

## Pioneer Valley Habitat for Humanity Big Enough Project

### Summary of Franklin County Research Findings

#### Introduction

FRCOG staff assisted the Pioneer Valley Habitat for Humanity with completing research of the regulatory challenges and opportunities in Franklin County towns for building small, simple, energy efficient homes. The PVHH was awarded an Innovation Grant from the Community Foundation of Western Massachusetts to fund the work. For the purposes of the project, “small homes” are defined as 400 – 900 square feet.<sup>1</sup>

Staff researched existing zoning regulations in Franklin County towns with water and sewer infrastructure. Staff compiled a spreadsheet with information on regulations that impact the feasibility of building small, simple, green homes, including: minimum lot size and frontage requirements; minimum dwelling unit size; types of housing allowed (including mobile and manufactured homes); ADU bylaws; cluster/flexible development bylaws; and common/shared driveways (see Appendix A).

In addition to researching current zoning, FRCOG staff also reviewed potential zoning strategies to support small home development in small, rural communities.

#### Summary of Research

##### *Communities with Public Water and Sewer*

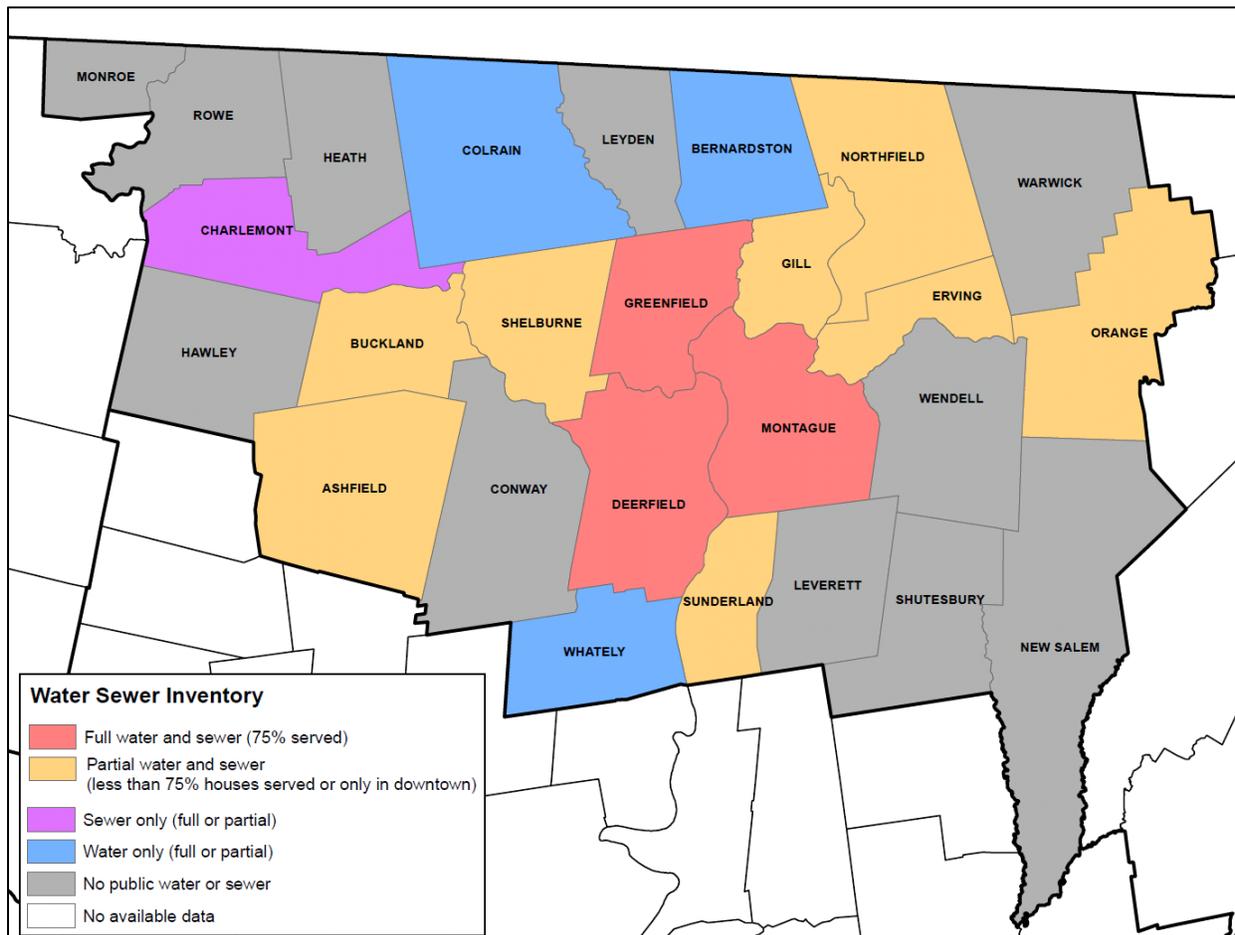
Private septic systems and drinking water wells are costly to install and maintain, and often require a building lot of at least 1 to 1.5 acre (an acre is 43,560 square feet), depending on site and soil characteristics. Research for this project, therefore, focused on areas of towns with public water and sewer service, which can better support affordable, small lot development. Of the 26 towns in Franklin County, only 11 towns have areas served by both public water and sewer (see Map 1). The towns of Greenfield, Deerfield, and Montague have the most extensive water and sewer coverage, while service in the remaining towns is typically limited to a village or downtown area. Geographic expansion of existing public water and sewer service is generally not being considered by Franklin County communities or water/sewer districts.<sup>2</sup> New housing construction in these areas will be mainly in the form of infill development on individual lots or subdivision of remaining open land.

