including swimming pools, tennis courts, stables, greenhouses). In all cases where the open space is not conveyed to the Town, a permanent conservation or agricultural preservation restriction in accordance with M.G.L. c. 184 §§31-33 enforceable by the Town shall be recorded in respect of such land. Such restrictions shall be in such form and substance as the Board shall prescribe and may contain such additional restrictions on development and use as the Board may deem appropriate.

5.5.4 Limitation on Further Development

No such tract for which a special permit has been issued under this section may be further subdivided and a notation to this effect shall be shown on the plan and recorded at the Registry of Deeds.

5.5.5 Other Restrictions

The approved subdivision plan of the Residential Compound shall contain statements indicating the following: that the land lies within an approved Residential Compound; that development of the land is permitted only in accordance with the land uses indicated thereon; that the Town will not be requested to accept or maintain the private access road, drainage facilities, or any other improvements within the compound. Further, all deed restrictions with respect to ownership, use, and maintenance of permanent open space shall be referenced on, and recorded with, the plan.

5.5.6 Procedure for Approval

5.5.6.1 Pre-Application: Applicants are encouraged to meet with the Planning Board at a pre-application conference to consider general development approaches prior to the submission of a complete application.

5.5.6.2 Special Permit Requirements: Any person seeking a special permit for a Residential Compound shall submit an application in writing to the Planning Board that complies with the requirements for special permits of Section 10 of this bylaw. The following additional information shall be submitted to the Planning Board:

1. Plans meeting to the extent applicable the requirements set forth for a preliminary plan in the Planning Board's Subdivision Rules and Regulations, including proposed locations of all structures.
2. The details of all entrances and exits to and from the public street.
3. Proposed documents demonstrating that, through easements, restrictive covenants or other appropriate legal devices, the maintenance, repair, snow removal and liability of the private access road shall remain perpetually the responsibility of the private parties or their successors-in-interest, and that the road shall never be submitted to Town Meeting for a vote to have it be accepted as a public way.
4. A filing fee as required by the Planning Board to cover costs of processing and engineering review. If the Board determines that unusual circumstances necessitate expert technical review that exceeds the filing fee, the additional cost of such review shall be paid by the applicant.

5.5.7 Criteria for Approval

A special permit shall be issued under this section only if the Planning Board finds that the Residential Compound is in harmony with the general purpose and intent of this section and that it is designed in such a manner to make it sufficiently advantageous to the Town to depart from the requirements of this Bylaw otherwise applicable to the residential district(s) in which the Residential Compound is located. If a special permit is granted, the Planning Board shall impose as a condition of approval that copies of all recorded instruments be filed with the Planning Board prior to the issuance of any building permit.

5.5.8 Subdivision Approval

Upon receipt of a special permit from the Planning Board, the applicant shall file a definitive plan with the Planning Board for approval of a subdivision. The Board may waive regulations consistent with its approval of the special permit. With the permission of the Board, the applicant may file the special permit and subdivision applications concurrently, and the Board may hold a combined hearing and act on both requests simultaneously. In acting on the application, the procedures and time periods for issuing special permits shall govern.

5.5.9 Private Access Road Standards and Conditions

5.5.9.1 Private access roads shall be built to the following standards:

1. There shall be a paved leveling area of at least forty feet (40') feet in length from the street line, with a minimum width of twenty feet (20') and not exceeding a four percent (4%) grade for the forty feet (40') feet it extends from the street line.
2. Beyond the leveling area, the road shall have a minimum surface width of sixteen feet (16') feet and shall not exceed a grade of twelve percent (12%).
3. The centerline of the road shall have an intersection with the street centerline of not less than seventy (70) degrees.
4. Beyond the leveling area, the road shall meet the construction standards set forth in the Planning Board's Subdivision Rules and Regulations. The road shall be prepared with a twelve-inch (12") gravel base and have a durable all-weather surface drained and suitably maintained to avoid any nuisance by reason of dust, erosion or water flow onto streets or adjoining property. Where the grade of the road exceeds seven percent (7%), it shall be paved with a two-inch (2") binder course and a one-inch (1") top course in accordance with the Board's Regulations.
5. Proper drainage shall be provided to prevent washout and excessive erosion, with particular attention to the leveling area, so that water draining onto the street surface from the leveling area is eliminated to the maximum extent feasible. The Board may require the installation of culverts, curbs, and drainage structures to adequately control storm water.
6. A cul-de-sac shall be provided having an outside diameter of at least ninety feet (90'). As an alternative the Planning Board may allow a "T" or "Y" shaped turnaround.
7. Passing turnouts shall be constructed that provide a road width of at least twenty feet (20') for a distance of thirty feet (30') and spaced not more than two hundred fifty feet (250') apart.

