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CHAPTER 8:

COMMUNITY PLANNING EVALUATION – FRANKLIN COUNTY

Introduction

The existing land uses along the Route 112 Scenic Byway reflect the history of the Byway Corridor. The Byway wends its way through forests, working farms, historic village centers, former industrial sites, and residential areas, all of which contribute to its unique character. Shelburne Falls is the main commercial area along the Byway in Franklin County. Remnants of the region's industrial past linger in the canals, dams, and mill villages that remain (particularly in Colrain and along the East Branch of the North River), and there are a few remaining manufacturing facilities in the Byway Corridor.

Community planning is a tool that enables communities to support existing land uses and to promote desired future land uses and development patterns. Land use regulations can assist communities to direct growth to appropriate areas and to protect important natural, scenic and historic resources for future generations. Planning is a tool which allows a town to establish its own blueprint to guide development, and to protect unique resources for future generations. This can be accomplished by the adoption of various bylaws, ordinances and regulations such as subdivision control and zoning measures that reflect the vision and values identified in the local planning process. These factors must be taken into consideration when completing a comprehensive plan such as this Corridor Management Plan. In addition to preserving scenic vistas, farmland, and historic and natural resources, local planning efforts can be effective in guiding commercial activities that support desired economic development along the Byway.

The development of the Corridor Management Plan and associated public participation processes are intended to identify efforts that will enhance and protect the area through which the Route 112 Scenic Byway travels. To protect and enhance the Scenic Byway experience, it is important to consider the land uses and community planning directly abutting the roadway and within the larger Byway Corridor. There are key viewsheds and vistas that make traveling the Byway scenic and enjoyable, while historic downtowns give travelers places to stop and explore along the way.

It is important to note that it is the landowners and individual towns who ultimately control what happens in a community. This chapter is intended to provide information and guidance for those communities that wish to implement additional measures to protect the Byway's resources. This chapter of the Byway Corridor Management Plan

includes a description of the existing land use patterns and how they may have changed over time, an examination of the bylaws and regulations in the towns along the Byway, and an analysis of how existing regulations may impact the landscapes within the Byway Corridor study area. The chapter also recommends actions to protect the Byway's natural, scenic, and historic resources.

In recent years, the communities along the Route 112 Scenic Byway in Franklin County have actively participated in planning and have been proactive in thinking about development and how they would like to manage and shape growth to support their respective visions for the future. Since 2004, each town has prepared a Community Development Plan and an Open Space and Recreation Plan. In Community Development Plans, towns designate certain areas as the most desirable for potential future development, and also indicate which areas may be unsuitable for new development because of environmental and infrastructure constraints. In Open Space and Recreation Plans, communities create strategies to protect open space lands and important historic and natural resource areas, and make recommendations to support recreational activities and access. Some of the towns along the Scenic Byway have developed comprehensive Master Plans, such as the Buckland-Shelburne Master Plan that was completed in May 1999. The towns of Ashfield and Buckland collaborated with the Franklin County Commission (forerunner to the Franklin Regional Council of Governments) on a Route 112 Scenic Farm Byway Report in 1995. Many of the towns have also undertaken changes to their regulatory structure and zoning bylaws to support their vision regarding future land uses, desirable economic development and the preservation of rural areas and other important resources.

Resources

The descriptions and analysis of land uses and zoning along the Route 112 Scenic Byway are based on a variety of information sources. These sources include: field observations and personal communications with local residents; discussions at Franklin County Route 112 Scenic Byway Advisory Committee meetings; land use data and protected open space provided through the Commonwealth's Office of Geographic and Environmental Information System (MassGIS); Town building permit and zoning data; and recent Community Development Plans, Master Plans, Open Space and Recreation Plans, and other plans cited above.

Land Use within the Scenic Byway Corridor Study Area: Colrain to Ashfield

The Route 112 Scenic Byway Corridor study area in Franklin County is defined as covering Route 112 from the Vermont state line in Colrain to the Ashfield Town Line

with Goshen, and including a half-mile buffer along each side of the road. The study area includes sections of the Towns of Colrain, Shelburne, Buckland and Ashfield.

The land uses within the Route 112 Scenic Byway Corridor study area are fairly consistent as you travel south from Colrain to Ashfield. There are sections of undeveloped forests and open vistas all along the Byway, punctuated by working farms (especially in Buckland along Clesson Brook), village centers (including the Village of Shelburne Falls), and remnants of the region's industrial past (such as the dam and canal in Colrain). As indicated in Table 8-1, overall, an estimated 73% of the Byway Corridor study area is forestland. The next major land uses are agriculture (13%) and residential development (7%). Open space and recreation accounts for 4% of the land in the Byway Corridor. More detailed information on land use within the Byway Corridor study area in each town is provided later in this section.

Table 8-1: Land Uses within the Scenic Byway Corridor Study Area*

Land Use Type	Acreage	Percentage of the Total
Forest	10,409	73%
Agriculture	1,826	13%
Water and Wetlands	309	2%
Residential	1,001	7%
Commercial	63	<1%
Industrial & Transportation**	76	1%
Other Open Space & Recreation***	552	4%
Total	14,236	100%

*Byway corridor is defined as including ½ mile on each side of Route 112. See Corridor Boundary Map for more details.

**Industrial & Transportation includes land with industrial uses, landfills, waste disposal, and mining.

***Other Open Space & Recreation includes abandoned agriculture, areas of no vegetation, areas under power lines, parks, cemeteries, and public and institutional green spaces and buildings, vacant undeveloped land in urbanized areas, and areas with participant, spectator, or water-based recreation (such as playgrounds, golf courses, tennis courts, beaches, swimming pools, marinas, fairgrounds, race tracks, and stadiums).

Note: Totals may not add to 100% due to rounding.

Source: FRCOG compilation of 1999 MassGIS land use data.

The land use figures presented in this chapter are based on data provided by MassGIS. MassGIS classifies land uses based on aerial photograph interpretation conducted by the Department of Forestry's Resource Mapping Project at the University of Massachusetts, Amherst. Statewide data including all municipalities are available for 1999, 1985, and 1971.¹ MassGIS has 21 land use classifications, which have been grouped into seven broader categories. The forest category includes all land classified as forest by MassGIS.²

¹ The first statewide land use maps were created in 1953-54 from 1951-52 aerial photos. These maps were never digitized. They are available in the Map Collection Archives at the W.E.B. DuBois Library at the University of Massachusetts, Amherst.

² Forested wetlands are included in the forest category in 1999. In 1971, forested wetlands was its own separate category. As a result, data for these two years may not be directly comparable and caution should be used in evaluating land use changes in these categories from 1971 to 1999, particularly where those changes involve a small number of acres.

The agriculture category includes cropland, pasture, and woody perennials (such as orchards and nurseries). The water and wetlands category contains all areas classified as water or as wetlands by MassGIS.³ The residential land use category includes single-family homes and multi-unit housing complexes and structures. The commercial land use category contains all land defined as commercial by MassGIS, including shopping areas. The industrial and transportation category includes light and heavy industry, mining and waste disposal facilities, and transportation infrastructure (such as highways, airports, railroads, and freight storage). The other open space and recreation category includes abandoned agriculture, areas of no vegetation, areas under power lines, parks, cemeteries, public and institutional greenspaces and buildings, vacant undeveloped land in urbanized areas, and recreation sites (such as playgrounds, golf courses, tennis courts, beaches, swimming pools, marinas, fairgrounds, race tracks, and stadiums).

It is important to note that these land use classifications do not indicate whether land is permanently protected from development. Land that is categorized as forest or agricultural land, or that falls into the non-agricultural open space and recreation category may or may not be protected from future development. A discussion of land that is protected from development appears later in this chapter.

The land use patterns within the Scenic Byway Corridor study area are reflective of the land uses in the four communities along the Byway overall. It is worth noting, however that there is a greater level of residential development within the Byway Corridor study area than elsewhere in these communities, particularly in the Town of Shelburne. Land use data is included on the Land Use 1999 Map at the end of this chapter.

Colrain

The Town of Colrain, located in northern Franklin County on the Vermont border, was historically a manufacturing and agricultural center. Remnants of its industrial past linger in the canal and mill villages that can be found in the Byway Corridor along with one working mill that remains, located right on Route 112. However, the town is still predominantly rural, with a large amount of forestland and considerable agricultural land.

The Town of Colrain has a population of 1,840 (U.S. Census Bureau, 2007 Population Estimates). The current labor force consists of 967 workers (MA Office of Labor and Workforce Development, September 2008). Historically, the town's development and land use patterns have been strongly tied to the East Branch of the North River that runs along Route 112 and the West Branch of the North River that merges with it in southern Colrain, just before they both flow into the Deerfield River in Shelburne.

³ It is important to note that the water and wetlands category does not include additional bordering land subject to the Priority Habitat and Endangered Species Act, the Rivers Protection Act, or the Wetlands Protection Act, all of which are under the jurisdiction of the Massachusetts DEP and local Conservation Commissions.

Colrain has a total land area of 27,861 acres. As is shown in Table 8-2 below, an estimated 20% of the town (5,680 acres) lies within the Byway Corridor. Within the Town's portion of the Byway corridor, three-quarters of the land (75%) is forested, and 14% is agricultural land. Other land uses in the Byway Corridor include residential land (6%) and open space and recreation (3%). There is a slightly higher percentage of residential land in the Byway Corridor than in the town as a whole, and land use statistics demonstrate that one third of the acres in town dedicated to residential uses are clustered in the Byway Corridor. Also, while commercial and industrial uses are not major land uses in Colrain (at less than 1%), the majority of those businesses are located within the Corridor.

Table 8-2: Acreages for Different Land Uses in 1999, Colrain

Land Use Type	Acres in Byway Corridor*	Percentage in Byway Corridor*	Acres in Town	Percentage in Town
Forest	4,240	75%	22,633	81%
Agriculture	784	14%	3,265	12%
Water and Wetlands	96	2%	248	1%
Residential	347	6%	1,042	4%
Commercial	21	<1%	25	<1%
Industrial & Transportation	33	<1%	54	<1%
Other Open Space & Recreation	159	3%	594	2%
Total Acreage	5,680	100%	27,861	100%

*Byway corridor is defined as including ½ mile on each side of Route 112 (see Corridor Boundary Map).

Note: Totals may not add to 100% due to rounding.