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<sup>1</sup> Dwelling units must meet State Building Code and State Sanitary Code requirements, which determine the minimum size of rooms, bedrooms, and other elements of a home.

<sup>2</sup> 2013 *Franklin County Water and Sewer Survey*. Franklin Regional Council of Governments.

**Map 1: Towns in Franklin County with Public Water and Sewer Service**



**Minimum Lot Size and Frontage Requirements**

In zoning districts allowing new single family homes, minimum lot sizes range from none to 80,000 square feet, or roughly 2 acres. The median minimum lot size for single family homes in all zoning districts reviewed is 20,000 square feet, or just under a half acre. Some towns require larger lot sizes when constructing a two-family or multi-family home. Minimum frontage requirements, or the amount of land required along a road, range from 30 feet to 250 feet. The median frontage requirement in the zoning districts reviewed is 100 feet.

**Minimum Dwelling Unit Size**

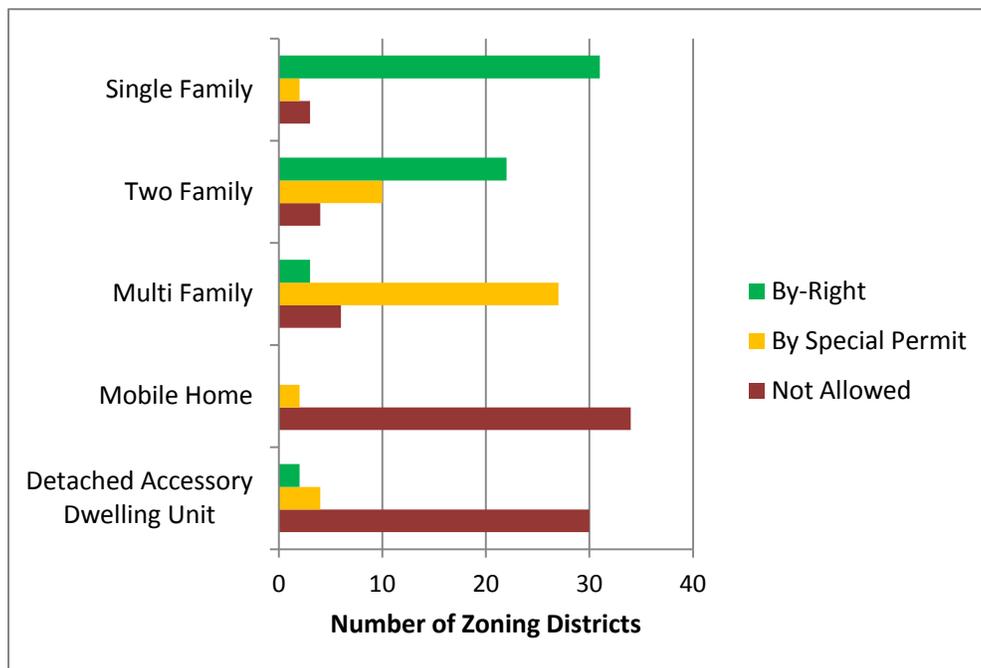
Only one town, Montague, places a minimum requirement on dwelling unit size. Montague’s minimum dwelling unit size is 500 square feet. The State Building and Sanitary Codes include minimum sizes for elements of a house such as rooms and bedrooms, which ultimately dictates the minimum size of a home. Currently according to the State Sanitary Code, a dwelling unit