5.5.9.2 Private access roads shall adhere to the following conditions:

1. The private access road shall remain permanently a private way, which shall not be extended.
2. The lots shall obtain access from the private access road only if ownership of the lot provides automatic membership in a homeowner association responsible for all maintenance and snow removal of or from the private access road. The homeowners association shall retain all rights in the private access road. Proposed documents establishing such an association shall be submitted with the special permit application for review by the Planning Board and Town Counsel.

3. The homeowners association shall indemnify, hold harmless and release the Town from liability for any damages resulting from an action brought by a third party or the association in any court due to the repair, use, or maintenance of the private access road.

Section 10. Administration

10.1 Enforcement

This bylaw shall be enforced by the Building Inspector under the authority of M.G.L. c. 40A §7.

10.2 Building or Use Permit

No building permit shall be issued until the construction or alteration of a building or structure, as proposed, shall comply in all respects with the provisions of this bylaw or with a decision rendered by the Board of Appeals or the Planning Board.

10.2.1 All applications for building permits shall be accompanied by such plan or plans drawn to scale and showing the elevations, locations and dimensions of the lot to be built upon, existing and/or proposed improvements, setbacks, significant features and any such other information as may be deemed necessary by the Building Inspector to determine compliance with the provisions of this Bylaw.

10.3 Certificate of Occupancy

No land shall be occupied or used, and no building or structure hereinafter erected or structurally altered shall be occupied unless a Certificate of Occupancy has been issued by the Building Inspector. Such certificate shall state that the structure and land comply in every respect with the provision of this bylaw in effect at the time of issuance or with a decision of the Board of Appeals or the Planning Board. A Certificate of Occupancy shall be conditional on the maintenance of full compliance with the provisions of this bylaw in effect at the time of issuance or with the restrictions imposed in a decision of the Board of Appeals or the Planning Board and shall lapse if such compliance fails.

10.4 Board of Appeals

There is hereby established a Board of Appeals of five (5) members and two (2) associate members to be appointed by the Board of Selectmen as provided in M.G.L. c. 40A. The Board of Appeals shall establish procedures consistent with the provisions of this bylaw and with the provisions of Chapter 40A or other applicable provisions of the General Laws, and shall file a copy thereof with the Town Clerk. The Board of Appeals shall have the following powers and duties.

10.4.1 Appeals: To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit from the Building Inspector under the provisions of M.G.L. c. 40A, or by any officer or Board of the Town of Hardwick or by any person aggrieved by any order or decision of the Building Inspector in violation of any provision of Chapter 40A or of this bylaw.

10.4.2 Variances: To grant an appeal or upon petition with respect to particular land or structure a variance from the terms of the applicable provision of the bylaw, where, owing to *circumstances relating to* soil conditions, shape or topography of such land or structures and especially affecting such land or structures, but *not especially* affecting generally the Zoning District in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise, to the petitioner, and that desirable relief may be granted without substantial detriment to be public good and without nullifying or substantially derogating from the intent and purpose of this bylaw.

1. *Conditions and Safeguards: In granting a variance, the Board of Appeals may impose conditions, safeguards and limitations both of time and use, including the continued existence of any particular structure but excluding any condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the petitioner or any other owner.*
2. *Use Variances Prohibited: Under this Bylaw, no variance may be authorized by the Board of Appeals for a use or activity not otherwise permitted by right in the zoning district in which the land or structure is located; provided, however, that such variances properly granted prior to the effective date of this amended Bylaw but limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said effective date.*

10.4.3 Special Permits: To hear and decide applications for special permits in accordance with Section 10.6.2.

10.4.4 Powers of the Board of Appeals

In exercising these powers, the Board of Appeals may, in conformity with M.G.L. c. 40A, make orders or decision, reverse or affirm in whole or in part, or modify any order or decision; and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

10.5 Penalty

Any person, firm, or corporation violating any section or provision of this bylaw shall be fined not more than ~~one hundred (\$100.00)~~ *three hundred (\$300.00)* dollars for each offense. Each day that willful violation continues shall constitute a separate offense. Enforcement of penalty, limitation on action, suit or proceeding of zoning violations, and appeals shall be according to M.G.L. c. 40A §7.

