



PLANNING BOARD

Report to Town Meeting

**Article 29. Restrictive Covenant – 284 North Pleasant Street
(Planning Board)**

To see if the Town will vote to authorize the Select Board to accept a revised covenant governing the range of allowable uses on the property of 284 North Pleasant Street (Map 11C/Parcel 174) by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

Notwithstanding the zoning designation of the subject premises and any uses allowed thereby under the Amherst Zoning Bylaw, as such bylaw may be amended from time to time, the use of the premises shall be limited on the first floor to the following:

Medical or dental offices, chiropractic offices and offices of alternative/integrative medicine, as well as related medical and therapeutic services for the treatment of patients in person and principally predominantly by appointment; and

non-profit educational or religious uses as permitted under G.L. Ch. 40A, s3; and

for-profit trade, professional, or other educational institution; and

real estate, insurance or other business or professional offices providing services to the public in person on the premises, not to include banks; and

technical and professional offices providing services in person on the premises predominantly by appointment, and administrative business offices not providing services to the general public in person on the premises.

and shall be limited on the upper floor and basement to residential use.

Recommendation

The Planning Board voted unanimously, 7-0-0, with 2 members absent, to recommend that Town Meeting adopt Article 29, and to dismiss Article 30 if Article 29 is adopted. However, if Article 29

is not adopted, then the Board supports the adoption of Article 30. The Planning Board believes that the proposal to expand the range of office uses is appropriate for the property's location, and any impacts could be mitigated through the permit process.

Background

Article 29 asks Town Meeting to authorize the Select Board to revise an existing restrictive covenant between the owner of 284 North Pleasant Street and the Town, in order to expand the range of uses allowed there. Article 29 is the Planning Board's alternative to Article 30, and is supported by the petitioner. It describes in plain narrative language (rather than references to Zoning Bylaw section numbers) the uses that are proposed to be added to the existing allowed uses on this downtown property.

The November 2004 Fall Special Town Meeting property rezoned the property at 284 North Pleasant Street from General Residence (R-G) to Limited Business (B-L) at the request of the owners. The rezoning was accompanied by a contractual agreement (the covenant) to limit the uses on the property to a specific few. The zoning change relieved some dimensional non-conformities for the property, and allowed the existing uses (a chiropractic office with related medical facilities, an upper floor residence occupied by the owner, and a basement apartment) to continue and expand.

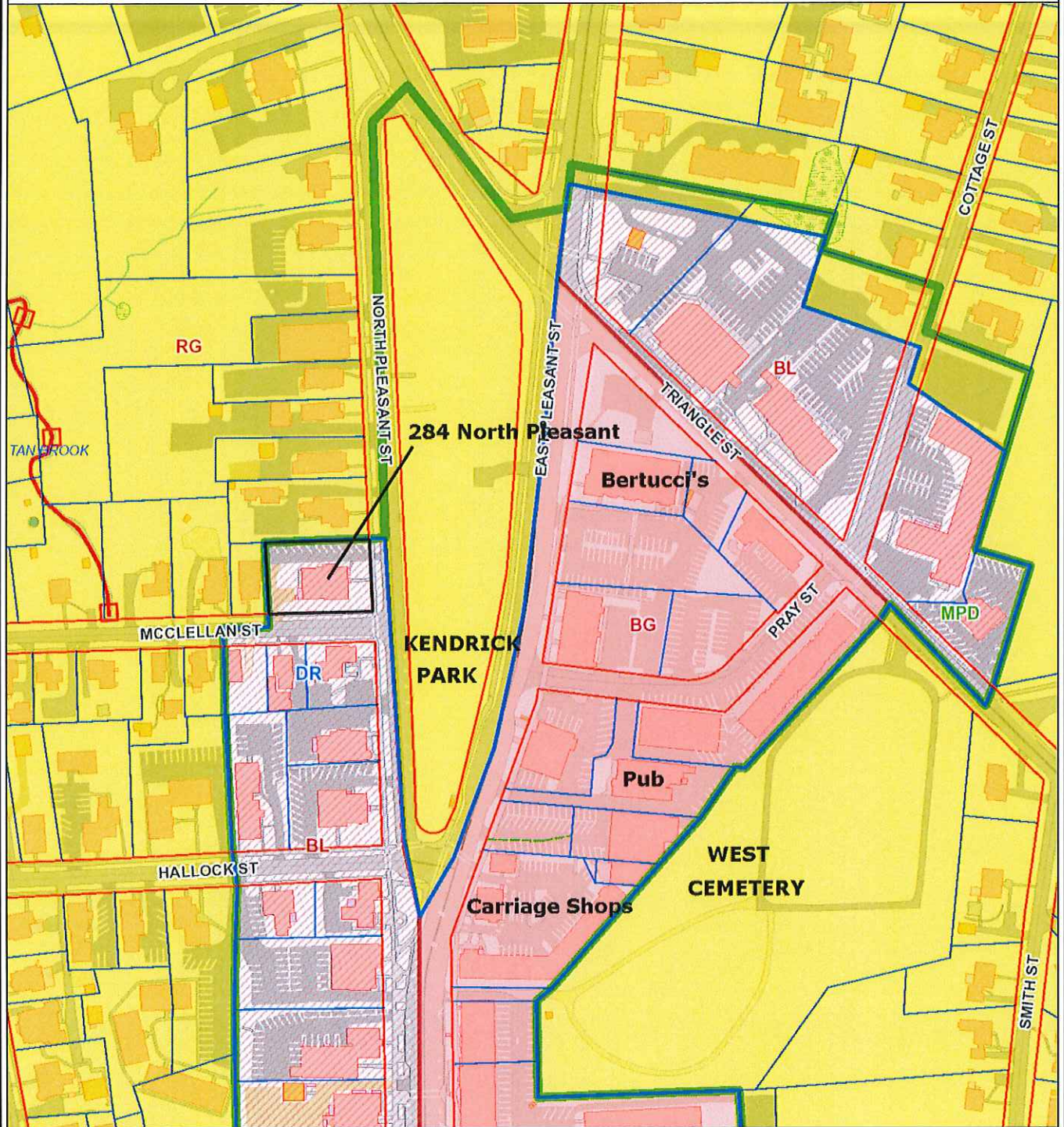
Four years later, the November 2008 Fall Special Town Meeting voted to authorize the Select Board to expand the allowed uses on the property to include non-profit educational or religious uses.