must contain at least 150 square feet of floor space for its first occupant, and at least 100 square feet of floor space for each additional occupant.<sup>3</sup>

*Types of Housing Allowed*

The research focused only on zoning districts that allowed some type of residential development, totaling 36 districts. Figure 1 displays the number of zoning districts that allow a housing type by-right, by special permit, or prohibits the housing type. Single family homes are allowed by-right in all but 5 districts. The districts that restrict single family homes are either business-oriented districts or downtown areas. Two family homes are allowed by-right in 22 districts, and by special permit in 10 districts. Multi-family homes are mostly allowed by special permit. Northfield allows multi-family homes with up to four units by-right in two districts. Some communities limit the number of units allowed in a new multi-family structure, ranging from 3 to 6 units.

**Figure 1: Zoning for Housing Types in Districts with Water and Sewer**



Mobile homes are generally not allowed in the communities included in the study. The exception is in Shelburne, where mobile homes are allowed by special permit as part of a mobile home park development. Mobile homes are typically defined as a dwelling unit on a chassis installed on a temporary or permanent foundation. Modular, pre-fabricated homes built according to the State Building Code and installed on a permanent foundation would generally fall under the definition of a single family home and would be permitted as such. Tiny homes

<sup>3</sup> See 105 CMR 410 State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation

built on a chassis with wheels would be considered either a mobile home, subject to HUD requirements, or a recreational vehicle, subject to requirements of the Recreational Vehicle Industry Association, and in most towns would not be allowed as a permanent residence.

#### *Accessory Dwelling Unit Bylaws*

A number of communities have some type of accessory dwelling unit (ADU) bylaw that allows for an apartment to be created within an existing single family home, and sometimes within an accessory structure such as a barn or garage. Most towns, however, do not allow ADUs as new, stand alone structures on an existing single family house lot (see Figure 1 above). Greenfield allows detached ADUs by special permit in four zoning districts, and Shelburne allows detached ADUs by-right in two zoning districts. Both towns cap the size of the ADU (800-900 square feet) and require the property owner to live in either the single family home or ADU.

#### *Common/Shared Driveways*

Common driveways can reduce the infrastructure cost of developing a small number of lots that otherwise would need individual driveways serving each lot. Seven communities allow for a common or shared driveway by special permit. Common driveways can serve 2 to 4 lots, depending on the community. Two communities only allow common driveways within an Open Space Development or Planned Unit Development scenario. One community also has an alternative procedure within their subdivision regulations for a common private way serving up to 6 lots that does not have to meet the standards of a traditional subdivision road.