Source: FRCOG compilation of 1999 MassGIS land use data

Shelburne

The Town of Shelburne is also primarily forested and agricultural in nature, but has a long history of manufacturing on the Deerfield River in the village of Shelburne Falls. This village incorporates parts of both Towns of Shelburne and Buckland (on opposite sides of the river) and makes up most of the portions of the Town of Shelburne that is located within the Byway Corridor. The village, formerly called Salmon Falls, has a rich history as a meeting place and fishing ground for Native Americans, particularly the Pocumtucks and Mohicans.

The Town of Shelburne has a population of 2,036 (U.S. Census Bureau, 2007 Population Estimates). The current labor force consists of 1,077 workers (MA Office of Labor and Workforce Development, September 2008). Historically, the town's development and land use patterns have been strongly tied to the Deerfield River that runs along its southeastern border, the agricultural activity in the uplands, and the Mohawk Trail (Route 2), an early auto road that has been a transportation route dating back to Native American populations in the prehistoric period.

Shelburne has a total land area of 14,978 acres. As is shown in Table 8-3 below, only 5% of the town (533 acres) lies within the Byway Corridor study area. Within the town's

portion of the Byway corridor, 65% of the land is forested and 15% is residential. Other land uses in the Byway Corridor include open space and recreation (9%) and agricultural (5%). There is a much higher percentage of residential land in the Byway Corridor than in the Shelburne as a whole, and land use statistics demonstrate that 17% of the acres in Shelburne dedicated to residential uses are clustered in the Byway Corridor. Also, one-tenth of commercial uses in town are located within the Corridor. Not surprisingly, the rest of the Town of Shelburne has a much higher percentage of acres dedicated to agriculture than in the Byway Corridor study area.

Table 8-3: Acreages for Different Land Uses in 1999, Shelburne

Land Use Type	Acres in Byway Corridor*	Percentage in Byway Corridor*	Acres in Town	Percentage in Town
Forest	533	65%	10,399	69%
Agriculture	42	5%	2,659	18%
Water and Wetlands	36	4%	266	2%
Residential	125	15%	746	5%
Commercial	6	1%	58	<1%
Industrial & Transportation	0	0%	17	<1%
Other Open Space & Recreation	75	9%	833	6%
Total Acreage	817	100%	14,978	100%

*Byway corridor is defined as including ½ mile on each side of Route 112 (see Corridor Boundary Map).

Note: Totals may not add to 100% due to rounding.

Source: FRCOG compilation of 1999 MassGIS land use data.

Buckland

The Town of Buckland, like the other towns along the Byway in Franklin County, is primarily forested and agricultural in nature. Buckland also has a long history of manufacturing on the Deerfield River in the village of Shelburne Falls, where the Lamson & Goodnow Cutlery Manufacturing Company was ultimately located in 1851 (after moving from the Shelburne side of the village) and continues to operate today. The Buckland section of the Route 112 Scenic Byway includes some of the most significant historical agricultural landscapes to be found in the Byway Corridor study area (particularly the region on Ashfield Road along Clesson Brook).

The Town of Buckland has a population of 1,990 (U.S. Census Bureau, 2007 Population Estimates). The current labor force consists of 1,100 workers (MA Office of Labor and Workforce Development, September 2008). Historically, the town's development and land use patterns have been strongly tied to the agricultural activity along its many streams, with manufacturing uses in the Shelburne Falls Village and in pockets throughout town.

Buckland has a total land area of 12,679 acres. As is shown in Table 8-4 below, more than a quarter (28%) of the town (3,562 acres) lies within the Byway Corridor study area. Within Buckland's portion of the Byway corridor, 68% of the land is forested and 17% is devoted to agriculture. Other land uses in the Byway Corridor include residential (7%)

and open space and recreation (5%). There is a much higher percentage of agricultural land in the Byway Corridor (17%) than in the town as a whole (9%). Land use statistics demonstrate that more than half (53%) of the 1,161 acres in town dedicated to agricultural uses are clustered in the Byway Corridor. Nearly a third of the residential land and nearly half of the town's land used for open space and recreation are located in the Corridor. Only a tiny fraction (1% or less) of land in Buckland is dedicated to commercial and industrial uses in both the Corridor and the town as a whole. However, these uses are located predominantly within the Byway Corridor study area, which incorporates 68% of all commercial land and 45% of industrial uses.

Table 8-4: Acreages for Different Land Uses in 1999, Buckland

Land Use Type	Acres in Byway Corridor*	Percentage in Byway Corridor*	Acres in Town	Percentage in Town
Forest	2,418	68%	10,155	80%
Agriculture	611	17%	1,161	9%
Water and Wetlands	70	2%	170	1%
Residential	242	7%	726	6%
Commercial	17	<1%	25	<1%
Industrial & Transportation	29	1%	64	1%
Other Open Space & Recreation	175	5%	378	3%
Total Acreage	3,562	100%	12,679	100%

*Byway corridor is defined as including ½ mile on each side of Route 112 (see Corridor Boundary Map).

Note: Totals may not add to 100% due to rounding.

Source: FRCOG compilation of 1999 MassGIS land use data.

Ashfield

The Town of Ashfield is primarily forested and has a long and continuing history of agricultural activity. Over the centuries, Ashfield farmers have focused on many kinds of agricultural products, including sheep, dairy cows, grass-fed cattle, goats, apples, peaches, grain, hay, peppermint, and many other crops. Historically, there was limited industry in town, mostly consisting of mills (both grist and saw) and woodworking shops. Land use data from 1999 show a continuation of the historical land uses and trends.

The Town of Ashfield has a population of 1,815 (U.S. Census Bureau, 2007 Population Estimates). The current labor force consists of 1,095 workers (MA Office of Labor and Workforce Development, September 2008).

Table 8-5: Acreages for Different Land Uses in 1999, Ashfield

Land Use Type	Acres in Byway Corridor*	Percentage in Byway Corridor*	Acres in Town	Percentage in Town
Forest	3,218	77%	20,553	80%
Agriculture	389	9%	2,606	10%
Water and Wetlands	107	3%	612	2%
Residential	287	7%	1,083	4%
Commercial	19	<1%	25	<1%
Industrial & Transportation	14	<1%	44	<1%
Other Open Space & Recreation	143	3%	879	3%
Total Acreage	4,177	100%	25,802	100%

*Byway corridor is defined as including ½ mile on each side of Route 112 (see Corridor Boundary Map).

Note: Totals may not add to 100% due to rounding.

Source: FRCOG compilation of 1999 MassGIS land use data.

Ashfield has a total land area of 25,802 acres. As is shown in Table 8-5, 16% of the town (4,177 acres) lies within the Byway Corridor study area. Within the town's portion of the Byway corridor, 77% of the land is forested and 9% is devoted to agriculture. Other land uses in the Byway Corridor include residential (7%) and open space and recreation (3%) and water and wetlands (3%). There is a higher percentage of residential land in the Byway Corridor (7%) than in Ashfield as a whole (4%). Land use statistics demonstrate that more than a quarter (27%) of the 1,083 acres in town dedicated to residential uses are clustered in the Byway Corridor. Fifteen percent of the town's agricultural land is located within the corridor. Only a tiny fraction (less than 1%) of land in Ashfield is dedicated to commercial and industrial uses in both the Corridor and the town as a whole. However, these uses are located predominantly within the Byway Corridor study area, which incorporates 76% of all commercial land and 32% of industrial uses.

Land Use Changes between 1971 and 1999

The land use changes along the Scenic Byway between 1971 and 1999 reflect the development trends in the corridor during this time frame. Between 1971 and 1999, the greatest change within the Byway corridor was the increase of 211 acres in residential use (27%) and the loss of 219 acres dedicated to agriculture (-11%). (See Table 8-6 below.) There was a 38% increase in industrial and transportation land, although it affected a small number of acres (21). Land used for open space and recreation increased by 68 acres (14%).

Table 8-6: Land Use Changes within the Byway Corridor*, 1971-1999

Land Use Type	1971 Acres	1999 Acres	Acres Change in Byway Corridor	Percentage Change in Byway Corridor
Forest	10,521	10,409	-112	-1%
Agriculture	2,045	1,826	-219	-11%
Water and Wetlands	294	309	15	5%
Residential	790	1,001	211	27%
Commercial	56	63	7	13%
Industrial & Transportation	55	76	21	38%
Other Open Space & Recreation	484	552	68	14%

*Byway corridor is defined as including ½ mile on each side of Route 112. See Corridor Boundary Map for more details.

Note: The total number of acres in the Byway Corridor differs by 9 acres from 1971 to 1999. This is the result of differing methodologies employed for analysis of each of years' data and rounding errors.

Source: FRCOG compilation of 1971 and 1999 MassGIS land use data.

Between 1971 and 1999, each town in the Scenic Byway Corridor study area experienced land use changes that generally mirrored these trends of decreases in agricultural land and increases in residential land. At the same time, each of the towns along the Byway has evolved in its own unique way and there were some differences between the land use changes in the Byway Corridor compared to the towns as a whole (as shown in Table 8-7 below).

Table 8-7: Land Use Changes by Community, within the Byway Corridor & Overall, 1971-1999

Community	Land Use Type	Acreage Change in Byway Corridor	Percentage Change in Byway Corridor	Acreage Change in Town	Percentage Change in Town
Colrain	Forest	-10	---	-42	---
	Agriculture	-8	-1%	-218	-6%
	Water and Wetlands	0	---	7	3%
	Residential	51	17%	345	49%
	Commercial	1	5%	1	4%
	Industrial & Transportation	6	22%	14	36%
	Other Open Space & Recreation	-44	-22%	-107	-15%
Shelburne	Forest	-5	-1%	-26	---
	Agriculture	-10	-19%	-501	-16%
	Water and Wetlands	4	3%	-10	-4%%
	Residential	40	47%	219	42%
	Commercial	---	---	19	49%
	Industrial & Transportation	---	---	9	107%
	Other Open Space & Recreation	1	1%	290	53%
Buckland	Forest	17	1%	-23	---
	Agriculture	-139	-19%	-393	-25%

Community	Land Use Type	Acreage Change in Byway Corridor	Percentage Change in Byway Corridor	Acreage Change in Town	Percentage Change in Town
	Water and Wetlands	9	15%	23	15%
	Residential	1	---	151	26%
	Commercial	1	6%	1	6%
	Industrial & Transportation	11	61%	21	47%
	Other Open Space & Recreation	64	58%	220	139%
Ashfield	Forest	-114	-3%	-333	-2%
	Agriculture	-62	-14%	-650	-20%
	Water and Wetlands	2	2%	13	2%
	Residential	119	71%	493	84%
	Commercial	5	36%	7	36%
	Industrial & Transportation	4	40%	8	22%
	Other Open Space & Recreation	47	49%	463	111%

Source: FRCOG compilation of 1971 and 1999 MassGIS land use data.

