

# Grocery Store Zoning



**HARVARD PLANNING BOARD**  
**SEPTEMBER 22, 2014**

# Purpose of This Forum



- To hear public comments on the Economic Development Committee's proposal to increase the allowable size of a grocery store.
- To discuss current zoning regulations that affect grocery stores in the Commercial (C) district.
- To inform the Planning Board and EDC of the sentiment of residents for promoting a grocery store and other forms of commercial development in Harvard.

# Initiating Zoning Amendments



- The process begins by submitting an amendment to the Board of Selectmen.
- The following parties may submit amendments:
  - The Board of Selectmen
  - The Planning Board
  - The ZBA
  - 10 registered voters for an Annual Town Meeting
  - 100 registered voters for a Special Town Meeting
  - An individual owning land to be affected by a change
  - The Montachusett Regional Planning Commission

# The Amendment Process



- The Selectmen forward the proposed amendment to the Planning Board for public review.
- The Planning Board holds a public hearing within 65 days of submission.
- The Board seeks public input and may change the text or map to perfect the proposal.
- The Planning Board delivers a report to Town Meeting.
- Town Meeting must vote within 6 months of the public hearing, or the process starts over.
- Adoption requires a 2/3 majority at Town Meeting.

# EDC White Paper



- Through community surveys, the EDC believes a small to medium size grocery store would be a welcome addition to the Town.
- The EDC prepared a White Paper to explain siting requirements for grocery stores and to identify barriers to attracting a store to Harvard.
- The EDC believes zoning is a potential obstacle that may discourage developers from coming to Harvard.

“... the EDC and Planning Board should determine whether the ARV-SP bylaw provision should be amended, and whether the special permit should allow for a larger building if it contains a grocery store, so that a full-size store could locate in the C District.” (page 5)

## ECONOMIC DEVELOPMENT COMMITTEE

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Grocery Store White Paper  
Harvard Economic Development Committee

April 10, 2013

The purpose of the Economic Development Committee's (EDC) White Paper research was to determine whether a grocery store could be located in the Commercial (C) District in Harvard. The Committee wanted to determine if there are gaps between what grocery stores need and want on the one hand, and Harvard's place in the grocery store retail environment and what it can accommodate via the zoning regulations on the other hand. The purpose of this White Paper is to

# Previous Accomplishments



- From a 2002 Master Plan recommendation, Town Meeting in 2004 adopted a new section, known as the Ayer Road Village Special Permit, to encourage mixed use development in the C district.
- A distinct allowance enables grocery stores to have up to 30,000 sq. ft.
- It has not yet been exercised. Is the size limit discouraging proposals?
- What is appropriate for Harvard today?

# Survey Results



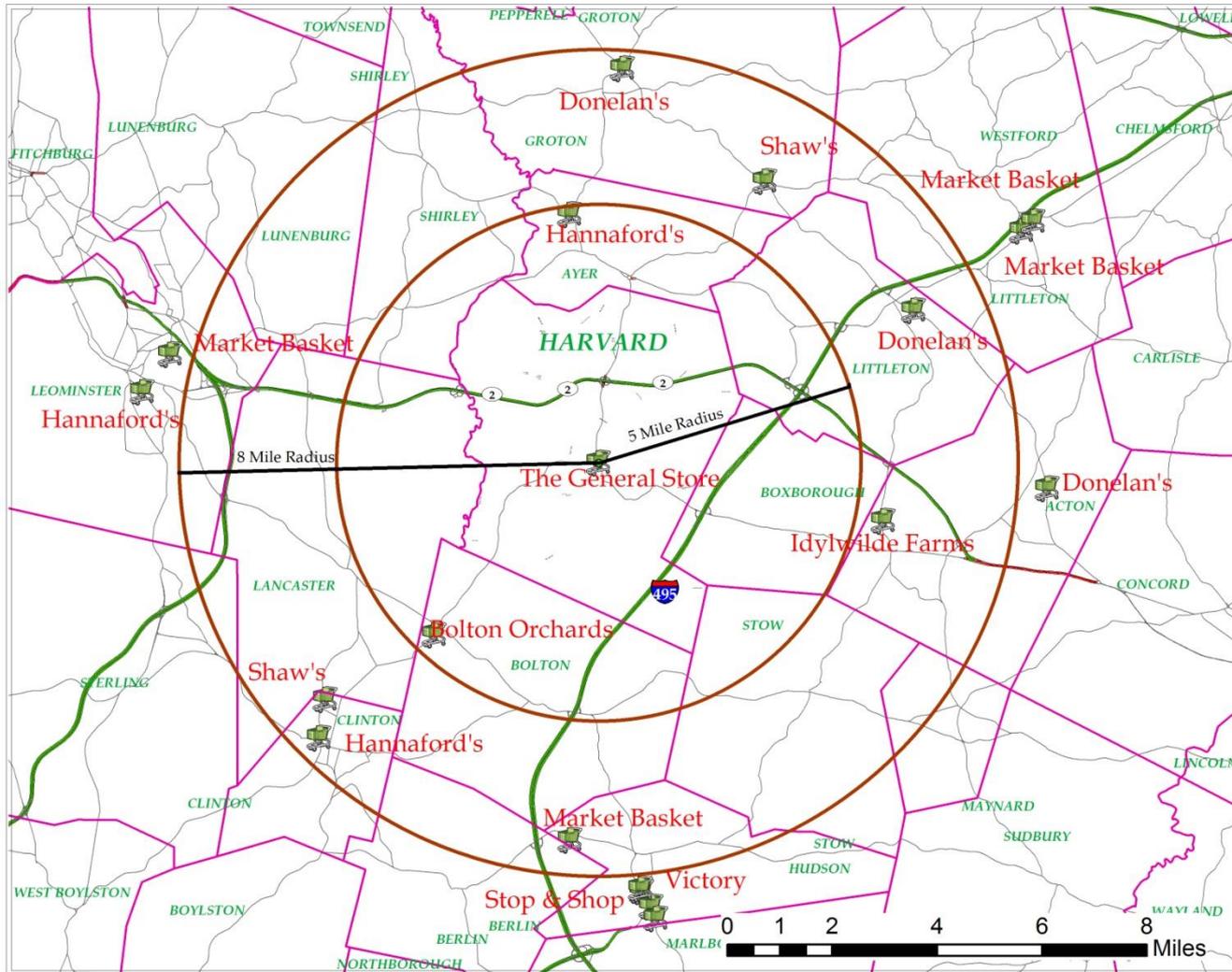
- In the 2012 Phase 1 Master Plan Survey, in response to the question, “What are the top 5 ways the Town can improve how it meets the needs of all its residents?” grocery stores ranked second in importance:
  - Provide/allow local eateries 53.6%
  - **Provide/allow local grocery store 48.7%**
  - Create safe walking/bike paths 44.2%