#### *Alternative Development Methods: Cluster / Open Space Residential Development / Flexible Development*

Alternative development methods such as cluster development or open space residential development typically allow for more flexibility in lot sizes and dimensions than the underlying zoning, in exchange for a public good such as protected open space. This type of development applies to new subdivisions, and may be more cost-effective than a traditional “cookie-cutter” subdivision, since the amount of land clearing and road and utility infrastructure can be reduced by clustering homes closer together. Density bonuses are sometimes offered for providing additional benefits such as affordable housing or public access to open space.

Seven communities have some form of alternative development. In two communities, alternative development methods are allowed by special permit; five communities require site plan review; and two communities allow it by-right. Most alternative development methods require a minimum parcel size, ranging from 5 – 10 acres, making it difficult to use these methods in a small, infill development scenario. Minimum open space requirements range from 20% to 60%.

## Overall Research Findings

Research into regulatory opportunities and barriers to creating small, affordable homes in Franklin County communities resulted in the following overall findings:

- The lack of public water and sewer infrastructure in over half of the towns in the County limit the ability of these communities to support small lot development in village centers. Innovative septic and sewer systems may provide opportunities for these areas, but this was not a focus of this research.
- The median minimum lot size for a single family home of 20,000 square feet with 100 feet of frontage in the zoning districts reviewed does not support affordable small home development. Greenfield is the only community with zoning districts allowing minimum single family lot sizes below 10,000 square feet.
- Most communities do not have a minimum dwelling unit size requirement in their zoning. Montague is the exception, with a minimum dwelling unit size of 500 square feet. State Building and Sanitary Codes have minimum size requirements for elements of a house, but not for the overall house.
- A majority of zoning districts included in the research allow single family and two family homes by-right. Two family homes often require a larger lot size, however, even if served by public water and sewer.
- Mobile homes are not allowed, except if located within a mobile home park in Shelburne. Some towns make a distinction between manufactured homes built to the HUD code (not allowed) versus manufactured homes built to State building code (treated like a single family home). Town Counsel may need to be consulted in communities where the definition is unclear to determine what is allowed.
- Only two communities, Greenfield and Shelburne, allow detached accessory dwelling units (ADU) on a single family house lot. ADU bylaws provide for more housing choice and diversity within an existing neighborhood. ADUs are not a home-ownership option, but can provide additional income for a single-family homeowner.
- While most communities have some form of alternative development method such as cluster development or open space residential development that allows for smaller lot and frontage sizes than underlying zoning, these methods are typically focused on balancing new housing with natural resource protection in undeveloped areas of a community. Requirements such as minimum parcel sizes (ranging from 5-10 acres) limit the applicability of these methods for small-scale infill development within villages and downtown neighborhoods.

## Potential Zoning Options to Support Small Affordable Homes

The following zoning options focus on allowing smaller lot sizes for individual or small-scale single-family housing development in existing villages and downtown areas with public water and sewer infrastructure. Smaller lot sizes can better support small, affordable home development by reducing the cost of land, and can help promote sustainable, vibrant communities.

### *Rezoning for Smaller Lot Sizes*

A straightforward approach to supporting smaller homes in existing villages and downtown neighborhoods is to rezone these districts for smaller lot sizes. This could be particularly appropriate in areas where the current dimensional requirements are larger than the historic development pattern, rendering many existing lots non-conforming. Reducing minimum lot size requirements would allow for small, individual lot infill on existing lots that were previously non-conforming, or on new lots created by dividing an existing, larger lot. New subdivision streets on remaining open land within village districts would be able to conform to the existing development pattern.

### *Small Lot Overlay Zoning*

A community could designate areas where smaller lot sizes may be appropriate, but the underlying zoning would not change. An overlay district could allow for smaller lot sizes on an individual or multi-lot development scale. Site Plan Review and design guidelines could be utilized to ensure compatibility with the surrounding neighborhood. Massachusetts' Chapter 40R Smart Growth Overlay District is an example of overlay zoning that provides for as-of-right housing at greater densities than what is currently allowed in a zoning district. A new element of the program is the "starter home" criteria, which would allow smaller homes no larger than 1,850 square feet, on lots no larger than a quarter acre.<sup>4</sup>