10.5.1 Non-Criminal Disposition

1. *The provisions of this Bylaw may also be enforced by the Building Inspector by way of the non-criminal disposition procedure provided in M.G.L. c. 40 §21D. The penalty shall be twenty-five dollars (\$25) for the first offense, fifty dollars (\$50) for the second offense, and one hundred dollars (\$100) for the third and each subsequent offense. Each day on which a violation exists shall constitute a separate offense.*
2. *Before proceeding with non-criminal disposition of a zoning violation, the Building Inspector may give a written warning to an offender allowing the offender up to fifteen (15) days to terminate the violation and repair any damage caused thereby.*
3. *If the violation is not corrected after said fifteen (15) days, the Building Inspector shall give to the offender a written notice to appear before the clerk of the district court at any time during office hours, not later than twenty-one (21) days after the date of such notice. If the offender desires to contest the violation alleged in the notice, he may avail himself of the procedure provided in M.G.L. c. 40 §21D.*
4. *Any person notified to appear before the clerk of the district court may mail to the Town Clerk together with the notice the specific sum of money as penalty for violation of the Bylaw. Such payment shall if mailed be made only by postal note, money order or check. Upon receipt of such notice, the Town Clerk shall forthwith notify the district court clerk of such payment and the*

receipt by the district court clerk of such notification shall operate as a final disposition of the case.

10.6 Procedures

10.6.1 Appeals: An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of this Bylaw, by the Central Massachusetts Regional Planning Commission, or by any person including an officer or board of the Town, or of an abutting city or town aggrieved by an order or decision of the Building Inspector, or other administrative official, in violation of any provision of M.G.L. c. 40A or this Bylaw.

- 1. Filing of an Appeal: Any such appeal shall be taken within thirty (30) days from the date the order or decision which is being appealed, by filing a notice of appeal, specifying the grounds thereof with the Town Clerk, and a copy of the notice, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Board of Appeals and with the officer or board whose order or decision is being appealed. Such officer or board shall forthwith transmit to the Board all documents and papers constituting the record of the case in which the appeal is taken.*
- 2. Public Hearing: The Board of Appeals shall hold a public hearing on any such appeal transmitted to it by the Town Clerk within sixty-five (65) days from the transmittal to the Board of such appeal. The Board shall cause notice of such hearing to be published and sent to parties in interest as provided in Section 10.6.4 of this Bylaw*
- 3. Decision and Vote: The decision of the Board of Appeals shall be made within one hundred (100) days after the date of the filing of an appeal under this section. A vote of at least four members of the Board shall be necessary to reverse any order or decision of any administrative official. Failure of the Board to act within said one hundred (100) days shall be deemed to be a grant of the relief sought, subject to an applicable judicial appeal as provided for in M.G.L. c. 40A. The required time limits for a public hearing and said action may be extended by written agreement between the applicant and the Board. A copy of such agreement shall be filed with the Town Clerk.*
- 4. Filing of Decision: The Board of Appeals shall keep a detailed record of its proceedings, the votes of its members, and the reason for its decision, copies of all of which shall be filed with the Town Clerk within fourteen (14) days. The Board shall mail notice of the decision to the petitioner or appellant, to the parties in interest as defined in section 10.6.4.2, and to every person present at the public hearing who requested such a notice. Each such notice shall specify that appeals, if any, shall be made pursuant to M.G.L. c. 40A §17 and shall be filed within twenty (20) days after the date of filing of such notice with the Town Clerk.*

10.6.2 Special Permits: This Bylaw provides for specific uses which shall be allowed in certain districts only upon the issuance of a special permit by the Board of Appeals or Planning Board as the case may be, hereinafter the Special Permit Granting Authority (SPGA). Such uses shall only be allowable by special permit and are as specified in Section 3.2 "Schedule of Use Regulations" or elsewhere in this Bylaw. Special permits may not be applied for or granted for uses not specifically described in this Bylaw.