# Question 14, Commercial District



		<b>Strongly/Mostly Agree</b>	<b>Strongly/Mostly Disagree</b>	<b>Need More Information</b>
1	I support commercial development if it increases tax revenue.	73.0	14.7	10.4
2	I support increasing commercial development in the C District only.	57.8%	30.6	9.2
3	I support commercial development town-wide.	29.3	60.4	9.3
4	I support a mix of uses (both residential and commercial) in the C district.	75.1%	14.8%	7.6%
5	Commercial development in all parts of Town should reflect the Town's rural and historic character.	87.4%	7.3%	3.7%
6	I am concerned about traffic impacts of new development in the C district.	54.0%	33.3%	8.0%
7	I am concerned about protection of natural resources, the watershed, and green spaces in the C district.	65.6%	23.3%	7.9%

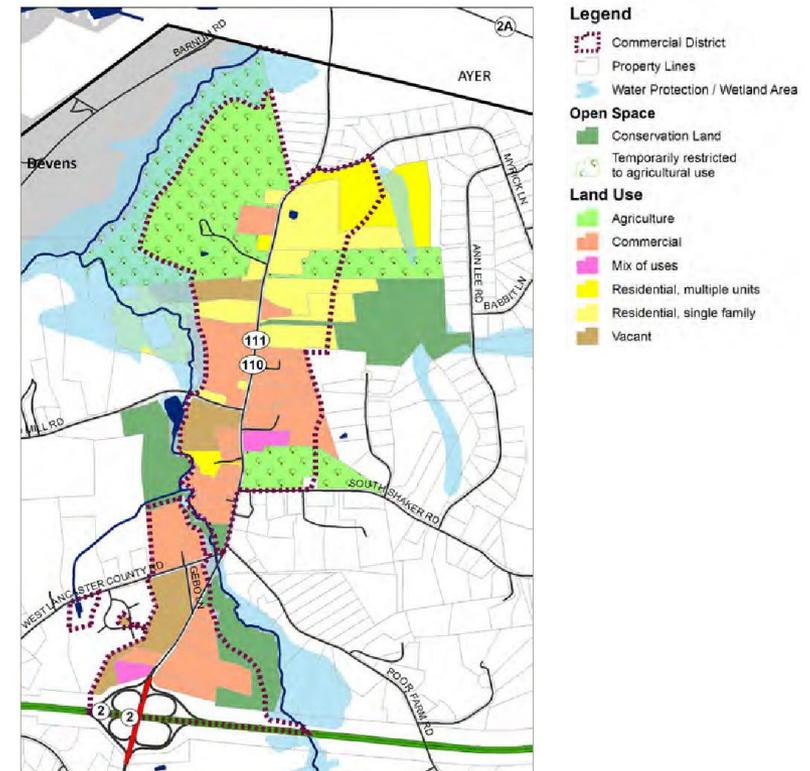
# Grocery Stores Near Harvard



# Harvard's Commercial District

- The C District is Harvard's principal business district. It allows a wide variety of uses, including restaurants, retail stores, professional offices, and mixed use development.
- The District contains numerous homes and several large tracts of farmland.
- Several vacant parcels remain available for development, and older uses are likely to redevelop in the near term. This growth could alter the character of the area, for better or worse.