### *Small Lot Cluster Development*

As noted in the research findings, many communities allow for alternative subdivision development methods with greater flexibility in lot sizes than a traditional subdivision, but are most appropriate for balancing housing with natural resource protection in undeveloped areas of a community. For existing village and downtown areas with limited remaining open space, a different alternative method may be needed. Cluster zoning could be utilized in a village setting if minimum parcel size requirements were smaller or not required in these areas, and minimum open space requirements were less than in rural districts. Smaller lot sizes (for example, 5,000 - 10,000 square feet) would be offset by a common open space requirement of anywhere from

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<sup>4</sup> See the Massachusetts Department of Housing and Community Development's Chapter 40R website for more information: <http://www.mass.gov/hed/community/planning/chapter-40-r.html>.

15% to 30%. Similar to many existing cluster development bylaws, density bonuses could be granted for providing public benefits, such as public access to open space or provision of affordable housing units.

#### *Cottage Housing Development*<sup>5</sup>

A Cottage Housing Development (CHD) is a collection of small houses that are usually less than 1,000 square feet in gross floor area. Groups of 4 – 12 cottages are arranged around a common open space, or courtyard. Cottage developments are either fee-simple ownership (with a homeowners association for common spaces) or condominiums, and offer an alternative single family ownership option that may appeal to seniors looking to downsize, singles and couples without children, and small families.

Cottage housing zoning provides an alternative to underlying zoning, and allows for small-scale multi-unit infill development in established neighborhoods. Typically density for a cottage development is double the underlying zoning. In exchange for building at higher densities, housing size is capped, usually at 1,200 square feet or less. Common open space is determined by a certain amount of square feet required per unit. Parking may be on individual lots or in groups of shared parking areas, and common driveways or alleys may be used to access some of the cottages. Design requirements for a cottage development are important to minimize disruptions to abutting neighbors. Landscaping, screening, and design features of homes (such as front porches) are typically addressed in the zoning.

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<sup>5</sup> See *Cottage Housing Development Model Ordinance*, Lehigh Valley Planning Commission, for more information: <http://www.lvpc.org/pdf/cottageHousingDev.pdf>

