



PLANNING BOARD

Report to Town Meeting

**ARTICLE 11 NEIGHBORHOOD BUSINESS (B-N)
(Planning Board)**

To see if the Town will vote to amend Sections 2.02, 3.3, Table 3, Dimensional Regulations, and Articles 5, 6, 7, 8, 10, and 11 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in bold italics, as follows:

~ ***SEE AMENDED MOTION HANDOUT*** ~

Recommendation

The Planning Board voted, 7-1, to recommend that Town Meeting adopt Article 11. The motion under Article 11 will contain some minor amendments—see amended motion handout.

Background

Article 11 seeks to create a new zoning district for Amherst. The new district would be called the Neighborhood Business (B-N) District, and it would encourage dense but low-intensity mixed-use centers, to serve as: 1) a transitional zone between business areas and residential neighborhoods, or as 2) a stand-alone small neighborhood business district within a larger residential neighborhood, allowing people to walk or bike to goods and services.

Article 11 looks long and complicated, but its elements are fairly simple. Creating a new zoning district requires adding new language throughout the Zoning Bylaw, in the following general categories, which correspond to the lettered sections of the article in the warrant:

- A. **Purpose** - The purpose of the B-N District is described, both in terms of the kinds of places in Amherst it's supposed to go, and what it is intended to do there.
- B. **Permit Requirements** – The permit requirements for each and every land use category—residential, institutional, business, etc.—must be created for the B-N district. This is a fundamental aspect of what differentiates one zoning district from another.

- C. **Standards and Conditions** – Specific standards and conditions (hours of operation, #s of employees, etc.) are added to the B-N District—which is designed to be adjacent to residential areas—to ensure that potential conflicts between business uses and residential uses are minimized.
- D. **Dimensional Regulations** – Dimensional limits for buildings and alterations on properties in the B-N District are created, including minimum lot size and frontage, building setbacks, heights, floors, how much of a lot can be covered with buildings and pavement, and so forth.
- E.-I. **Other Regulations** – References to the B-N district or new B-N regulations must be placed in every section of the Zoning Bylaw which regulates specific aspects of development—Accessory Uses, Parking, Signs, etc.

Why Do We Need This?

The need for the Neighborhood Business (B-N) District became apparent during the process of working on several ongoing projects of the Planning Board.

District Edges & Transitions - During the three year process of examining rezoning for the Amherst Depot Area (to be addressed under Article 12), it became clear that Amherst’s existing business districts are too intense and allow too many vehicular uses to serve as appropriate transition zones between intensive business areas (like downtown Amherst or highway Commercial districts) and adjacent, often mixed-use residential neighborhoods. The need for transition zones has also surfaced in early analysis of potential new zoning for the proposed Atkins Corner village center. The development of appropriate transition zones has been on the Planning Board’s work lists for years.

Reducing/Avoiding Non-Conformities - Amherst’s ‘transition areas’ contain many long-standing non-conforming offices or other business uses in among residential homes. These offices and businesses either date from before the existing zoning on their properties, or they have slowly evolved out of smaller operations through the Special Permit process required to alter a non-conforming building or property. These uses live comfortably with their neighbors, but their existence and success are made more difficult by the requirement to obtain a Special Permit every time they want to make minor changes. Similarly, the edges of some business districts include residential uses that are prohibited in the business districts. These may also co-exist well with their surroundings, but likewise must go through the non-conforming Special Permit process for minor changes. It is a first precept of zoning to try to reduce and remove non-conformities, and avoid creating them in new zoning.

Stand-Alone Properties – There are a few properties in Amherst on which long-standing business uses have comfortably existed for many decades in the middle of residential neighborhoods. The Cushman General Store is one example. The Amherst Creamery building (now offices) at the corner of Fearing Street and Sunset Avenue is another. Again, these business uses are non-conforming because they are business uses sitting in residential zoning districts. If they are truly useful in providing goods, services, and employment to the neighborhoods around them, then the zoning designation on their properties ought to recognize that value and explicitly allow them, with appropriate controls.

Master Planning – The draft Master Plan, now very close to completion, repeatedly emphasizes the need to place both most homes and uses providing goods and services within easy reach—preferably walking distance—of one another, within existing developed areas. This avoids sprawl, reduces the need for new utilities, lowers the number of car trips, enhances community and neighborhood coherence, etc. It is a fundamental precept to those who participated in Amherst’s Master Planning process and a basic element of sustainable development approaches everywhere.

As Amherst looks toward its future, and begins planning for new zoning throughout the community, one tool that will help serve this basic principle of locating people’s homes and their basic needs within walking distance of one another is be a low-intensity business district that can be located in different circumstances. That is the purpose the Neighborhood Business (B-N) District.

‘The Camel’s Nose in the Tent’ – Concern has been expressed by some that the B-N District is really the first step in a long-term effort to use the Master Plan to increase business uses or impose dense residential development everywhere in Amherst, but particularly in established neighborhoods around existing centers. The following is the very first “key direction” listed in Chapter 2, Goals & Objectives, of the draft Master Plan, which serves as the summary of the community’s most basic priorities:

Maintain Amherst’s existing community character. The preservation of Amherst’s community character will require a variety of different approaches, including protecting and promoting adaptive reuse of historic buildings and landscapes, focusing development in already-developed areas, creating design standards that ensure new development is in accord with existing neighborhood character, protecting critical conservation lands and farmland, and promoting the local agricultural economy. The residents of Amherst have a strong interest in maintaining the character of their community for years to come, and the use of appropriate tools such as form-based zoning and conservation easements will help to ensure that this goal is achieved.

The simple creation of the B-N District as a zoning district in the Zoning Bylaw does not mean it could then be applied anywhere. As has been proposed under Article 12, in order to make the B-N District actually exist anywhere, someone would first need to propose amending the Official Zoning Map to

to locate the new district in a specific area.

The Planning Board's Zoning Subcommittee would meet over a period of months to examine such a proposal, and would involve property owners, abutters, and other interested citizens in the review process. At the end of that review, the Zoning Subcommittee would make a recommendation to the full Planning Board. The Planning Board would hold a public hearing on all proposed zoning changes, and to make a recommendation to Town Meeting, as it is required under state law. Town Meeting would then consider and decide whether or not to approve an amendment to the Official Zoning Map. Approval would require a positive vote by a 2/3s majority. At every step of this process, there would be opportunities for public input and direction.

Public Hearing

The Planning Board held a public hearing for Article 12 on October 21. Following public comment and deliberation, the Board voted, 7-1 (Barberet opposing), to recommend Town Meeting adopt Article 11.

A minority report describing Ms. Barberet's concerns about Article 11 has been mailed to Town Meeting members, is available online, and will be available on the back table at Town Meeting.