Note: Some acreage figures are slightly different in 1971 compared to 1999, due to differences in the methodology employed in each of those years' analyses.

The Town of Ashfield experienced the greatest reduction in the number of overall acres that had been used for agriculture, a reduction of 650 acres between 1971 and 1999. Shelburne's agricultural land was reduced by 501 acres overall and Buckland's by 393 acres. In the portion of Buckland located in the Byway Corridor, 139 acres of agricultural land was changed to another use, but this represented a smaller percentage than in the town overall. Likewise, in Ashfield 61 acres of agricultural land in the Byway Corridor was switched to another use. Shelburne's agricultural land in the Corridor was reduced by 10 acres, but only 5% of the land in Shelburne that is in the Byway Corridor is agricultural land. Agricultural land in the Town of Colrain as a whole was reduced by 218 acres between 1971 and 1999, but the portion of the town in the Byway Corridor saw a reduction of only 8 acres.

The Town of Ashfield experienced the largest increase in the number of acres used for residential purposes at 493 acres. The increase in residential acres in the Byway Corridor in Ashfield was also significant at 119 acres. The Town of Colrain had an increase of 345 residential acres in the entire town and 51 acres in the Byway Corridor. The Town of Shelburne had an overall increase of 219 acres of residential land, and an increase of 40 acres in the Byway Corridor. The Town of Buckland had an overall increase of 151 residential acres, but experienced only a negligible increase within the Corridor.

Most of the towns along the Byway experienced increases in their overall open space and recreation land. Ashfield added 463 acres, Shelburne added 290 acres, and Buckland's open space increased by 220 acres. Open space acreage also increased within the Byway Corridor in Buckland and Ashfield, by 64 and 47 acres, respectively, while in

Shelburne the open space acreage remained essentially the same. In contrast, Colrain overall experienced a reduction of 107 acres of open space and recreation land, with a reduction of 44 acres within the Byway Corridor.

This land use data shows modest reductions in the amount of forestland between 1971 and 1999 in the Towns along the Byway Corridor, with Ashfield experiencing the greatest loss (333 acres, or 2%) in the Town as a whole. However, the method of using aerial photography to estimate land use changes may not reflect the full effect of forestland loss that is located close to residential development. When viewing new residential development from above that has been recently carved out of forestland, the forested acreage lost is calculated based on the size of the house and its surrounding open lawn area. However, current forest cutting regulations specify that logging slash not be left within 40 feet of a property boundary or 100 feet from the center of a town road. This limits the amount of cutting that can take place within these zones. In a residential setting not many people are comfortable having trees cut in a logging operation to within 40 feet of their backyard. So, the amount of manageable forest land impacted from new residential development is typically much greater than 40 feet from a property boundary, which is what is captured through aerial photography for the standard land use data source in Massachusetts.

Forest fragmentation caused by the breakup of large parcels of land has a significant impact. It limits the viability of use of the land as a managed forest and impacts wildlife habitat that depend on large tracts of adjacent forested land for wildlife corridors. The need to establish large buffer zones in order to comply with local and state regulations regarding access to a woodlot reduces the profitability of harvesting operations to the landowner, and makes the property less viable as a manageable woodlot over time. From a commercial standpoint, accessible forested land may provide much of the raw material to supply energy to our area if biomass becomes a larger part of our energy profile. These forested parcels provide many other benefits to the community that are often underestimated, including protection of clean air and water, importance to wildlife habitat, contribution to the local economy and rural character of the area, availability for recreational pursuits, and minimal impact on town services.

The numbers of acres used for commercial uses and industrial and transportation uses are small in all of the towns along the Byway, but they tend to be predominantly located within the Byway Corridor. With the exception of the Byway Corridor in Shelburne, these acreages increased across the board in all the towns, both within and outside of the Byway Corridor. While the percentage shifts may have been large in these land use categories, the number of acres affected was small.

Land Use Changes since 1999

Limited data is available for land use changes since 1999, although a major revision of the land use data for the year 2005 will be released soon by MassGIS and will provide

detailed information on more recent trends. The limited information that is available makes it clear that the towns along the Route 112 Scenic Byway have continued to experience some residential growth since 1999. Housing data obtained from the towns and through the U.S. Census Bureau web site (shown in Table 8-8) indicate that during the 2000-2006 period, each town within the Byway study area experienced an increase in their housing supply of between 4% and 5%.

Table 8-8: New Residential Construction in Towns along the Scenic Byway, 2000-2006

Town	Housing Units (2000 U.S. Census)	Number of Housing Units Authorized through Building Permits 2000-2006	Housing Growth (%)
Colrain	781	41	5%
Shelburne	877	35	4%
Buckland	848	39	5%
Ashfield	821	38	5%
Total	3,327	153	5%

Sources: Franklin Cooperative Construction Inspection Program, Colrain Building Inspector, Colrain Annual Town Reports, and U.S Census Bureau.

Protected Open Space

Another important trend in land use along the Route 112 Scenic Byway since 1999 is the increase in the amount of protected open space. The open space along the Byway enhances the Byway's scenic character and provides important land for forestry, farming, recreation, and wildlife habitat. Some of the open space along the Byway has been protected from development, either permanently or through temporary protection.

Permanently protected land is also known as Chapter 97 land, in reference to the Massachusetts General Law that contains guidelines for protecting land in perpetuity. Land is considered to be permanently protected from development when it is owned by the Commonwealth of Massachusetts and managed by a state conservation agency, such as the Department of Conservation and Recreation (DCR). Land is also considered permanently protected when it is owned by a town and is under the authority of the Conservation Commission, or when it is owned by a land trust for conservation purposes. Land acquired by a public agency for the purpose of water supply protection is sometimes permanently protected.

Land can also be permanently protected while remaining in private ownership through a permanent conservation restriction (referred to as a CR) placed on the land. A CR is a legally binding agreement between a landowner and the CR holder, which is usually a public agency or a private land trust, whereby the landowner agrees to not to develop the land in order to protect certain conservation values. The conservation restriction may run for a period of years or in perpetuity, and is recorded at the applicable Registry

of Deeds. All conservation restrictions must be approved by the Massachusetts Executive Office of Energy and Environmental Affairs (EEA).

Actively farmed land with prime soils or soils of statewide importance can be protected through enrollment in the Agricultural Preservation Restriction (APR) Program, which is administered by the Massachusetts Department of Agricultural Resources (MDAR). The APR program provides funding to purchase the development rights of prime farmland from willing landowners in order to keep it in agricultural use permanently.

Once a parcel of land has been placed in permanent protection status, this status can only be removed by a vote of approval by two-thirds of the Massachusetts State Legislature. The State Legislature has, on a number of occasions, voted at the request of local communities to release land from permanent protection status, so that conservation land can be used for schools, roads, economic development, or other public projects not related to resource protection. Reforms have been proposed at the State level to make this process more rigorous.

Land parcels enrolled in Massachusetts Chapter 61 tax abatement programs (Mass General Law, Chapter 61) and land with limited term conservation restrictions are considered to be temporarily protected from development. The Chapter 61 programs offer landowners reduced local property taxes in return for maintaining land in productive forestry (Chapter 61), agricultural and horticultural use (Chapter 61A), or open space or recreational use (Chapter 61B) for a certain period of time. Chapter 61 applications must cover at least 10 acres, must include a forest management plan certified by the State Forester and are valid for 10 years. Applications under Chapter 61A and 61B must cover at least 5 acres and must be submitted annually.

Chapter 61 lands provide many public benefits, including maintaining wildlife habitat and recreational open space and sustaining rural character. Another benefit of the Chapter 61 programs is that they offer towns the opportunity to protect land permanently. When a parcel that has been enrolled in one of the Chapter 61 programs is being sold and/or proposed for conversion to a use that would make it ineligible to participate in the Chapter 61 programs, the town where the parcel is located is provided a 120-day waiting period during which it can exercise its right of first refusal to purchase the property at fair market value with the option to preserve all or part of the property permanently. A principal challenge for towns in exercising the right of first refusal is raising the funds to purchase the parcel at fair market value within a short time frame. However, towns can assign their right of first refusal to a land conservation organization, which may have more capital available.

Landowners selling their Chapter lands or converting to an ineligible use within the enrollment period may be subject to the payment of certain tax penalties. These and other details of Massachusetts' Chapter 61 Laws that were substantially revised in 2006 are explored in detail in the publication "Conservation and Land Use Planning under Massachusetts' Chapter 61 Laws" available from the Mount Grace Land Conservation Trust on its website: www.mountgrace.org.

Table 8-9 lists the amount of protected and temporarily protected land within the Byway Corridor and 8-10 details the acreage of protected land in the towns along the Byway. The figures in the tables for permanently protected land are based on Open Space data from MassGIS. MassGIS's Open Space data is regularly updated as new information becomes available from the EEA, MDAR, and land trusts. Figures for temporarily protected land under the Chapter 61 programs are provided by Town Assessors and land trusts, and the specific year in which they were collected may vary from town to town.

As indicated in Table 8-9, 1,236 acres (9%) of the total 14,236 acres within the Byway Corridor study area are designated as permanently protected. The towns with the greatest percentage of permanently protected open space within the Byway Corridor study area are Shelburne and Colrain, at 23% and 11%, respectively. Shelburne also has the highest percentage of developed land within the Corridor at 16%, compared to 7-8% for the other towns because Route 112 travels through the center of Shelburne Falls. An estimated 24% of the Byway Corridor has temporary protection status through the Chapter 61 Programs. Buckland and Colrain have the highest percentages of Chapter 61 land within the Byway corridor, at 43% and 24%, respectively. The majority of towns have higher rates of temporary protection in the Corridor compared to permanently protected land, with Shelburne being the exception.

Table 8-9: Protected Open Space Acres within the Byway Corridor*, by Town, 2008

Town/Level of Protection	Colrain	Shelburne	Buckland	Ashfield	Totals
Acreage within the Scenic Byway Corridor Study Area	5,680	817	3,562	4,177	14,236
% of Developed Land** within the Scenic Byway Corridor Study Area	6%	16%	8%	8%	8%
Level of Protection (acreage)					
Land with Permanent Protection (Chapter 97, CRs, APRs)	601	190	331	114	1,236
Land with Temporary Protection (Chapter 61)	1,349	81	1,525	479	3,434
Level of Protection (percentage)					
Percentage of Corridor Acreage that is Permanently Protected	11%	23%	9%	3%	9%
Percentage of Corridor Acreage that is Temporarily Protected	24%	10%	43%	11%	24%

*Byway corridor is defined as including ½ mile on each side of Route 112. See Corridor Boundary Map for more details.