**Appendix A: Pioneer Valley Habitat for Humanity Big Enough Project**

**Franklin County Regulatory Review, August 31, 2017**

Town	Zoning Districts w/ Water & Sewer	Dimensional Requirements				Types of Housing						Development Methods		
		Min. Lot Size	Min. Frontage (ft)	Zero Lot Lines	Min. Housing Unit Size	Single Family	Two-Family	Multi-Family	Mobile Home	Manu-factured Home	Detached ADU	Common/ Shared Driveway	Cluster / OSRD	Other
Ashfield	Rural Residential and Agricultural District (one zoning district covers entire town)	2 acres	200	N	NA	Y	Y	N	N	See "Other"	N	Allowed for up to 3 lots by Special Permit	Back lots by Special Permit. Up to 4 back lots allowed on a common driveway. One acre min. lot size. Must protect ANR lot of at least 2 acres & 150 ft. frontage per each backlot created.	Mobile home def.: Manufactured housing with at least one dwelling unit and built in accordance with the National Housing Construction and Safety act (Title VI of Public Law 93-383, 88 Stat. 700, 42 U.S.C. 5401 et seq.) as regulated by the United States Department of Housing and Urban Development (HUD) and not otherwise regulated by the state building code.
Buckland	Village Residential (VR)	20,000	100	allowed w/ cluster	NA	Y	Y	SP	N	NA	N	N	SPR. Min. 8 acre parcel. SF and 2F. Min. 40% open space. Min. 10,000 sq. ft. lot, 50 ft. frontage. 20-25% density bonus for 55+	More than 1 principle struct. may be allowed on a lot by SP if all dimensional reqs met. Multi-Family defined as 3 or 4 units
	Village Commercial (VC)	20,000	100	allowed w/ cluster	NA	Y	Y	SP	N	NA	N			
	Historic Industrial (HI)	20,000	100	allowed w/ cluster	NA	Y	Y	SP	N	NA	N			
Deerfield	Residential-Agricultural (RA)	60,000	200	N	NA	Y	N	N	N	NA	N	Allowed for up to 2 lots by SP. Sub Regs include an Alternative Procedure for a common private way serving up to 6 lots.	SP. Min. of 5 lots. Allowed in RA and CVRD. Can reduce lot size by 50%, frontage min. 50 ft. Min. of 20% open space.	Multi-family limited to 3 units in a structure. Mobile home defined as a d.u. on a chassis installed on temporary or permanent foundation. Flex Dev By SPR for 5 or more lots in RA district, allows for 1 acre min. lot size and 100 ft. frontage
	Central Village Residential (CVRD)	12,000; 15,000 2F; 18,000 MF	100	N	NA	Y	Y	SP	N	NA	N			
	Small Business (C-I)	15000	125	N	NA	N	N	SP	N	NA	N			
	Expedited Permitting District (EPD)	0	0	N	NA	N	N	SP	N	NA	N			
Erving	Central Village (CV)	21,780	125	N	NA	Y	SP	SP	N	NA	N	N	Only applies to the rural residential district	MF defined as 3-4 units. Mobile home defined as d.u. on a chassis
	Village Residential (VR)	21,780	125	N	NA	Y	SP	N	N	NA	N			
Gill	Village Residential (VR)	10,890	100	N	NA	Y	Y	N	N	NA	N	Allowed by SP for up to 2 lots	SPR. SF and 2F. Min. 10 acres for subdiv., 8 acres for ANR; min. 35% open space; min. 1/2 acre lots	50% max lot coverage; allows flag lot
	Village Commercial (VC)	43,560	150	N	NA	Y	Y	SP	N	NA	N			Multi-family is up to 6 units

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Greenfield	Suburban Residential (RB)	12,000; 15,000 2F	80	N	NA	Y	Y	SP	N	NA	SP	Allowed for up to 4 lots by SP	Allowed in the RA and RB district by SPR. May include SF, 2F, and MF. No density bonus. Min. 5 acres. Min. lot size same as RA district, frontage can be reduced to 50 ft. Flag lots allowed. Min. 25% open space. May allow more than 1 building on a lot.	Larger lot sizes required for MF; mobile home defined as a du built on a chassis installed on temporary or permanent foundation
	Urban Residential (RA)	8,000; 10,000 2F	65	N	NA	Y	Y	SP	N	NA	SP			
	Semi-Residential (SR)	8,000; 10,000 2F	65	N	NA	Y	Y	SP	N	NA	SP			
	Health Service (H)	8,000; 10,000 2F	65	N	NA	Y	Y	SP	N	NA	N			
	Limited Commercial (LC)	NA	30	N	NA	Y	Y	SP	N	NA	SP			
	Central Commercial (CC)	NA	0	Y	NA	N	N	Y	N	NA	N			
	General Commercial (GC)	NA	30	N	NA	SP	SP	SP	N	NA	N			
Montague	Residential (RS)	22,500; 45,000 2F	150; 200 2F	N	500 sq. ft.	Y	SP	N	N	NA	N	Allowed by SP. Individual lots must still meet frontage requirements	N	Exceptions to minimum lot size, frontage, and setbacks may be allowed by SP for areas served with water and sewer. Mobile home def.: shall mean a dwelling built on a chassis, brought to the site containing complete electrical, plumbing, and sanitary facilities, and designed without necessity of a permanent foundation for a year round living.
	Neighborhood Business (NB)	10,000; 15,000 2F; 2,500 per add. d.u.	75	N	500 sq. ft.	Y	Y	SP	N	NA	N			
	Agricultural - Forest (AF)	22,500; 45,000 2F	150; 200 2F	N	500 sq. ft.	Y	SP	N	N	NA	N			
Northfield	Village Center (VC)	35,000	150			Y	Y	Y up to 4; SP > 4	N	See "Other"	N	By SP in OSRD	Allowed by-right, except prohibited in VC. No minimum parcel size. Requires 60% open space. Density bonuses for affordable units and solar ready units. No min. lot size or frontage	Modular home - prefabricated at a factory or other off-site location and containing complete electrical, plumbing and sanitary facilities, which is designed to be installed on a permanent foundation for permanent living quarters; must comply with State Building Code.
	Planned Development (PD)	80,000	250			Y	Y	Y up to 4; SP > 4	N	See "Other"	N			
	Residential-Agricultural (RA)	35,000	150			Y	Y	SP	N	See "Other"	N			
Orange	Village Residential / Commercial (Ac)	10,000; 10,000 per add. d.u.	50	Y with OSD	NA	Y	Y	SP	N	See "Other"	N	N	By SPR. SF and 2F allowed. Can be subdivision or ANR. Minimum 6 acre parcel. 35% open space required. No density bonuses. Min. lot size 10,000 sq ft, min. forntage 50 ft. zero lot lines allowed	Prefabricated and modular homes specifically excluded from mobile home definition. Flag lots allowed for SF d.u. in Ac and Ar must meet min. lot area, in B and C must be double min. lot area.
	Village Residential (Ar)	10,000; 10,000 per add. d.u.	50	Y with OSD	NA	Y	Y	SP	N	See "Other"	N			
	Residential / Commercial (B)	21780; 20,000 per add. d.u.	100	Y with OSD	NA	Y	Y	SP	N	See "Other"	N			
	Residential (C)	43,560; 20,000 per add. d.u.	100	Y with OSD	NA	Y	Y	SP	N	See "Other"	N			
	Commercial Area Redevelopment District (CARD)	5,000; 5,000 per add. d.u.	50	Y	NA	SP	SP	SP	N	See "Other"	N			