- 1. Rules: The SPGA shall adopt and from time to time amend rules relative to its issuance of special permits and shall file a copy of said rules in the office of the Town Clerk. Such rules shall*

prescribe a size, form, contents, style and number of copies of plans and specifications, and the procedure for submission and approval of such special permits.

2. *Submission: Each application for a special permit shall be filed by the applicant with the Town Clerk. A copy of the application including the date and time of filing certified by the Town Clerk shall be filed forthwith by the applicant with the SPGA. All applications shall comply with the rules adopted by the SPGA relative to the procedures for submission and approval of special permits.*
3. *Public Hearing: The SPGA shall hold a public hearing within sixty-five (65) days from the date of filing of an application with the SPGA. The SPGA shall cause notice of such hearing to be published and sent to parties in interest as provided in Section 10.6.4 of this Bylaw and shall notify the Planning Board and the Planning Boards of adjacent cities and towns which may forward recommendations with respect to said matter for consideration of the SPGA.*
4. *Decision: The decision of the SPGA on such application shall be made within ninety (90) days following a public hearing thereon. Granting of a special permit shall require a favorable vote of at least four (4) members of the Board of Appeals or four (4) members of the Planning Board, as the case may be. Failure of the SPGA to take final action upon an application for a special permit within said ninety (90) days following the close of the public hearing shall be deemed to be a grant of the special permit applied for. The required time limits for a public hearing and said action may be extended by written agreement between the applicant and the SPGA. A copy of such agreement shall be filed with the Town Clerk.*
5. *Filing of Decision: The SPGA shall keep a detailed record of its proceedings, the votes of its members, and the reason for its decision, copies of all of which shall be filed with the Town Clerk within fourteen (14) day of the decision and prior to said ninety (90) days or extended time limits as agreed upon. The SPGA shall mail notice of the decision to the petitioner or appellant, to the parties in interest as defined in section 10.6.4.2, and to every person present at the public hearing who requested such a notice. Each such notice shall specify that appeals, if any, shall be made pursuant to M.G.L. c. 40A §17 and shall be filed within twenty (20) days after the date of filing of such notice with the Town Clerk.*
6. *Conditions: In the issuance of a special permit, the SPGA may also impose conditions, safeguards and limitations on time or use relative to such special permit. Each special permit decision issued by the SPGA shall specify that the special permit either (1) is personal to the applicant and will not run with the land, or (2) runs with the land and shall be for the benefit of the applicant's successors and assigns.*
7. *Lapse: Any special permit granted hereunder shall lapse at the end of two (2) years from the date of issuance, not including such time required to pursue or await the determination of an appeal, referred to in M.G.L. c.40A §17, from the grant thereof, if a substantial use thereof has not sooner commenced, except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.*
8. *Special Permit Criteria: The SPGA may not grant a special permit unless all of the requirements of this Bylaw are met, and unless the SPGA concludes, based on the information submitted at the public hearing, that all of the following criteria are met:*
 1. *The use will not have detrimental effects that outweigh its benefits to the neighborhood, Town or zoning district in which it is located.*

2. *The use is consistent, insofar as practicable, with the Hardwick Master Plan adopted by the Planning Board.*
3. *The use will not materially endanger or be hazardous to the public health and safety.*
4. *Sufficient off-street parking exists or will be provided to serve the use.*
5. *The use can be adequately served by municipal water and sewer systems and other necessary utilities, or the SPGA is satisfied that the proposed alternatives will comply with all applicable regulations. Proposed septic systems shall comply with Title 5 of the State Environmental Code or more stringent regulations adopted by the Board of Health.*
6. *The use will not result in a substantial increase of volume or rate of surface water runoff to neighboring properties and streets.*
7. *The use will not result in contamination of ground water, a well, stream, pond, watercourse, or wetland.*
8. *The use will not create undue traffic congestion or unduly impair pedestrian safety.*