**Developed land includes residential, commercial and industrial uses as shown on Tables 8-2 through 8-5, based on MassGIS 1999 Land Use Data.

Source: FRCOG compilation of MassGIS 2008 open space data, MassGIS 1999 Land Use Data, Town Assessors, and land trusts. Data for Chapter 61 may vary by year collected.

As shown in Table 8-10 below, overall, the towns along the Byway also have more acres that are temporarily protected (24%) than are under permanent protection (9%). Shelburne has a large percentage of overall town acreage that is temporarily protected (45%), compared to the permanently protected rate of 17%. In Buckland, 39% of the town's acreage is temporarily protected, compared to 5% that is permanently protected. In both Shelburne and Buckland, the percentage of permanently protected open space is greater within the Corridor than in the town as a whole.

Developed land in all of the Byway towns averages 5% for the towns as a whole and 8% within the Byway Corridor. Combined with the high levels of temporarily protected land, this presents opportunities for increasing the amount of permanently protected lands both within the Corridor and in the Byway towns as a whole.

Table 8-10: Protected Open Space Acres in the Towns along the Scenic Byway, 2008

Town/Level of Protection	Colrain	Shelburne	Buckland	Ashfield	Totals
Acreage within Town	27,862	14,978	12,679	25,803	81,321
% of Developed Land** in Town	4%	5%	6%	4%	5%
Level of Protection (acreage)					
Land with Permanent Protection (Chapter 97)	5,044	2,535	587	3,157	11,323
Land with Temporary Protection (Chapter 61)	5,663	6,737	4,970	755	18,125
Level of Protection (percentage)					
Percentage of Town Acreage that is Permanently Protected	18%	17%	5%	12%	14%
Percentage of Town Acreage that is Temporarily Protected	24%	45%	39%	3%	22%

**Developed land includes residential, commercial and industrial uses as shown on Tables 8-2 through 8-5, based on MassGIS 1999 Land Use Data.

Source: FRCOG compilation of MassGIS 2008 open space data, MassGIS 1999 Land Use Data, Town Assessors, and Land Trusts. Data for Chapter 61 may vary by year collected.

As mentioned earlier, all of the towns along the Route 112 Scenic Byway have prepared Open Space and Recreation Plans in the past four years. Each of the Open Space Plans includes recommendations to prioritize future land protection activities, such as working with willing landowners to protect important open space parcels including scenic vistas by purchasing development rights at fair market value. One of the benefits of preparing a Scenic Byway Corridor Management Plan is access to Federal Scenic Byway funding for the acquisition of scenic easements (e.g. purchase of development rights) from willing landowners.

There have also been a number of initiatives in the region to promote farming, forestry, and associated businesses. These initiatives are seen as a way to support the preservation of farmland and forestland, to protect these lands from development, and to encourage the agricultural and forestry sectors of the economy. Each of the Master

Plans and Community Development Plans created for the towns along the Scenic Byway include recommendations to encourage farming and forestry. In the past few years, all of the Byway towns have created Agricultural Commissions, and all but Colrain have also adopted Right-to-Farm bylaws to support local farming activities. In addition, Community Involved with Supporting Agriculture (CISA), a non-profit organization based in Deerfield, has a regional “Buy Local” campaign to support local member farms and promote local farm products. Local agricultural products are sold at farm stands, farmers’ markets, and in local stores throughout the Byway Corridor. See [Chapter 7: Cultural Resources and Tourist Services](#), for more details about the many local sources of agricultural products in the region.

Local Zoning along the Scenic Byway

The future pattern of development along the Route 112 Scenic Byway will be greatly influenced by local zoning and by the nature of the land available for development. The zoning along the Byway differs from town to town and is summarized in this section. The focus of the discussion is on the zoning within the Byway Corridor study area and how it benefits and protects the Byway’s character. Comprehensive information on the zoning within the towns along the Byway can be found by referencing each town’s zoning bylaws. All of the towns along the Scenic Byway have Community Development Plans and a number have also prepared comprehensive Master Plans. Each of these plans includes zoning-related recommendations that can help preserve and enhance the Byway.

Current Zoning

Table 8-11 provides a brief summary of current zoning bylaw provisions that the communities along the Scenic Byway have adopted to protect important resources and encourage development at appropriate locations in town and at an appropriate scale. Key measures are described below in this section. Table 8-12 at the end of this section shows the acreages in each of the town’s Zoning Districts within the Byway Corridor and in the town as a whole. Table 8-13 provides basic information on the dimensional requirements for minimum lot size and frontage in each town’s Zoning Districts.

Table 8-11: Zoning Summary for the Communities within the Scenic Byway Corridor

Zoning Bylaw Provisions	Colrain	Shelburne	Buckland	Ashfield
Number of Zoning Districts Total (not including overlay districts)	3	5	6	1
Number of Zoning Districts in the Byway Corridor	3	5	4	1

Zoning Bylaw Provisions	Colrain	Shelburne	Buckland	Ashfield
Village zoning district(s) with higher densities and/or more allowed uses to promote development in the district(s)	Yes	Yes	Yes	No
Open Space Residential Development (also known as a Cluster Development Bylaw)	Yes, by right with Site Plan Review	Yes, by Special Permit in 3 districts	Yes, by right with Site Plan Review	Yes, by Special Permit
Back Lot allowed	Yes, with open space set-aside	No	Yes, with farmland set-aside	Yes, by Special Permit with conserved front lot
Accessory Apartment allowed	Yes, by Special Permit in Village and Rural Districts	Yes, by right in 4 districts	Yes, by right in 5 districts	Yes, in buildings prior to 1975 with Special Permit
Site Plan Review	Yes, for Cluster Developments	No	Yes, for Farm Building Reuse Bylaw** and Cluster Developments	No
Types of Overlay Districts in the Byway Corridor	Floodplain	Floodplain	Floodplain; Farm Building Reuse Overlay District**	Flood Hazard

*A Cluster Development for Commercial Purposes bylaw was approved at the Buckland Special Town Meeting on 9-22-08. The approved provision is still under review by the Attorney General's Office.

** Section 6.4: Farm Building Reuse Bylaw, approved at the Buckland Annual Town Meeting on 9-22-08. The approved provision is still under review by the Attorney General's Office.

Source: Local zoning bylaws, current as of November 2008.

Village Center Zoning. With village center zoning, towns establish zoning districts that are more dense and have different allowed land uses. These districts are generally designed to encourage future growth and development in village center areas served by infrastructure and to help preserve rural character, farmland, forestland, and natural resource areas in the rural areas of town. The village zones typically allow a mix of residential and commercial uses in areas that have the best infrastructure for new development. The village zones can be established in historic town and village centers or can be created in less developed areas that are considered to have best potential for new growth. Village center districts typically have higher densities (smaller lot sizes and frontage—see Table 8-13 below) and encourage more intensive residential uses,

such as multi-family homes. Another important provision often allowed in village center districts is a waiver of lot size and front setback requirements in older neighborhoods where many properties do not meet the current standards.

Open Space Residential Development. Open Space Residential Development (OSRD) Bylaws, also known as Conservation or Cluster Development Bylaws, allow a type of development in which homes are built on lots smaller than the required minimum, in exchange for a significant portion of the remaining area being set-aside as protected open space. The overall density of an OSRD project is typically the same as the density in a standard subdivision. However, the clustering of homes helps preserve open space and natural resources and encourages a less sprawling pattern of development. The grouping of homes also promotes efficient provision of water and wastewater treatment services and the efficient creation of new roads to serve the homes. This often lowers the development costs for the project, which can increase the developer's return on his investment, and can also result in less expensive housing units. The preserved open space in an OSRD is used for passive recreation, agricultural and/or conservation purposes. Often the protected open space remains under the ownership of the homeowners with a conservation restriction placed on the land, though sometimes a municipality or land trust will take ownership of the open space. In some of the more recent bylaws, a fourth ownership option has been added to allow the farmer or private landowner to retain ownership of open space with a conservation restriction. All of the towns along the Scenic Byway Corridor have some type of OSRD, cluster, or conservation bylaws in place. The Town of Colrain's Planning Board has approved the Site Plan for a Cluster Development proposal under its new bylaw for 17 units with approximately 60% of the parcel being permanently protected, and several units are already under construction as of November 2008.

Back Lot Development with Open Space Set-Aside. Back lot development zoning is designed to help preserve quality farmland and forestland and reduce the level of Approval-Not-Required (ANR) development along rural roadways. The main purpose of back lot zoning is to allow the owners of important agricultural land, forestland, or habitat areas to transfer their development rights from important open space parcels that have roadway frontage, to land without frontage or land with less than the required frontage, that is not as valuable for farming, forestry, or habitat preservation purposes. The land that fronts the roadway can then be protected from development through a conservation restriction.

Accessory Apartments. An accessory apartment zoning provision is another way to promote infill development, and also helps preserve older larger homes, including those located in historic residential neighborhoods and village centers. Accessory apartments are secondary housing units that are added within an existing home, typically with little or no change to the external building structure. Accessory apartments offer homeowners who have difficulty affording their home and who do not need all their current housing space a financial way to remain in their homes. They also offer an

affordable housing option for other residents, including relatives of the family residing in the primary house.

Site Plan Review. Site Plan Review is a process for reviewing development plans and site conditions for development projects. Site Plan Review is intended to ensure that significant development projects will be completed in a manner that is compatible with the community character and in keeping with nearby properties. According to Site Plan Review, the assigned municipal board (typically the Planning Board) reviews plans based on guidelines that have been established to ensure that the project will best fit the site and larger community. The reviewing board evaluates development proposals using these established criteria and can request changes to modify a project before granting approval. Site Plan Review can be a part of a town’s review of significant projects that are allowed by-right under the zoning bylaws, or as part of the review of projects that are allowed through the Special Permit process. Site Plan Review looks at **how** a project (often allowed by-right) is designed and sets reasonable conditions that require a simple majority vote to approve. This is contrasted with the Special Permit process which assesses **whether** a proposed project is consistent with the town’s regulations and requires a supermajority vote to approve.

Overlay Districts. Overlay zones are typically created over primary zoning districts to help protect an important resource that appears within the overlay area, such as an aquifer, a floodplain area, a significant ridge line, sensitive wildlife habitat, farmland, forestland, or scenic views. They can also be used to encourage residential or economic growth. Land uses within the overlay zone must meet the regulations of both the overlay district and the underlying zoning district.