The owners now seek to expand the range of uses further, adding the following office uses to the existing possible uses: medical/dental offices, offices for alternative/integrative medicine, for-profit educational uses, business offices providing services to customers on the premises (not to include banks), technical/professional offices providing services predominantly by appointment, and administrative offices used only by employees. These proposed uses are for the most part relatively low impact office uses and are limited to the first floor. They are well within the range of related uses in the surroundings and include only a fraction of the uses that might otherwise be permitted under the current B-L zoning designation.

Public Hearing

The Planning Board held a public hearing on Article 29 on Wednesday, March 5. Mr. Ewert presented his article, and the Zoning Subcommittee reported on its deliberations with regard to the article. Mr. Ewert said he supported Article 29, which accomplished the same changes as his petition article, but without the potential problems. He said he had spoken to his neighbors, who supported the proposed changes.

There was no public comment. After further discussion, the Planning Board voted unanimously, 7-0-0, with 2 members absent, to recommend that Town Meeting adopt Article 29. However, if Article 29 is not adopted, then the Board supports the adoption of Article 30.



Horizontal Datum: MA Stateplane Coordinate System, Zone 4151, Datum NAD83, Feet
 Vertical Datum: NAVD88, Feet

Planimetric & topographic basemap features compiled at 1"=40' scale from April, 2009 Aerial Photography. Parcels compiled to match the basemap; revisions are ongoing.

The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition, regulatory interpretation, or property conveyance purposes. Utility structures and underground utility locations are approximate and require field verification.

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- Property M**
 □ Surrounding Community Par
- Zoning Map**
 * FPC Boundary Elevations
 FPC Stream Selbacks
 25' Selback
 50' Selback
 □ Zone Overlay
 □ Design Review Board Jurisd
 □ Municipal Parking District

- Zoning**
 □ R-LD: Low Density Residence
 □ R-F: Fraternity Residence
 □ R-O: Outlying Residence
 □ R-N: Neighborhood Residen
 □ R-VC: Village Center Reside
 □ R-G: General Residence
 □ B-VC: Village Center Busine
 □ B-L: Limited Business
 □ B-N: Neighborhood Busines
 □ B-G: General Business
 □ OP: Office Park
 □ COM: Commercial
 □ PRP: Professional & Resear
 □ LI: Light Industrial
 □ ED: Educational
 □ FPC: Flood-Prone Conserva



1" = 200 ft