10.6.3 Variances:

1. *Filing: A petition or appeal for a Variance from the terms of this Bylaw may be made by filing a notice of petition or appeal with the Town Clerk, and a copy of the notice, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Board of Appeals.*
2. *Public Hearing: The Board of Appeals shall hold a public hearing on any such petition or appeal transmitted to it by the Town Clerk, within sixty five (65) days from the transmittal to the Board of such petition or appeal. The Board shall cause notice of such hearing to be published and sent to parties in interest as provided in Section 10.6.4 of this Bylaw, and shall notify the Planning Board and the Planning Boards of adjacent cities and towns who may forward recommendations for consideration by the Board of Appeals.*
3. *Decision: The decision of the Board of Appeals shall be made within one hundred (100) days after the date of filing of a petition or appeal under this section. A vote of at least four members of the Board of Appeals shall be necessary to grant a variance. Failure of the Board to act within said one hundred (100) days shall be deemed to be a grant of the petition or appeal sought, subject to an applicable judicial appeal as provided for in M.G.L. Chapter 40A. The required time limits for a public hearing and said action may be extended by written agreement between the applicant and the Board of Appeals. A copy of such agreement shall be filed by the applicant with the Town Clerk.*
4. *Filing of Decision: The Board of Appeals shall keep a detailed record of its proceedings, the votes of its members, and the reason for its decision, copies of all of which shall be filed with the Town Clerk within fourteen (14) days. The Board shall mail notice of the decision to the petitioner or appellant, to the Parties in Interest as defined in Section 10.6.4.2, and to every person present at the public hearing who requested such a notice. Each such notice shall specify that appeals, if any, shall be made pursuant to M.G.L. c. 40A §17 and shall be filed within twenty (20) days after the date of filing of such notice with the Town Clerk.*

5. *Exercising the Rights of a Variance: If the rights authorized by a variance are not exercised within one (1) year of the date of granting of such variance, they shall lapse and may be reestablished only after notice and a new hearing pursuant to this section. However, the Board of Appeals may, in its discretion and upon written application by the grantee of such rights, extend the time for exercise of such rights for a period not to exceed six (6) months provided that the application for such extension is filed with the Board prior to the expiration of such one (1) year period.*

10.6.4 *Notice Requirements, Parties in Interest, Recording*

1. *Notices: In all cases where notice of a public hearing is required under this Bylaw, notice shall be given by publication in a newspaper of general circulation in the Town, once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing. In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid. Publications and notices required by this Bylaw shall contain the name of the petitioner, applicant or appellant, a description of the area or premises, street address, if any, or other adequate identification of the location of the area or premises, the date, time and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested, if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in the Town.*
2. *Parties in Interest: As used in this Bylaw parties in interest shall mean the petitioner, applicant or appellant, as the case may be, abutters, owners of land directly opposite on any public or private street or way and owners of land within three hundred (300) feet of the property line, all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the Hardwick Planning Board, and the Planning Board of every abutting city and town. The Board of Assessors shall certify to the Board of Appeals or Planning Board the names and addresses of parties in interest and such certification shall be conclusive for all purposes.*
3. *Copy to Applicant: Upon the granting of a variance or special permit, or any extension, modification or renewal thereof, the Board of Appeals or Planning Board shall issue to the owner and to the applicant, if other than the owner, a copy of its decision, certified by the Board, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of such variance or special permit, and certifying that copies of the decision, and all plans referred to in the decision have been filed with the Planning Board and the Town Clerk.*
4. *Recording at Registry of Deeds: No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of such decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed and no appeal has been filed, or that if such an appeal has been filed, that it has been dismissed or denied, is recorded in the Worcester Registry of Deeds, and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.*

10.7 Amendment

This bylaw may be amended from time to time in accordance with the provisions of M.G.L. c. 40A §5.

10.8 Repetitive Petitions

10.8.1 *Zoning Amendments*: No proposed change in this bylaw which has been unfavorably acted upon by Town Meeting shall be considered on its merits by Town Meeting within two (2) years after the date of such unfavorable action unless adoption of the proposed change is recommended in the final report of the Planning Board.