Table 8-12 shows the acreages in each Franklin County Byway town in the Corridor and in the town as a whole for each of the current Zoning Districts. These Districts can be seen on the Local Zoning Map included at the end of this chapter. As was indicated on the land use tables above, significant portions of the towns’ commercial districts are located within the Byway Corridor. In Colrain, the acres in the Commercial Industrial District in the Byway Corridor account for 39 of all acres in that District in the town. In Buckland, the Commercial Districts are entirely within the Corridor, and the Village Commercial District acreage in the Corridor accounts for 68% of all acres of that District in the town. Village Districts in several towns are also located predominantly within the Byway Corridor, such as in Colrain mentioned above, and in Shelburne where the Village District in the Corridor accounts for 73 percent of the overall acreage in that District.

Table 8-12: Acreages in Town Zoning Districts

Community	Zoning Districts (code)	Acreage in Byway Corridor	Acreage in Town
Colrain	Commercial Industrial (CI)	109	278
	Village (V)	134	134
	Rural (R)	5,442	27,433

Community	Zoning Districts (code)	Acreage in Byway Corridor	Acreage in Town
Shelburne	Commercial (C)	0	581
	Industrial (I)	1	68
	Village Commercial (VC)	5	26
	Village Residential (VR)	292	401
	Rural Residential/Agricultural (RA)	468	13,903
Buckland	Commercial (C)	45	45
	Village Commercial (VC)	15	22
	Industrial (I)	78	78
	Historic Industrial (HI)	0	58
	Village Residential (VR)	0	415
Buckland cont.	Rural Residential (RR)	3,367	12,061
Ashfield	Rural Residential and Agricultural (RA)	4,177	25,802

Source: FRCOG compilation of MassGIS data.

Table 8-13 sets out the basic dimensional requirements for the towns' Zoning Districts described above, focusing specifically on minimum lot size and frontage requirements. As noted above, Village Center Districts typically allow for greater density by allowing smaller minimum lots with less frontage than in other districts. In addition, town's dimensional requirements may make distinctions in their requirements depending on whether water and wastewater treatment infrastructure are present, even within Districts.

Table 8-13: Basic Dimensional Requirements in Town Zoning Districts

Community	Zoning Districts (code)	Minimum Lot Size	Frontage (feet)
Colrain	Commercial Industrial (CI)	2 acres	300
	Village (V)	20,000 square feet	100
	Rural (R)	1.5 acres	300
Shelburne	Commercial (C)	86,000 square feet	250
	Industrial (I)	86,000 square feet	250
	Village Commercial (VC)	20,000 square feet	100
	Village Residential (VR)	20,000 square feet*	100**
	Rural Residential/Agricultural (RA)	86,000 square feet	250
Buckland	Commercial (C)	80,000 square feet	200
	Village Commercial (VC)	20,000 square feet	100
	Industrial (I)	80,000 square feet	200
	Historic Industrial (HI)	20,000 square feet	100
	Village Residential (VR)	20,000 square feet	100
	Rural Residential (RR)	80,000 square feet	200

Community	Zoning Districts (code)	Minimum Lot Size	Frontage (feet)
Ashfield	Rural Residential and Agricultural (RA)	2 acres	200

*40,000 square feet if public water and sewer are not available.

**150 feet if public water and sewer are not available.

Source: Local zoning bylaws, current as of November 2008.

Recently Enacted Local Zoning Measures

Three of the four towns along the Route 112 Scenic Byway enacted new zoning measures in 2007 or 2008 that will assist them in directing the location and nature of development. In 2007 the Town of Colrain adopted a residential Cluster Development Bylaw to protect agricultural and forestry-related activities by preserving the most viable agricultural and prime forest land. The bylaw requires Site Plan Review as opposed to a Special Permit and also provides a modest density bonus if certain objectives are reached such as additional farmland protection. The bylaw includes the option for the private landowner to retain ownership of the permanently protected open space. Thus, for example, a farmer could continue to own and continue to farm the land being protected rather than having to lease it from a homeowners' association, Town or Land Trust.

In 2008, Shelburne adopted a revised set of Bylaws that includes a Table of Use Regulations (Section 4.3) that clearly establishes what uses are allowed where under what circumstances. In addition, the Town adopted a new Zoning Map that clearly identifies the boundaries of its Zoning Districts.

The Town of Buckland approved several new and innovative zoning provisions in recent years that are specifically designed to maximize the protection of farmland and open space, particularly along Route 112. In 2005, Buckland completed a comprehensive overhaul of its Zoning Bylaws and identified the need for additional commercial development as well as for additional strategies to protect the scenic character and support farming operations in the Clesson Brook Valley along Route 112. The Clesson Brook Valley is home to several working farms and has a significant amount of prime farmland soils. It also has three commercial zoning districts where new business development could occur that would have an impact on the character of the Corridor. In 2008, three new bylaws were adopted to accomplish the above goals: Cluster Development for Commercial Uses, Farm Building Reuse, and Site Plan Review.

The new bylaw creating Cluster Developments for Commercial Use is intended to "promote the use of campus-like clustering of buildings to encourage a less sprawling form of development and to maximize the amount of farmland or open space which shall be permanently protected." Commercial Cluster Developments may be allowed by Special Permit in the Commercial Districts located along Route 112 and larger projects also require Site Plan Review by the Planning Board.

Buckland's new Farm Building Reuse Bylaw is intended to "promote the reuse of vacant or underutilized farm buildings for commercial uses while maintaining open space and

existing historical and scenic landscapes in Buckland.” This Bylaw will apply within the newly-created Farm Building Reuse Overlay District along Route 112 and in other specified areas of the Rural Residential District. The boundaries of the Overlay District are 1,000 feet on either side of Route 112 from Depot Road to the Ashfield Town Line (all within the Route 112 Scenic Byway Corridor). For eligible farm buildings and farmland parcels, applicants may request Site Plan Review from the Planning Board to reuse up to 5,000 square feet of existing farm building(s) for commercial purposes. In exchange for allowing the commercial use, at least five acres of farmland must be permanently protected and used for agricultural purposes.

Buckland’s new Site Plan Review Bylaw establishes the types of projects that require Site Plan Review and sets out in detail the information that should be included in the plan, and the processes to be following in filing and reviewing the application. In addition, in 2008 Buckland also created an exception to the dimensional requirements to allow for smaller front, rear and side yards, provided that the Zoning Board of Appeals determines that a proposed structure is consistent in scale or setback with structures in abutting parcel and the immediate neighborhood. This allows flexibility within the Zoning Bylaws to help maintain the historic and rural character of the town.

Approval Not Required (ANR) Development

Approval Not Required (ANR) development is allowed throughout Massachusetts and is regulated under the Massachusetts Subdivision Control Law (Massachusetts General Law, Chapter 41, Section 81-K through 81-GG). Under the Subdivision Control Law, land along a public way can be legally subdivided using an ANR plan without needing Planning Board approval for the subdivision, if it meets certain basic requirements. ANR development often leads to spread out development along a town’s roads and can fragment the landscape and negatively impact the quality of forestland, farmland, wildlife habitats, watersheds, and recreational opportunities within a community. Two proposals for comprehensive zoning reform currently being considered by the state—the Land Use Partnership Act and the Community Planning Act (CPA II)—would modify the ANR Subdivision Control Law provisions in order to better enable communities to direct their residential growth.

Scenic Views along the Byway

There are a number of scenic vistas along the Byway that were identified as outstanding during the visual assessment phase of this project. Important scenic vistas along the Byway Corridor are identified on the Scenic Resources Map at the end of Chapter 2. An analysis of the protected open space along the Byway Corridor indicates that little of the land in these scenic vistas is currently protected. Most of the protected open space (with public access) in the four Byway towns is located outside of the Byway Corridor. (See the Recreational Resources Map at the end of Chapter 4.)

Several factors are considered when assessing the scenic qualities of a medium- or long-range vista or roadway corridor. Medium and long-range vistas are more breathtaking when they contain both an expansive field of view and depth of view. The field of view is the horizontal width of the view, while the depth of view is how far away one can see. Contrast and focal points are elements that add interest to what is being seen. Contrast is the differences seen in the vista, such as landscape differences. For example, a village center ringed with light green farm fields, lying below the deep green of a mountain range, has significant contrast. Focal points are elements in the landscape that draw the eye. They can be visually enhancing, such a bright red barn amidst open fields or a lake nestled among the distant hills, or visually intrusive, such as clear-cut right-of-ways for transmission lines.

Community Planning Tools and Strategies to Preserve Scenic Byway Resources

This section provides an overview of community planning tools and strategies that can be used by towns and regional organizations to help preserve historic, scenic, and open space resources and enhance tourism along the Route 112 Scenic Byway. The strategies fall into four primary categories: land protection, historic preservation restrictions, funding programs, and zoning and other town bylaws.

Land Protection

The primary tools available for permanent land protection are conservation restrictions (CR) and agricultural preservation restrictions (APR). Temporary protection is available through the Chapter 61 tax abatement programs. These tools are discussed in detail earlier in this chapter in the section entitled “Protected Open Space” on page 8-12.

Historic Preservation

Historic Preservation Restrictions

A preservation restriction is a mechanism that can be used to protect historic resources, such as historically significant buildings or landscapes. Eligible properties must be deemed to be significant for their architecture, historical or archeological associations. Preservation and conservation restrictions can be used in concert, where an historic resource and the land on which it is located are both worthy of protection and the landowner is willing to participate. As with scenic easements, preservation restrictions are legally binding agreements. The restriction assures the owner and the community that the property will not be altered or developed in the future and will be preserved for future generations.

Other Local Bylaws and Zoning Options

Several local bylaws and zoning options currently being utilized by Byway towns in Franklin County have already been described above in the “Current Zoning” section of this chapter. These include Village Center Zoning, Open Space Residential or Cluster Development, Back Lot Development with Open Space Set-Aside, Accessory Apartments, Site Plan Review and Overlay Districts. Below is a description of several other local bylaws and zoning options that could be utilized in the management of the Route 112 Scenic Byway Corridor.

Corridor Overlay District

Scenic Byway communities may wish to consider the creation of a zoning district that overlays the Byway corridor. Uses underlying the corridor district would continue to be allowed, but new development would be encouraged to meet additional design standards. These standards could limit the amount of lot clearing, call for maintaining roadside vegetation and trees, favor curved over straight driveways, limit the size and color of large commercial buildings and storage facilities, keep exterior lighting to a minimum, and introduce special regulations for signs within the district. Additional requirements could include the identification of existing scenic vistas from the Byway and proposed measures to avoid impacting those vistas, such as siting buildings, structures, and power lines out of the sightway. Performance incentives could be developed to allow an increase in use, density, or other bonuses if a developer meets or exceeds the design standards of the bylaw.

