

Hotel, housing, 66 building lots permitted along Cold Spring Road, planning board found; Another 100 lots near Five Corners; the best argument for rejecting the water line is an economic one

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ONE-PAGE SYNOPSIS:

Many studies document that farms and open land, far from draining local taxes, actually subsidize local government by generating far more in property taxes than they demand in services. Growth and development do not generally lower property tax bills.

The Planning Board's build-out analysis found about 66 potential building lots on Route 7 between the Bee Hill Road intersection and MGRHS, including a potential spur partway up Woodcock Road. From MGRHS to the Five Corners area of South Williamstown (to the Route 7 and Route 43 southern end of Waubeeka Golf course) and including a spur partway up Sloan Road, about 100 building lots were identified. The Williamstown Market Place/1896 House site could become a hotel with 125-180 rooms, Building Inspector Michael Card says.

If that zoning were [challenged by a property owner](#) or developer on the grounds that water and sewer lines negate the public health necessity for large lot zoning, the town may be forced to rezone the RR2 and RR3 areas for higher density (1 acre, for example). In this case, the build-out analysis calculations would be doubled: 132 house lots on Cold Spring Road and 200 house lots in South Williamstown.

Proponents of the water main, including the Board of Selectmen and some members of the MGRHS Committee, have attempted to discredit the Planning Board's analysis, but the Planning Board has reviewed the analysis on several occasions and has not found cause to amend it. The Board stands by these numbers and also supports the need to consider the build-out potential of South Williamstown because the 16" water main would be poised for extension to Five Corners, which would open up South Williamstown to profitable large scale development.

All recent land use plans for Williamstown have endorsed the importance of smart growth to protect the town's character as well as its appeal as a tourist destination. The Master Plan (2002) and the Open Space Plan (2004) recommend placing new development in downtown areas that are already developed and already served by water and sewer. The plans state that this strategy makes economic sense on two fronts: it revitalizes the downtown, which helps maintain the town center as a viable commercial zone. And second, by protecting the rural outlying areas of town from development, Williamstown will preserve what it is known for: scenic, rural beauty.

Protecting the sweeping views in the gateway to town is the key to protecting the town's economic value: a 1992 planning study of the Cold Spring Road corridor states that "Cold Spring Road...is an enormous economic asset that needs to be protected. It is conceivable that with existing zoning is may someday be pressured into more office/corporate uses or more tourist uses...the economic value of the corridor's natural setting...is one of the major supports for the local economy. Controlling growth on the corridor is, therefore, a positive economic development strategy" (Connery Associates 1992).

BACKGROUND

1. Build Out Analysis

The Williamstown Planning Board conducted a build-out analysis of the Cold Spring Road corridor. Build-out analyses are a commonly-used planning tool that calculate the maximum amount of development possible under current zoning; they are used to help towns understand what their zoning prescribes, or, what the future pattern of development will be.

The build-out analysis was conducted because infrastructure (water mains and sewer pipes) is known to increase property values and lead to development. There is concern that the water main, combined with the existing sewer, will hasten development along Cold Spring Road, either in the short or long term. The zoning capacity of an area must be understood before growth occurs: afterwards it will be too late.

Build-out analyses begin by calculating the development potential according to zoning, next protected (APR and CR) and publicly owned land is removed from the analysis. Unbuildable land, including steep slopes, wetlands and rivers, and areas surrounding wetlands that are protected by the Wetlands Protection Act and the Rivers Protection Act are also subtracted from the calculation.

The Cold Spring Road build-out analysis covers the area between Bee Hill Road and Mount Greylock Regional High School. This stretch of Cold Spring Road is primarily zoned Rural Residential 3 (RR3), which requires 2.5 acres for a building lot. The Planning Board, in an effort to err on the conservative side, used 3 acre zoning when calculating subdivision build-out to account for land for subdivision roads and right of ways. There are also some Tourist Business (TB) zones along Cold Spring Road that are subject to more intensive use.