10.8.2 *Appeals, Variances and Special Permits*: No application for a special permit and no appeal or petition for a variance which has been unfavorably acted upon by the Board of Appeals or the Planning Board, in the case of a special permit, shall be considered on its merits by said board within two (2) years after the vote of such unfavorable action *unless the Board of Appeals or Planning Board finds, by a vote of four (4) members, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in its records, and unless all but one (1) of the members of the Planning Board consents to a repetition after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.*

10.9 Validity

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

10.10 Regulations

This bylaw shall not interfere with or annul any other town bylaw, rule, regulation, or permit provided that, unless specifically accepted, where this bylaw is more stringent, it shall control. All matters not covered by this bylaw shall be governed by the provisions of M.G.L. c. 40A.

Section 13 Mill Conversion Overlay District

13.1 Purpose

The purpose of the Mill Conversion Overlay District (MCO) is to encourage the preservation of Hardwick's historic mills that may no longer be suitable for industrial purposes by affording an opportunity to convert these historic properties to other productive uses. This section is intended to offer regulatory flexibility to encourage the adaptive reuse of abandoned, vacant or underutilized mill buildings into vibrant residential centers complemented by open space, commercial, and institutional uses.

13.2 Overlay District

The MCO is hereby established and shall be construed as an overlay district. Within the MCO all regulations of the underlying district(s) shall continue to be in full force and effect, except where these regulations provide an alternative to such requirements. The boundaries of the MCO are shown on the Hardwick Zoning Map. The MCO shall consist of the following properties (identified by street address and assessor's map, block, and lot number):

94 Main Street	124/055.0-0000-0019.0
266 Main Street	124/058.0-0000-0001.0
220 Main Street	124/059.0-0000-0005.0
268 Main Street	124/060.0-0000-0001.0
268 Main Street	124/060.0-0000-0001.A

13.3 Uses Permitted

13.3.1 Within the MCO, the Planning Board may issue a special permit for the conversion of an existing mill, or portion thereof, to multi-family use. The following uses may also be permitted as part of a mill conversion project (MCP) to complement the principal residential component and to promote a lively mix of compatible uses.

1. Commercial uses, including retail sales, restaurants (excluding fast food restaurants), banks, financial services, theaters, health/fitness clubs, and medical services;
2. Personal service establishments principally for use by residents;
3. Business and professional offices and conference facilities;
4. Artist studio/residence, art gallery, and similar artistic and cultural endeavors;
5. Institutional uses, including museums, educational uses, charitable or philanthropic institutions, municipal uses, and child care facilities; and
6. Parks and playgrounds.

13.3.2 Uses prohibited within an MCO include:

1. Adult entertainment uses as defined by M.G.L. c. 40A §9A;
2. Automobile or truck sales and automobile service stations;
3. Animal hospitals;
4. Junk yards and recycling facilities;

5. Wholesale businesses, freight terminals, and similar transportation uses;
6. Industrial activities; and
7. Similar uses determined by the Planning Board to be offensive to the residential character of the MCP and neighborhood.

13.4 Nonconforming Structures

13.4.1 Existing Structures: Structural alterations and repairs may be made to existing mill buildings or accessory structures even though at the time of the application for the building permit for the alteration or repair, the lot, building or structure does not conform to one or more of the dimensional requirements for the district where the mill is located. The special permit may authorize alteration, extension or expansion of the structure to conform to the Building Code for health and safety purposes or to accommodate unusual design constraints as a result of the historic development pattern of the premises.

13.4.2 New Construction: For all new structures or buildings, the dimensional requirements of the underlying district shall apply. New buildings and structures shall be permitted to the extent reasonably necessary to accommodate the proposed development. The type, architectural style, and uses within such new buildings and structures shall be subject to Planning Board approval, shall be in keeping with the historical context of the mill, and shall not have a detrimental effect on the neighborhood.

13.5 Application Procedures

An applicant seeking a Special Permit from the Planning Board for a MCP shall file an original and ten (10) copies of a special permit application in accordance with the procedures specified in section 10.6.2 of this bylaw. At the expense of the applicant, the Planning Board may retain a registered professional engineer or other professional consultants to advise the Board on any or all aspects of the application. If the review fees are not adequate to cover expenses, the Board reserves the right to require an additional amount necessary to cover such expenses. Any unspent funds shall be returned to the applicant.