Lighting Regulations

Communities can establish regulations regarding external lighting to help preserve rural and scenic character. Regulations can be designed to address the brightness, color, and height of external lighting and can also call for lighting fixtures to project light downward to limit their impact on neighboring properties and on the night sky. There can also be design guidelines for lighting fixtures in local historic districts or as part of Site Plan Review.

Local Historic Districts

These districts are generally zoning overlay districts, designed to preserve the unique characteristics of historic structures and their surrounding area, and to encourage the builders of new structures to choose architectural designs that complement the unique character of the area. Local historic districts are established under guidelines in Massachusetts General Laws, Chapter 40C. Each community develops design standards that it feels are appropriate and any proposed changes to the exterior of structures within the historic district as seen from a public way are reviewed by a locally appointed Historic District Commission. There is no review of interior features. A variety of exterior features are often exempt from review, such as storm doors, paint color and temporary structures, but as each bylaw is different, the design standards and exemptions will vary by community. Local historic districts must be approved by a two-

thirds vote at Town Meeting. None of the towns along the Route 112 Scenic Byway currently has local historic districts.

Local historic districts differ significantly from National Historic Districts. National Historic District status is largely an honorary designation recognizing the value of the historic properties individually and collectively to the nation. Having a property or an area listed on the National Register of Historic Places does not place restrictions or conditions on individual properties. The Massachusetts Historical Commission reviews projects in National Register Districts only if there is state or federal involvement in the project (including licensing, permitting, or funding). This review involves assessment of any effects on an historic resource and consultation among interested parties to avoid, minimize, or mitigate any adverse effects. Owners of income-producing properties in a National Register District are eligible for federal and state tax incentives. Colrain, Shelburne Falls and Ashfield currently each have a National Historic District. The Shelburne Falls National Historic District incorporates portions of both Shelburne and Buckland, and an application is pending to significantly expand the District on both sides of the Deerfield River. In addition, the Town of Buckland is seeking to establish a National Register Historic District in the Upper Street area.

Neighborhood Conservation Districts

These districts are similar to local historic districts, but are generally easier to implement and have inclusive regulations. Towns can choose to create a neighborhood conservation district as a way to help maintain the scale and character of established, older neighborhoods. Each community creates a review process for development projects within the district, and can decide to limit their review authority to major construction or demolition projects. Neighborhood conservation districts can be administered by a Planning Board, Historical Commission, or special Neighborhood Conservation District Commission. None of the towns along the Route 112 Scenic Byway currently has a neighborhood conservation district.

Phased Growth Bylaw

Phased growth bylaws limit the number of homes that are allowed to be built each year. The purpose of a phased growth bylaw is to help ensure that growth does not strain a community's ability to provide basic public facilities and services, to provide towns with time to incorporate growth into a master plan and regulations for the community, and to preserve and enhance existing community character. Under a 2004 Massachusetts Supreme Court decision for a case in Hadley (*Zuckerman v. Town of Hadley*), phased growth bylaws are not allowed for an indefinite period of time, but are permissible temporarily while a town develops a plan to prepare for future growth.

Scenic Road Designation

A local scenic road bylaw is an effective tool to provide a public forum for preserving the rural or historic character of local roads. A Town may also designate a scenic road

under the authority of M.G.L. Chapter 40, Section 15C, without establishing a local bylaw. Route 112 itself would not be eligible for such designation as it is a state highway, not a local road. However, side roads feeding into Route 112 could be designated scenic roads to help protect the scenic qualities of the Byway Corridor. With a scenic road designation, a public hearing by the planning board is required prior to repair, maintenance, reconstruction, or paving work when it would involve the removal or cutting of trees, or the tearing down or destruction of stone walls. Designation as a scenic road provides no review authority for actions not directly impacting the road itself. Nor does a scenic road designation provide for any review authority when the trees or stonewalls are on private property. It only covers trees and stonewalls within the public right of way. However, since the public right of way is often wider than the roadway itself, a scenic road designation can help protect these unique resources.

Sign Regulations

All of the communities along the Route 112 Scenic Byway have sign regulations in place. Sign regulations can be incorporated into a community's zoning bylaws or general bylaws. In some of the towns along the Byway the sign regulations are quite minimal. The sign regulations in each community could be reviewed to see if they should be strengthened to protect the community character overall and the scenic character of the Byway corridor specifically. One option could be to have more detailed design guidelines for signs within a Byway corridor overlay district to help enhance the Scenic Byway. A community could also have more sign limits in rural zoning districts than in commercial areas.

Economic Incentives & Funding Programs

There are a variety of federal, regional, state and local organizations and programs that offer resources and technical assistance to businesses and communities seeking greater economic opportunity. The organizations and programs presented in this section were selected due to their particular relevance to the Scenic Byway Corridor and the vision of the Management Plan. These resources are targeted predominantly for use by businesses and/or municipalities, but generally not for residential purposes. Website information is also provided for additional research about these resources.

Federal Funding Programs

Scenic Byway Funding

Within the U.S. Department of Transportation, the Federal Highway Administration (FHWA) has lead responsibility for the National Scenic Byways Program. The Program is a grassroots, collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States. The Secretary of Transportation recognizes certain roads as America's Byways® – All-American Roads or National Scenic Byways –

based on one or more archaeological, cultural, historic, natural, recreational and scenic intrinsic qualities.

The Secretary of Transportation makes grants to States and Indian tribes to implement projects on scenic byways. Federally designated, State-designated, and Tribally designated scenic byways are all equally eligible for these grants, with no order of priority. Up to \$43.5 million is authorized for the 2009 fiscal year. FHWA eligibility criteria favor large-scale, high-cost projects that provide strategic benefits to the byway and the byway traveler. Projects submitted for consideration should benefit the byway traveler's experience, whether to help manage the intrinsic qualities that support the byway's designation, shape the byway's story, interpret the story for visitors, or improve visitor facilities along the byway.

There are eight categories of eligible project activities:

1. State and Tribal Programs
2. Corridor Management Plan
3. Safety Improvements
4. Byway Facilities
5. Access to Recreation
6. Resource Protection
7. Interpretive Information
8. Marketing Program

Applicants must first consult the State or Indian tribe Byway Coordinator about eligibility questions and steps for submitting an application. State or Tribal byway coordinators establish specific criteria and procedures for making eligibility decisions, prioritizing projects and submitting applications to the FHWA division office. Some State and Indian tribe programs set application due dates that are earlier than those set by FHWA. Some programs also limit the amount of funding for which each applicant can apply.

National Scenic Byways Program funds are provided on a reimbursement basis. The maximum Federal share is 80 percent. Private, Local, Indian tribe and State funds may be used as the match share. Applications are available on the National Scenic Byway website at www.bywaysonline.org. Applicant organizations must also be registered with Grants.gov. The details of this registration process can be found on the Grants.gov website at http://grants.gov/applicants/organization_registration.jsp.

Conservation Tax Incentive

In 2006, Congress passed a law amending 26 US Code 170(h) to expand tax incentives to landowners who choose to donate a conservation easement on their land to a land trust, government agency or publicly supported charity that will permanently protect important conservation land. The 2008 Farm Bill included a 2-year extension of the conservation tax incentives, which now apply to easements donated between January 1, 2006 and December 31, 2009. A conservation easement limits the uses of the land for

current and future owners. It is an agreement between the donor and the land trust, agency or organization, and can allow for certain uses to continue (such as farming) but may limit other types of development (such as residential or commercial) in the future. Public access may or may not be granted. The incentive:

- Raises the deduction a donor can take for donating a conservation easement from 30 percent of his or her income in any year to 50 percent;
- Allows qualifying farmers and ranchers to deduct up to 100 percent of their income; and
- Extends the carry-forward period for a donor to take tax deductions for a voluntary conservation agreement from 5 to 15 years.

Appraisal of the land must be done by a qualifying appraiser and the land must meet certain conservation purposes to qualify. It is important to note that this incentive is due to expire at the end of 2009. The Land Trust Alliance, a national conservation organization, is working with other interested parties to make the changes permanent and provides additional up-to-date information on the conservation tax incentive on their website at www.lta.org/policy/tax-policy.

Federal Historic Tax Credits

Federal income tax credits are available for income-producing residential and commercial property owners for qualified historic restoration projects. An owner's personal residence is not eligible. Under the Federal Rehabilitation Tax Incentive Program, owners of property that are listed on the National Register or are within a National Register Historic District may deduct 20 percent of the cost of a major restoration project on their taxes. Restoration must be significant, exceeding the greater of the adjusted basis of the buildings or \$5,000, and work can be phased over a five-year period when there are architect's drawings and specifications prepared for the work. Restoration work must follow the Secretary of the Interior's Standards. The program is administered through the Massachusetts Historical Commission (MHC). A 10 percent tax credit is available for buildings that are not listed in the National Register but were built before 1936.

Regional Funding Programs

Business Technical Assistance

The Franklin County Community Development Corporation (FCCDC) (www.fccdc.org) and the Hilltown Community Development Corporation (www.hilltowncdc.org) offer individualized business technical assistance and access to business training and workshops. These services are available to individuals interested in starting a business as well as existing entrepreneurs that have businesses in operation. The FCCDC also has a loan program that can provide direct lending to businesses, and operates the Venture Center business incubator in Greenfield.

FCCDC also operates the Western Massachusetts Food Processing Center in Greenfield. The Center offers the use of their commercial processing facility as an alternate resource for farmers to add value to their agricultural products without having to purchase costly equipment to operate their own on-farm commercial kitchens. The Center also offers marketing and business assistance to assist new food based ventures.

The Franklin County Chamber of Commerce (www.franklincc.org), the Greenfield Business Association (www.greenfieldbusiness.org), and the Shelburne Area Business Association (www.shelburnefalls.com) also provide resources and business assistance to area businesses and help promote the region to visitors.

Brownfields Assistance

The term “brownfields” refers to properties where their reuse or redevelopment is complicated by the presence or perceived presence of hazardous materials or contamination. Brownfield cleanup is regulated in Massachusetts under Massachusetts General Law, Chapter 21E. In 1998, the State Legislature amended Chapter 21E to establish significant liability relief to encourage the redevelopment of brownfield sites, while ensuring that the Commonwealth’s environmental standards are met. The Massachusetts Department of Environmental Protection (DEP) administers the State’s cleanup laws and regulations. DEP offers technical assistance for the cleanup of brownfields sites.