Figure 5: Existing Land Uses



# Grocery Store Impacts



## Positive

- Convenience
- Reduce travel time
- Support local farmers
- Jobs, from management to stocking clerks
- Tax revenue, somewhat offset by additional costs
- Attracts complementary development

## Negative

- Traffic
- Parking
- Stormwater runoff
- Noisy Deliveries
- Truck idling
- Waste disposal
- Late hours of operation
- Security lighting
- Increase in town services (police, fire)

# Harvard's Existing Zoning Requirements



- A grocery store is a medium-scale commercial use under the Bylaw.
- It is allowed in the C-District as a by-right use, subject to site plan approval of the Planning Board.
- The store may not exceed 15,000 sq. ft. (Other buildings > 10,000 sq. ft. require a special permit.)

## §125-13 Medium-Scale Commercial Uses

J. Store, showroom, salesroom for the conduct of retail business, including a grocery, hardware, clothing, drug, or general store, not including auto sales, which uses shall not exceed 15,000 square feet of gross floor area of building space.

- Developers generally prefer the certainty of a by-right approval process over a discretionary special permit process.
- Given Harvard's dimensional requirements, a 15,000 sq. ft. grocery would need about 3-5 ac. of land to accommodate parking and buffers.

# Ayer Road Village Special Permit



- A greater building size is allowed in an “Ayer Road Village Special Permit”. The Planning Board may approve buildings up to 30,000 sq. ft. by special permit as part of a “Mixed-Use Village Development”.

“The purpose of this section is to provide an opportunity to present viable alternatives to conventional commercial sprawl-type development; specifically, to assist the Town in creating and maintaining a village identity for commercial properties on Ayer Road.”
- Neighbors generally prefer a special permit process since the approving board has more leverage to mitigate impacts, or in extreme cases, it may deny a project.
- Given Harvard’s dimensional requirements, a 30,000 sq. ft. grocery would need about 7-10 ac. of land to accommodate parking and buffers.

# ARV-SP Requirements



- Requires participation by an architect, landscape architect, and engineer.
- Standards in the Bylaw promote pedestrian and bicycle access, minimize the impact of parking, protect surrounding properties from adverse operations, regulate building mass, and encourage design that is compatible with local architecture.
- Allows privately-owned sewage treatment systems for large water users, such as apartments, entertainment uses, and restaurants.
- Provides dimensional flexibility to accommodate good design:
  - Permits more than 1 main building on a lot
  - Lot width circle requirement does not apply
  - Allows reduced setback requirements (except adjacent to AR district)
  - May apply alternative standards for parking, loading, and driveways
  - May exceed floor area ratio limit by 10%

# Options



- To summarize, a grocery store of 15,000 sq. ft. or less is permitted in the C district by right with site plan review.
- A grocery store of 15,000-30,000 sq. ft. is permitted by special permit of the Planning Board in an Ayer Road Village mixed use development.
- Options for amending the Bylaw include:
  1. Increase the “by-right” size
  2. Increase the “special permit” size
  3. Develop a specific amendment to regulate this use
  4. Take no action

# Tax Revenues From Area Grocery Stores



Town	Market	Tax Rate	Assessed Value	Real Estate Tax Revenue (a)	Size Sq. Ft.
Lincoln (b)	Donelan's	18.60	636,200	11,833.32	23,364
Groton	Donelan's	17.38	750,300	13,040.21	12,254
Groton	Shaw's	17.38	5,407,200	93,977.14	68,200
Acton (c)	Idylwilde	19.45	2,159,500	42,002.28	18,513
Stow (d)	Shaw's	19.17	14,973,000	118,739.10	51,716

## Notes:

- (a) Real estate tax revenue for 2014
- (b) Lincoln: Donelan's is part of a village development. I extracted the info above from field cards.
- (c) Acton: Donelan's is also part of a large plaza.
- (d) Stow: Assessor could not break out the value of Shaw's itself. The assessed value above is for the whole center. We have estimated real estate tax revenue for Shaw's based on its size (41.4% (or 51,716 sf) of the total area of the plaza of 125,015 sf.. Total tax revenue for the plaza is \$287,032,410

Westford: Market Basket stores are in plaza and the Assessors are unable to break out the markets separately.

Harvard MIL Rate for 2014 is \$17.09 per \$1k

# Next Steps



- The Planning Board and EDC will continue to discuss the grocery store question and will take into account the comments made during the discussion portion of the meeting.
- The Planning Board, EDC and Selectmen may decide to pursue a zoning amendment. If so , the Planning Board would hold the required public hearing in Jan.-Feb. 2015 prior to the Annual Town Meeting.
- Concurrently, the Planning Board will study new design guidelines to minimize the impact of growth in the C District.
- The Master Plan may also contain recommendations for zoning changes in the C District, which the Planning Board will carefully examine before seeking adoption.



Thank you!

Questions and Comments