13.5.1 Submission Requirements

Each application shall contain the information specified for site plan review in section 5.1.3 of this bylaw. In addition, the following information shall be submitted with the application:

1. A plan at a scale of 1" = 40' showing the topography of the site at two foot intervals, as well as vegetation and special features, including wetlands and significant wildlife habitats, perennial streams and ponds, dams and mill structures, rock outcrops, existing and proposed trails and paths, open vistas, structures of historical importance to be preserved or demolished, and proposed conservation and recreation areas.
2. Architectural drawings and typical elevations illustrating the design, location and layout of buildings. Perspective renderings shall show the finished appearance of the MCP and its visual impact on adjacent properties.
3. For residential uses, a floor plan to scale for each floor of each building shall show the location and number of residential units, the number of bedrooms, floor area of each unit, and location of affordable dwelling units, if applicable. For non-residential uses, a floor plan to scale shall show the location, floor area, and proposed use of each space.

4. A plan describing the care, custody and control of all dams and water rights.
5. The following information shall be submitted in narrative form:
 1. A project summary containing an overview of the project, number of residential units, floor area of non-residential uses, number of parking spaces, and form of ownership.
 2. A proposed development schedule showing the phases of development, the timing of new construction and renovation, and the estimated date of completion.
 3. A concise narrative prepared by a preservation consultant that includes the architectural history of all structures on the site, including period, style, method of building construction, and association with any particular architect or builder.
 4. Description of the impact of the MCP on environmental and historical resources, as well as alternatives to the proposed action and their effects on environmental and historic resources.
 5. Manner of water supply, estimate of water use, ability of public water supplier to serve the proposed use, and impact of the MCP on the water distribution system.
 6. Estimate of sewage generation from the MCP. If the project will be served by a public sewer system, provide a description of the effect of the project on that system. If the project will provide a private wastewater treatment facility, provide a detailed report describing the facility, cost estimate, and operation and maintenance plan.
 7. Estimate of the number of new school children and total population generated by the MCP. In addition, projected net tax and other revenues over anticipated municipal costs should be submitted to help the Planning Board gain an understanding of the total fiscal impact of the proposed project upon Town resources.
 8. Copies of all proposed covenants, easements, and other restrictions which the applicant proposes to grant to the Town, and any condominium or other ownership organization documents, for approval as to form by Town Counsel.

13.6 Standards

In order to receive a special permit, the proposed MCP shall meet all of the following standards:

1. **Preservation of Natural Features:** The MCP shall be designed to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to incorporate natural and cultural features into public open spaces to the extent practicable.
2. **Buffer:** Landscaped buffers shall be employed to shield neighboring property from objectionable views, and to minimize negative impacts such as glare, noise, and odors.
3. **Pedestrian Paths:** The MCP shall contain a series of pedestrian paths linking the major buildings and open space parcels on the property, and also linking the property with the surrounding neighborhood. Paths shall be constructed with brick, pavers, or other decorative materials, and shall be bordered with fencing or landscape plantings to separate pedestrians from automobiles.
4. **Outside Storage:** Outside storage areas for materials, equipment or trash shall be provided with an opaque screen to shield such areas from view. Such screens may be walls, fences, landscaped berms, evergreen plantings, or any combination thereof. Fences shall consist of wood, stone, or brick materials; chain link, plastic, or concrete materials are prohibited.

5. Utility Structures: Elements such as HVAC units, telephone boxes, or electrical transformers shall be integrated into the site design through use of landscaping, berms, or fences and shall be as unobtrusive as possible. HVAC units may be located behind roof ridgelines so they are not visible from the front view of the building.
6. Parking Lot Landscaping: Parking lots shall be provided with interior landscaping covering not less than five percent (5%) of the total area of the lot. Landscaping shall also be provided around the perimeter of the lot for a width of ten feet (10') and planted with trees and shrubs. In total, there shall be provided one shade tree for every ten (10) spaces.
7. Underground Wiring: All electric, telephone, television and other communication lines servicing the MCP shall be provided by underground wiring. These lines shall be installed in accordance with the prevailing standards and practices of the utility company providing such services.
8. Environmental Conformance: The MCP shall comply with the requirements of the Hardwick Conservation Commission and the Mass. Department of Environmental Protection.

