



PLANNING BOARD

Report to Town Meeting

**ARTICLE 32 MAIN/DICKINSON/HIGH STREET REZONING
(Petition – O'Connor)**

To see if the Town will amend the Official Zoning Map to change the zoning designation for the following parcels, all on Assessor's Map 14B:

Parcel 28 - Rezone from R-G to B-VC, contingent upon town meeting voting to authorize the Select Board to accept a restrictive covenant foregoing some uses allowed in the B-VC District;

Parcels 59 and 128 - Rezone from COM to B-VC;

Parcel 66 - Rezone from R-G to B-VC, contingent upon town meeting voting to authorize the Select Board to accept a restrictive covenant limiting future use of the property to the current use;

Parcels 129, 130 and 234 – Rezone from COM to R-G;

Parcel 131 - Rezone the northerly portion of the parcel excluding the portion subtended by the frontage on Railroad Street from R-G to B-VC.

Recommendation

The Planning Board voted 6-0-1 (one member abstaining), with the concurrence of the petitioner, to recommend that Town Meeting refer Article 32 back to the Planning Board for further study.

Background

Article 32 is a modified version of a petition article referred back to the Planning Board by the Fall 2007 Special Town Meeting. This complex and historic area has been being considered and examined by the Planning Board since the summer of 2006. Among other things, the Planning Board has been working on the development of a new zoning district—Neighborhood Business (B-N)—to try to address the

neighborhood shopping and service needs of this and a number of other residential areas in Amherst without allowing more intensive commercial or vehicular uses permitted under Amherst's existing business districts. Planning Department staff have been analyzing the existing uses and conditions in the area, and its blended potential for redevelopment and historic preservation (parts of the area lie within in the Dickinson National Historic Register District).

Last fall, neither the Planning Board's nor the petitioners' rezoning proposals for this area were sufficiently developed to be ready for Town Meeting. That situation has not changed.

On January 16, 2008, the Zoning Subcommittee of the Planning Board determined that it would try to bring only minor technical zoning amendments to the 2008 Annual Town Meeting. The Fall 2007 Special Town Meeting had dealt with a large number of complex zoning amendments. The 2008 Annual Town Meeting would have a heavy burden of critical budget issues to resolve. As a result, the more complex zoning amendments, including the Main/Dickinson/High rezoning, would be worked on with an eye toward bringing them to the fall 2008 Special Town Meeting. The petitioner was informed of this decision, and filed this slightly revised petition article, anyway, to compel the Board's attention to the matter and to ensure that the rezoning issue would come before the 2008 Annual Town Meeting.

Article 32 is somewhat simpler than the petition filed last fall. It no longer proposes the rezoning of COM District properties along Dickinson Street—a change that had been met with significant opposition from the owners of those properties. It continues to propose that two properties on Main Street be rezoned to Village Center Business (B-VC) contingent on restrictive covenants being successfully negotiated with the property owners. No such negotiations have taken place.

In discussion, the Planning Board agreed to assign priority to conducting a public process to develop a rezoning proposal for this area and bringing it to the Fall 2008 Special Town Meeting. On that basis, the petitioner agreed to support referral of Article 32.

Public Hearing

The Planning Board held a public hearing on Article 32 on April 16, 2008. Following a presentation by the petitioner, a report from the Planning Board's Zoning Subcommittee, and comments from the public, the Board voted 6-0-1 (with one member abstaining), with the concurrence of the petitioner, to recommend that Town Meeting refer Article 32 back to the Planning Board for further study.