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		Min. Lot Size	Min. Frontage (ft)	Zero Lot Lines	Min. Housing Unit Size	Single Family	Two-Family	Multi-Family	Mobile Home	Manu-factured Home	Detached ADU	Common/ Shared Driveway	Cluster / OSRD	Other
Shelburne	Village Residential (VR)	20,000	100	N	NA	Y	Y	SP	SP (see "other")	NA	Y	N	Allowed by right so long as requirements are met. Can be subdivision or ANR. Min. 6 acre parcel. SF, 2F, and MF up to 4 units allowed, as well as senior congregate. No min. lot size or frontage. 50% open space required. Density bonuses for senior and SHI units	Mobile homes are allowed by Special Permit only if within a mobile home park. Min. 10 acres for mobile home park, 5,000 sq. ft. min. lot per unit.
	Village Commercial (VC)	20,000	100	N	NA	Y	Y	SP	SP (see "other")	NA	Y			
Sunderland	Village Residence (VR)	20000; 30,000 2F; 40,000 3F; 50,000 4F	120	N	NA	Y	SP	SP	N	NA	N	N except in a PUD	Flexible Development - allowed by SPR. In VR min. lot size of 10,000 sq. ft.; in RR and C-1, min. lot size of 20,000 sq. ft.; single and two-family allowed; 40% open space requirement; density bonus for Energy Star or equivalent, senior housing, and affordable units	Multi-Fam defined as 3-4 units, only allowed in Maj. Res. Dev. or PUD. Planned Unit Development (PUD) - allowed in VC and C-1; can have more than one principle structure on a lot; min. parcel size of 80,000 sq. ft. and 400 ft. frontage; common driveways allowed
	Rural Residence (RR)	32000; 48000 2F; 64,000 3F; 80,000 4F	150	N	NA	Y	SP	SP	N	NA	N			
	Village Center (VC)	20000; 30,000 2F; 40,000 3F; 50,000 4F	120	N	NA	Y	SP	SP	N	NA	N			
	Commerical 1 (C-1)	32000; 48000 2F; 64,000 3F; 80,000 4F	200	N	NA	Y	SP	SP	N	NA	N			