The Franklin Regional Council of Governments (FRCOG) encourages the assessment, clean up and redevelopment of these properties to encourage economic opportunity, revitalize town centers, and protect the health and well being of residents and the environment. With funding from the Environmental Protection Agency, the Franklin Regional Council of Governments (FRCOG) provides two programs for Franklin County communities. Through the regional Brownfields Site Assessment Program, FRCOG uses Environmental Site Assessment grants to hire an environmental engineering firm to conduct assessments of selected properties that potentially have hazardous substances, pollutants or contaminants at no cost to the town or the property owner. In 1999, the EPA awarded FRCOG grant money to establish a Revolving Loan Funds (RLF). The RLF provides low interest rate loans to “non-responsible parties” (i.e., that did not cause contamination) and, in limited cases, grants to municipalities to facilitate the clean-up of commercial or industrial properties contaminated by hazardous substances .

The clean-up and reuse of brownfield sites is recognized as a successful strategy to balance natural resource protection with economic development. Often these vacant or underutilized industrial and commercial properties are located in village centers. The reuse of these brownfield sites contributes to community revitalization and makes the most efficient use of existing infrastructure. Redeveloping these sites removes blight and reduces the need to develop forest or farmland. Contact the FRCOG (www.frcog.org) for more information about these programs.

These programs could be of particular benefit to downtowns that have historic mill buildings that are vacant or underutilized and could be redeveloped. The restoration and reuse of these structures is important for the Byway. The Upper Mill in the Town of Colrain, for example, was a brownfield that was cleaned up in 2003 using funds from the Revolving Loan Fund and is now available for redevelopment. The former Swan property in Shelburne, an office building and antique store that had been demolished, was assessed under the Brownfields Program in 2008. The Buckland Rail Yard was assessed in 2005.

Tax Incentives for Private Investment

Within the Scenic Byway Corridor, the towns of Ashfield, Buckland, Colrain, and Shelburne are located within the Greater Franklin County Economic Target Area (ETA), administered by the Franklin Regional Council of Governments. Businesses located in an ETA region are eligible to participate in the **Economic Development Incentive Program** through the Massachusetts Executive Office of Housing & Economic Development (www.mass.gov/eohed). The purpose of the Program is to stimulate business development, particularly in areas of economic distress, and to increase the overall economic development readiness of individual communities and the region. This is achieved by offering tax incentives that promote job creation and retention, attract new business investment, and encourage existing businesses to expand.

For a business to take advantage of the initiatives offered, they must have a “Certified Project,” which requires approval by both the municipality through Town Meeting and the State. A business that is expanding, renovating, relocating, or building new facilities and creating jobs within an Economic Opportunity Area (a targeted area for economic development within the ETA) may apply to be a Certified Project. Municipalities can offer Certified Projects a local real estate tax incentive, either a Special Tax Assessment or Tax Increment Financing. The terms of this tax incentive are negotiated between the municipality and the business. Additional State tax benefits to Certified Projects include a 5% Investment Tax Credit and a 10% Abandoned Building Tax Deduction.

A **Special Tax Assessment** is a five- to twenty-year program that applies to the entire assessed value of a parcel involved in the business. For example, for a five-year program, in year one, the tax is 0% of the existing and new assessed value of the real estate. In year two, up to 25% of the assessed value is taxed. In year three, up to 50% of the assessed value is taxed. In year four, up to 75% of the assessed value is taxed. And in year five and subsequent years, up to 100% of the assessed value is taxed.

Tax Increment Financing (TIF) is a tax exemption plan based on a percentage of the value added through new construction or renovation for an agreed upon number of years (from five up to twenty years). The real estate taxes generated by the increased assessed value from new construction are allocated to general revenue or to payment of a betterment fee in lieu of real estate taxes to finance related infrastructure. This is done through a negotiated agreement between the municipality and the developer or business. For a Certified Project to receive a TIF agreement, the project must be

approved by Town Meeting or Town Council, and must also be approved by the Commonwealth's Economic Assistance Coordinating Council.

Since the Program began, there has been an increase in the number of service and retail - based businesses participating. Certified Projects in the retail sector have included grocery stores and automobile related sales. Businesses offering services related to the health, financial, and information technology industries have been more common in the past few years. Certified Projects related to agricultural-related businesses have also increased. For example, the Adams Farm Slaughterhouse in Athol received a TIF after the original facility burned down in 2006 to help provide processing facilities for farmers in the region.

State Funding Programs

Massachusetts LAND Program

Run through the Massachusetts Division of Conservation Services (DCS), the Local Acquisitions for Natural Diversity (LAND) Program (formerly the Self-Help Program) provides funding to assist municipalities with the acquisition of land for natural resource and passive outdoor recreation purposes. The LAND Program helps preserve lands and waters in their natural state, and the program offers funding to preserve areas that contain unique natural, historical or cultural features or extensive water resources. The program encourages compatible passive outdoor recreational uses such as hiking, fishing, hunting, cross-country skiing, and wildlife observation. General public access is required. The LAND Program pays for up to 80% of a municipality's costs for the acquisition of land, or a partial interest (such as a conservation restriction), and ancillary land acquisition costs.

Massachusetts PARC Program

The Parkland Acquisitions and Renovations for Communities (PARC) Program (formerly known as the Urban Self-Help Program) is also administered through DCS, and was created to help cities and urban towns acquire land for parks or recreation purposes. Any city or town with a population of 35,000 or more, or any city regardless of size that has a park or recreation commission and a conservation commission, is eligible to participate. Grants can also be issued to smaller communities for projects that have regional or statewide significance. Projects for outdoor recreation purposes, whether active or passive in nature, are considered for funding. Grants are available for the acquisition of land and the construction, restoration, or rehabilitation of land for park and outdoor recreation purposes such as athletic playing fields, playgrounds, game courts, and swimming pools. Access by the general public is required. The grants reimburse a significant portion of total project costs.

Community Development and Downtown Revitalization

The Massachusetts Department of Housing and Community Development (www.mass.gov/dhcd) receives **Community Development Block Grant** money each year from the federal government to be used for grants to cities and towns for a range of community needs including business assistance, infrastructure, community/public facilities, housing rehabilitation or development, and downtown revitalization. Grants are available through the Division of Community Services and must meet one of the following National Objectives as defined by the federal Department of Housing and Urban Development: benefit a majority of low- and moderate-income people; aid in the prevention or elimination of slums and blight; or meet an urgent condition posing a serious threat to the health and welfare of the community where other financial resources are not available to meet such needs. All of the towns along the Scenic Byway have received CDBG funds for housing rehabilitation in recent years, including FY 2006 grants to Ashfield and Shelburne/Buckland (combined), and an FY 2008 grant to the Town of Colrain.

The Massachusetts Department of Housing and Community Development (www.mass.gov/dhcd) also coordinates the **Massachusetts Downtown Initiative**, which offers a range of services and assistance to communities seeking help on how to revitalize their downtowns. Through this program's Technical Assistance Site Visit Program, the Initiative provides up to \$10,000 in consultant services to address a specific issue that will support a community's downtown revitalization effort.

Community Development Action Grant Program (CDAG)

The CDAG Program offers funding to help revitalize disinvested or deteriorated neighborhoods, stimulate new economic development, and leverage private investment in communities. Any Massachusetts city or town is eligible to apply to the Massachusetts Department of Housing and Community Development for CDAG funds. CDAG funding is available for publicly-owned or publicly-managed projects. CDAG funds can be used in a variety of ways, including the installation, improvements, repairs, rehabilitation or reconstruction of buildings and other structures, facades, sidewalks, streets, and utility distribution systems. CDAG funds can also be used for the demolition of existing structures and relocation assistance. CDAG applications are evaluated based on the following criteria: the number of jobs created; the current degree of economic distress and physical deterioration of the project area; the extent of committed financial participation by other public and private entities; and the extent to which the project is consistent with the applicant's community development plan(s) and with the Commonwealth's Sustainable Development priorities.

Expedited Permitting Process

In 2006, the State Legislature enacted regulations (Massachusetts General Laws, Chapter 43D) to support an expedited and streamlined municipal permit process for targeted economic development projects. An established, predictable local permitting process is

considered advantageous by potential developers. For towns that choose to enact Expedited Local Permitting, this program gives them the ability to promote commercial/industrial development on pre-approved parcels, known as “Priority Development Sites,” by offering an expedited, streamlined local permitting process. Towns that participate are eligible for a one-time technical assistance grant to aid them with the creation of a streamlined permitting process and for site specific pre-development work. The goal is to create a transparent and efficient municipal process, which guarantees local permitting decisions on designated “Priority Development Sites” within 180 days. This requires coordination of municipal staff and town boards including the Planning Board, Zoning Board of Appeal, Conservation Commission, Fire Chief, the Historic Commission, and Board of Health.

Eligible “Priority Development Sites” are sites that have been identified and approved by the town with permission from the property owner(s) that are in a commercial, industrial or mixed use zone and can accommodate the development or re-development of a building(s) of at least 50,000 square feet. Communities with Priority Development Sites will receive priority consideration for economic development grant programs such as CDAG and Brownfields funding, as well as marketing assistance for the sites. Through a State grant that began in 2007, the FRCOG can provide technical assistance to help towns identify possible Priority Development Sites and apply for Technical Assistance Grants.

Greenways and Trails Program

The Massachusetts Department of Conservation and Recreation’s (DCR) Greenways and Trails Program works to promote the creation and conservation of greenways and trails at local, regional and state levels. Greenways are defined as a network of protected land and water that are connected by trails, thereby promoting and preserving natural, cultural, and recreational resources. The program provides two different grants, as well as technical assistance and information to communities and non-profit organizations.

The **Recreational Trails Grants Program** is administered through DCR and the Massachusetts Recreational Trails Advisory Board, and offers grants from \$2,000 to \$50,000 on an annual basis with a deadline typically around October 1. Funding for the grants comes from the Federal Highway Administration and is disbursed to states to help maintain and create recreational trails for a variety of users. The grants are reimbursements, with the grantee receiving 80% reimbursement of a project’s cost, with 20% coming from other approved sources. Every year funds are allocated to three categories of projects: motorized, non-motorized, and multi-use facilities, with a focus on recreation rather than transportation oriented projects. Suggested projects include creation and maintenance of trails, acquisition of land or easements, and trailside and trailhead facilities such as signage, maps, and gates. Suggested types of trails include “non-traditional” open spaces such as transportation corridors, and trails that connect natural and recreational resources to communities. State, regional, and municipal

agencies and non-profit organizations are eligible to receive grants through this program.