Two types of residential development are possible: Approval Not Required (ANR) and subdivisions. ANR lots can be created *by right* along Cold Spring Road if the required 200' frontage and 2.5 acreage exists. In other words, approval by the Planning Board is not required and the Planning Board may not deny ANR applications if these dimensional requirements are met. Subdivisions may be built on larger parcels where a road can be built, usually a cul-de-sac, which creates frontage for house lots.

Subdivisions are governed by the Subdivision Control Law and are subject to review by the Planning Board, but they may not be denied if the dimensional requirements are met. No applications for housing developments--either through ANR or subdivision--may be rejected because of local land use preferences or planning objectives.

The build-out analysis found about 66 potential building lots on Route 7 between Bee Hill Rd intersection and MGRHS. This takes into account a potential spur partway up Woodcock Road. From MGRHS to the Five Corners area of South Williamstown (to the Route 7 and Route 43 southern end of Waubeeka Golf course) and including a spur partway up Sloan Road, about 100 building lots were identified. Beginning at Five Corners, the zoning district changes from RR3 to RR2 so the frontage requirement decrease to 150' from Five Corners south.

Non-residential development is also possible along Cold Spring Road. The Tourist Business zones may be developed for more intensive use. For example, the Williamstown Market Place/1896 House site could become a hotel with approximately 125 to 180 rooms, according to

Building Inspector Michael Card. Institutional uses, such as nursing homes, are allowed by Special Permit from the Zoning Board.

There are statutory limits to local land use controls in Massachusetts: educational and religious uses are allowed in any zone. (This explains why the Clark/WACC was able to locate in the Rural Residential zone.) Another use exemption that limits local control over land is 40B affordable housing development. These are allowed in any zone within localities that have not met the 10% affordable housing goal, which Williamstown has not. Neither the Planning Board nor any governmental body can legally limit development along Route 7 or any road in town by zoning for larger than 2.5 acres.

In fact, the legality of 2.5 acre zoning is already questionable. If that zoning were challenged by a property owner or developer on the grounds that water and sewer lines negate the public health necessity for large lot zoning, the town may be forced to rezone the RR2 and RR3 areas for higher density (1 acre, for example). In this case, the build-out analysis calculations would be doubled: 132 house lots on Cold Spring Road and 200 house lots in South Williamstown.

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Land Use Plans

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2. The True Cost of Development

There is a commonly held belief that development enhances the local tax base. Therefore, it follows that housing development is a way to increase the wealth of towns, including schools and other public services. This thinking is based on the idea that more houses equal more property

tax. While this sounds logical, this logic has been disproved many times over. Numerous studies have shown that residential land is the most expensive for local government to support: it costs the public more money than it pays in taxes and charges.¹ It is more expensive to serve residential areas than commercial, industrial, farm or open land. Large-lot housing developments are the most costly type of land us for towns.

This research, cost of community services studies, has found that revenue from residential land falls about 25 percent short of covering the costs of the public services they receive. The ratios of revenues to expenditures for residential, Commercial/industrial, and farmland/open space found in three Massachusetts towns averaged: 1:1.12 for residential land; 1:1.42 for commercial/industrial land; and 1:1.33 for farmland/open space.² Another study found that for every dollar farms and open lands generated in revenue, they required only 0.33 in services.³ The adage that cows do not send their children to school expresses a documented fact: farms and open land, far from draining local taxes, actually subsidize local government by generating far more in property taxes than they demand in services.

These findings call into question the assumptions behind the term “highest and best use” of land. Growth and development do not generally lower property tax bills. It is neither accurate nor responsible to claim that expanding the residential tax base, especially through the development of large lot single family homes, is an economic development strategy.

¹ “Economic Benefits of Open Space,” Government Finance Group, Inc. , *Public Finance Digest*, Sept. 1993.

² “Does Farmland Protection Pay: The cost of community services in three Massachusetts towns (Gill, Agawam, Deefield),” American Farmland Trust, 1992.

³ “Cost of Community Services: the value of farm and ranch land in Hays County, Texas,” American Farmland Trust, DATE?