13.7 Action by the Planning Board

The Planning Board may grant a special permit for a MCP where it complies with the requirements of this section and achieves the following objectives:

1. Vehicle and Pedestrian Movements: Provisions for convenient and safe vehicular and pedestrian movement within the site, for traffic circulation that is convenient and safe in relation to the adjacent street network, and for adequate emergency vehicle access.
2. Parking: Provisions for adequate off-street parking and internal traffic control to accommodate the needs of the MCP without detriment to the surrounding neighborhood.
3. Town Services: Reasonable demands placed on Town services and infrastructure.
4. Landscaping: Measures taken to minimize the visual impact of off-street parking areas on abutting properties and to enhance the overall appearance of the MCP.
5. Amenities: The applicant's efforts to integrate the proposed development into the existing neighborhood through design features such as vegetative buffers, retention of views, and the provision of open space accessible to the public.
6. Town Character: Efforts to preserve mill features, architectural compatibility of new structures, landscaping, and parking lot design, and how these features harmonize with the surrounding mill village and the natural landscape.
7. Utilities: Placement of underground utilities, reduction of light pollution, and installation of signs consistent with the architectural theme of the mill.
8. Water Supply: Safe and adequate water supply and distribution; including sufficient water and pressure for fire fighting on the site.
9. Sewage and Solid Waste Disposal: Safe and adequate sewage treatment and solid waste disposal.

13.8 Waivers

The Board may modify or waive or modify any requirement of the overlay district upon finding that due to topography, location or other unusual conditions affecting the property, the requirements of this section would unreasonably restrict redevelopment of the property. In granting such modification or waiver, the Board may impose conditions it deems necessary to protect the public interest and to insure that the MCP will be consistent with the purpose of this section.

1.5 Non-Conforming Properties and Uses

1.5.1 Continuation and Change

1. Any lawful use of a non-conforming building lot under 1.4.04 at the time of acceptance of the Hardwick Zoning Bylaw as amended at the Town Meeting of June 28, 1977, and referred to as “Grandfathered” will continue to be a legal building lot so long as its boundaries have not been changed, intensified, extended, or enlarged.
2. If any non-conforming structure, or structure or land, or both is changed to a conforming use, it shall not thereafter be put in any non-conforming use.
3. *This Zoning Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L. c. 40A, §5 at which this zoning by-law, or any part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized by this section.*
4. *Construction or operations under a Building Permit or Special Permit shall conform to any subsequent amendment of this Bylaw, unless the use or construction is commenced within a period of six (6) months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.*
5. *Conforming uses or structures on non-conforming lots: Any conforming use or conforming structure on a non-conforming lot may be enlarged, extended, or reconstructed so long as the requirements of the district in which the lot is located are met with respect to the use or structures as enlarged, extended, or reconstructed.*

1.5.2 Non-Conforming Uses and Structures

1. Any non-conforming building or structure destroyed by fire, flood, lightning, wind, or otherwise, may be restored or repaired as a matter of right, provided that such repair or restoration is begun within a period of not more than two years from the date of destruction or damage *and the structure as restored or rebuilt shall not be in greater nonconformity with the provisions of this Bylaw.*
2. If any non-conforming use of land or building or structure ~~be discontinued~~ *is abandoned or not used* for a period of not less than two years, such ~~use or structure~~ *building or land* shall thereafter be used only in accordance with the terms of this bylaw for the zoning district in which such property is located, except as may be allowed by Special Permit by the ~~Planning~~ *Board of Appeals as provided in this section.*
3. *Change or Extension to Nonconforming Structures and Uses: The Board of Appeals may award a special permit for any change or substantial extension of a non-conforming use and any reconstruction, extension or structural change to a non-conforming structure which is either: (1) for a substantially different purpose than the non-conforming use or structure; or (2) for the same purpose in a substantially different manner; or (3) for a substantially greater extent than the non-conforming use or structure, only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.*

4. *Single and Two-Family Residential Structures: The alteration, reconstruction, extension or structural change (collectively "alteration") to a non-conforming single or two-family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be permitted as of right if the proposed alteration, with the exception of the existing nonconformity, complies with the dimensional requirements of this Bylaw.*
5. *Variance Required: The reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.*