The Recreational Trails Program (RTP) was created by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), reauthorized in 1998 as part of the Transportation Equity Act for the 21st Century (TEA-21), and reauthorized again in 2005 through the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The Surface Transportation Act is due to expire in 2009 and early drafts of reauthorizing legislation did not include the Recreational Trails Program. Efforts are underway to ensure that the trails program is included in the final legislation, but it is still early in the legislative process and the outcome is unclear.

The **Greenways and Trails Demonstration Grants Program** is currently unfunded and unavailable. In the past, this program offered grants to support greenways and trails projects of up to \$5,000 to non-profits, municipalities, and regional planning agencies, and grants of up to \$10,000 for multi-town projects. Further information on both grant programs can be found on the Greenways and Trails Program website at www.mass.gov/dcr/stewardship/greenway/index.htm.

Farm and Agriculture Programs

The **Farm Viability Program**, through the Massachusetts Department of Agricultural Resources (www.mass.gov/agr), seeks to improve the economic viability and environmental integrity of participating Massachusetts farms through the development and implementation of farm viability plans. This annual grant program offers farmers environmental, technical and business planning assistance to expand, upgrade and modernize their existing operations. Capital for the implementation of the improvements recommended in the viability plan is available in exchange for an agricultural covenant on the farm property. Up to \$25,000 grants are currently available for participating landowners that place a 5-year covenant on their property; up to \$50,000 grants are currently available for participating landowners that place a 10-year covenant on their property, and larger grants may be available for participating landowners with 135 acres or more in active agriculture. Grant money must be spent on measures identified in the business plan completed as part of the program.

The **Agricultural Environmental Enhancement Program (AEEP)**, through the Massachusetts Department of Agricultural Resources (www.mass.gov/agr), provides funding to agricultural operations in Massachusetts for the mitigation and/or prevention of impacts on natural resources that may result from agricultural practices. While primarily a water quality program, AEEP will also fund practices that promote energy efficiency, water conservation, and reduce greenhouse gas emissions. Farmers selected to participate are reimbursed for the approved costs of materials up to \$30,000. A minimum of a 5% match is required of applicants. Most awards are in the \$10,000 to \$15,000 range.

The **Agricultural Business Training Program (ABTP)**, through the Massachusetts Department of Agricultural Resources (www.mass.gov/agr), responds to changing needs of Massachusetts Agriculture, by providing training and technical assistance to farmers. Examples of business planning programs offered through ABTP include courses for beginning and pre-venture farmers, such as “Exploring Your Small Farm Dream” as well as courses targeted to existing agricultural enterprises such as “Tilling the Soil of Opportunity”.

The **Massachusetts Farm Energy Program** is a joint two-year project of the Massachusetts Department of Agricultural Resources, the USDA-Natural Resources Conservation Service, Berkshire-Pioneer Resource Conservation & Development Area and Patriot Resource Conservation & Development Area (www.berkshirepioneerrcd.org/mfep). The program provides technical assistance to farmers and agribusiness to increase on-farm energy conservation and efficiency; promote alternative and renewable energy strategies for on-farm energy generation; and reduce agricultural greenhouse gas emissions. Technical assistance includes providing resources about existing programs and financing, obtaining energy audits and renewable energy assessments, the provision of incentives for implementing audit recommendations, and identifying and promoting best management practices for farm energy systems

Transportation Enhancement

The Transportation Enhancement Program, through the Massachusetts Executive Office of Transportation (www.eot.state.ma.us), is a grant program targeted to provide opportunities to “preserve, restore, and enhance components of the surface transportation system.” Eligible projects include bicycle and pedestrian facilities, scenic easement acquisition, and streetscapes, among other less traditional transportation projects. Municipalities are eligible to apply for these funds, and encouraged to work with their Regional Planning Agency, either the FRCOG or PVPC.

Arts and Tourism

The promotion of creative-economy businesses and those targeting visitors are an important part of creating economic opportunity through the Scenic Byway program. Like any other business, technical assistance provided by community development corporations is a valuable resource. An additional, potential resource is the **Massachusetts Cultural Council** (www.massculturalcouncil.org). The Council offers different grant programs available to individuals, schools, cultural organizations, and others through direct programs or through local cultural councils.

Managed by the Massachusetts Office of Travel and Tourism (MOTT), the **Regional Tourism Grant Program** provides funds to the State’s 13 Regional Tourist Councils, such as the Franklin County Chamber of Commerce, to aid in marketing efforts for their region. Local business associations are eligible to apply for funding through their regional council. Funds can be used for marketing local businesses and attractions,

through efforts such as websites and brochures. Information on the State's regional councils can be found on the MOTT website at www.massvacation.com/industry/rtc.php.

State Tax Credit Programs

Tax credit programs allow property developers to access capital to fund their redevelopment projects by selling credits to another entity that can off-set their own state tax liability by using them. It is important to note that tax credit programs require significant work in advance for a successful application.

The Massachusetts Historic Commission (www.sec.state.ma.us/mhc) manages the **Massachusetts Historic Rehabilitation Tax Credit program**. The use of this program is targeted for the rehabilitation of historically significant properties. The revitalization of historic properties for economic use can be more expensive than other projects, especially when trying to make the property workable for today's businesses, while maintaining the historic character and quality of the structure. In some cases, these credits can make the difference between a costly building rehabilitation project being economically feasible or not. As a result, these tax credits help to save endangered properties and preserve the character of a community. According to the Commission, under this program a certified rehabilitation project on an income-producing property is eligible to receive up to 20% of the cost of certified rehabilitation expenditures in state tax credits. There is an annual limit on the amount of tax credits available through the Commonwealth's program, so there are selection criteria that ensure the funds are distributed to the projects that provide the most public benefit.

The **State Brownfields Tax Credit** allows taxpayers a credit against their tax liability for the costs incurred to rehabilitate contaminated property owned or leased for business purposes and located within an economically distressed area. Recent legislation has extended the State Brownfields Tax to August 2011. More information about this tax credit is available from the Massachusetts Department of Revenue (www.mass.gov/dor).

Local Funding Sources

Community Preservation Act (CPA)

Signed into law in 2000, the Massachusetts Community Preservation Act (M.G.L., Chapter 44B), gives communities a funding source for projects related to historic preservation, open space protection, and affordable housing. Municipalities adopt the Community Preservation Act (CPA) on a local basis, through a ballot referendum. Communities that approve the CPA can impose a property tax surcharge of up to 3%. Exemptions can be made for the first \$100,000 of residential property value for homes owned by low-income households or seniors of moderate income or for commercial and industrial properties. The funds collected through this surcharge are set aside in a local Community Preservation Fund along with available State matching funds. Monies accruing in this fund are to be spent on historic preservation, open space (excluding

recreation), and affordable housing with at least 10% of the annual receipts going toward each category. Spending can be deferred until needed. The community determines how it would like to distribute the remaining 70% of funds to any combination of the three categories, including public recreation. Currently, the State match for CPA funds is up to 100%. As of November 2008, none of the towns along the Route 112 Scenic Byway had adopted the CPA. Communities in Franklin County that have adopted the CPA to date are Conway, Deerfield, Leverett, Northfield, Shutesbury, and Whately.

Local Tax Incentives

Massachusetts **Chapter 61 tax abatement programs** offer landowners reduced local property taxes in return for maintaining land in productive forestry (Chapter 61), agricultural and horticultural use (Chapter 61A), or open space or recreational use (Chapter 61B) for a certain period of time. These programs are discussed in detail above in the section on Protected Open Space.

In addition, some towns offer **other local tax incentives**. For example, the Town of Ashfield offers a reduced tax on the frontage on permanently conserved land.

Findings

- There are significant areas which were ranked as outstanding or distinctive scenic vistas along the Route 112 Scenic Byway that are not permanently protected as open space, forest or farmland. Ridgelines, in particular, may be subject to pressures for the development of telecommunications infrastructure, wind turbines, or residential development.
- Zoning bylaws vary by community along the Byway and there is potential for towns to consider adopting additional zoning regulations to help protect resources and support appropriate economic development.
- Commercial and industrial development along the Byway may contrast, in some instances, with the surrounding uses, such as farms and open space.
- Signage and lighting can detract from the scenic, historic, and natural character of the Byway.
- Approval not required (ANR) residential development along the side of the road is of concern in regard to maintaining the scenic, historic, and natural character of the Byway in some areas.
- Agricultural and forestry-related businesses are an important part of the economies of several of the Byway towns, but might benefit from increased marketing.

- Historic properties and uses along the Byway are an important part of the Byway's character, and may need additional resources for protection, restoration, and/or maintenance.
- Access to publicly-owned historic properties is limited due to funding constraints.

Recommendations

- Secure funding from the National Scenic Byway Program for scenic easement acquisition and work with willing property owners that have land in areas that have been identified in the Scenic Resources Assessment as outstanding or distinctive.
- Consider the adoption of voluntary design guidelines that encourage commercial and industrial establishments to have signage, external lighting, building characteristics and materials, parking, and landscaping that complement the scenic, historic, and natural characteristics of the Route 112 Scenic Byway.
- Support local planning boards in reviewing and considering the revision of local zoning tools to enhance and protect the character and resources along the Scenic Byway Corridor consistent with individual community values. These might include:
 - By-right residential cluster developments with Site Plan Review;
 - Cluster developments for commercial uses;
 - Mixed use village centers;
 - Back lots with open space set-aside; and
 - Ridge protection or agricultural preservation overlay districts.
- Enhance public awareness of the importance of agricultural and forestry businesses in the Byway towns and support the purchase of local forest and farm products. One possibility might be the development of a marketing program that focuses on local farm stands and farmers markets, such as in Ashfield and Shelburne Falls.
- Work with the towns of Shelburne and Buckland to expand the Shelburne Falls National Register Historic District and to create a Buckland Center National Register Historic District in the Route 112/Upper Street area. Towns in the Route 112 Byway Corridor should support active Historical Commissions to assist in the documentation and preservation of historical resources. The Commissions should seek grant funding or volunteer assistance to update the historical resource survey sheets for submission to the MHC and inclusion in the MACRIS system.
- Identify funding sources and assist with grant applications to secure funding for redevelopment and revitalization projects in village centers for historic resources such as former mill buildings, churches, etc.

- Consider adopting the Community Preservation Act (CPA) to assist with the restoration and rehabilitation of historic and architecturally significant buildings and protection of farmland and open space.

