



PLANNING BOARD

Report to Town Meeting

**ARTICLE 12 DEPOT CENTER REZONING
(Planning Board)**

To see if the Town will amend the Official Zoning Map changing the zoning designation on properties on Main, Dickinson, and High Streets, as follows:

~ SEE ATTACHMENT ~

Recommendation

The Planning Board voted 6-0-2 (Barberet and Webber abstaining) to recommend that Town Meeting adopt Article 12.

In the event that Town Meeting chooses not to adopt Article 11, the Planning Board voted 8-0 to recommend that Town Meeting refer Article 12 back to the Planning Board, since the rezoning proposed under Article 12 depends on the establishment of the new Neighborhood Business (B-N) District.

Background

The Planning Board has been working on a rezoning of the area around the Amherst Depot for about three years. The effort began with a July 2006 request from the owner of the property at 446 Main Street to rezone his property from General Residence (R-G) to Commercial (COM), the business zoning immediately across the street from his property. The Planning Board declined to support that request, instead asking the Fall 2006 Special Town Meeting to refer the single property rezoning back for further study. Instead, the Planning Board proceeded to examine the larger area. That examination revealed that the property in question was only one of several residentially-zoned properties in the vicinity that had long been the locations of non-conforming businesses. Because of their non-conformity, every minor change the owners undertook required a Special Permit. Although such permit applications were almost always granted, the process is time-consuming, burdensome, and expensive, given the minor nature of most proposed changes.

Examination of the area also revealed that the properties zoned Commercial (COM) in the former industrial and business area around the Depot and on both sides of High Street between Main Street and

the railroad tracks contained numerous non-conformities there, as well. The Commercial (COM) District is Amherst's most intensive business district and, as such, it prohibits residential uses outright.

Yet there are numerous residential uses—mostly residential uses mixed with small businesses—scattered throughout this COM District, and they, too, are obliged to undergo a Special Permit process to make minor changes to their properties.

Because it prohibits residential uses, the COM District also serves to limit the effectiveness and success of business on the properties immediately around the Depot. This is an area whose history has been filled with a mix of uses, and the current limitations impede effective use of the properties.

In Fall 1007, a petition article from a citizen group calling itself the Coalition for Sustainable Neighborhoods proposed specific zoning for properties in the area, and sought to enable 'contract zoning' to two of the non-conforming R-G properties, to strongly control their future uses. Property owners in the Depot area opposed the petition, and at the Planning Board's request, given ongoing study of the area, the article was referred back for further study.

In Spring 2008, citizen Vincent O'Connor submitted a petition article that was a revised version of the fall 2007 article. It rezoned fewer properties, but still sought to apply 'contract zoning' to specific properties. Once again, the petition was referred back to the Planning Board for study.

Planning Process

The Planning Board has undertaken a lengthy and careful process of examining the Amherst Depot area, because of its complex history and the important public purposes it involves—the railroad depot, numerous properties in the Dickinson National Historic Register District, immediately adjacent residential neighborhoods, existing businesses, etc. In addition to research by Planning Department staff, regular meetings of the Zoning Subcommittee, neighborhood 'walk-about's', and invitational community meetings were held to directly involve property owners and abutters in the process of determining what zoning would be appropriate for the various properties in the area. Although that process has taken a long time, the Planning Board believes that the results are worth the wait.

Neighborhood History

Ever since the railroad arrived in this part of Amherst in the mid-1800s, an active mixed-use neighborhood business center grew, expanded, contracted, and evolved around the Depot in response to the transportation and activity the railroad made possible. The area between Main, Dickinson, College, and Railroad Streets, and the neighborhood north and east along Main Street, High Street and the tracks experienced a wide variety of relatively intensive uses, including some of Amherst's largest factories, boarding houses and apartments, worker housing, retail and professional businesses serving the railroad activity and the residents of surrounding neighborhoods.

Amherst first adopted zoning in 1925. A 1937 zoning map shows the area described above as zoned entirely as “Business,” including a 400 foot wide swath including both sides of the railroad, proceeding northeast from Main Street to the old industrial building near the Knickerbocker Apartments. A 1958 zoning map shows a “Center Business” designation (the same zoning as the downtown at the time) for the brick commercial building across the street from the Dickinson Homestead and “Manufacturing” (M) for everything between Main, Dickinson, College and Railroad Streets.

The current Commercial (COM) and General Residence (R-G) zoning pattern first appears in the early 1960s—a period when strict separation of business and residential uses was in vogue. That zoning was reinforced during a town-wide rezoning in 1974, and has remained essentially unchanged ever since, as the industrial and business activity which previously occupied the site slowly diminished. The business and residential uses remained, at a lower level.

Essentially, this area has a long history of serving as a center of multiple mixed uses occurring in close proximity to one another. Twentieth century attempts to use zoning to try to separate residential and business uses only succeeded in making many properties with longstanding uses non-conforming and more difficult to use under the current zoning, which is now more than 45 years old.

A Neighborhood Center

The outcome of the extensive planning process for this area was the determination that the Amherst Depot area should be rezoned to allow it to serve as a neighborhood center—a function it had served for the settled residential neighborhoods nearby for generations.

To accomplish this, Article 12 proposes to add the Village Center Business (B-VC)—a dense mixed use district—around the Depot itself and along the associated stretches of Main and Dickinson Streets. The Limited Business (B-L) district would be applied to the Central Chevrolet dealership property and the Amherst College parking lot. This would avoid creating a non-conformity (B-VC does not allow car dealerships) and would allow for the possibility of mixed uses including residences on these properties, should that ever prove appropriate.

The new Neighborhood (Business (B-N) District considered under Article 11 will serve as a transitional zone between the intense business areas immediately surrounding the Depot and the adjacent neighborhoods. The B-N District will be applied to two kinds of properties: 1) the existing non-conforming properties in the R-G District and a portion of the VFW property, and 2) the COM properties—all currently non-conforming—on High Street between Main Street and the railroad tracks.

This sequence of zoning districts will resolve existing use non-conformities, and will allow compatible residential and business uses to occur within close proximity to one another, enabling residents to walk from their homes to goods, services, and employment.

The Amherst Depot & Rail Service

The Amherst Depot building is currently privately owned, with one side being rented to Amtrak as a passenger stop. For the time being, it continues to provide access to passenger rail service twice a day through the Amtrak Vermonter line. Rail improvement plans for the New England region propose to relocate the Amtrak Vermonter line from Amherst to a rebuilt line on the west side of the Connecticut River, running from Springfield, through Holyoke, Northampton, and Greenfield and points north.

The Save Our Stop (SOS) Task Force, the Town Manager, and staff are working with the New England Central Railroad (owners of the rail line), the town of Palmer, and communities in Connecticut to improve the NECR line (which runs from New London, CT, to St. Albans, VT), to retain a passenger stop for Amherst—including service to Boston—and to improve and expand upon available service. A revitalized and expanded rail stop is one of the possibilities the proposed Depot Center rezoning is crafted to respond to. However, the principal purpose of the rezoning is to reinforce the ability of the current properties to support the development of a successful neighborhood center. The rezoning under Article 12 will accomplish that, regardless of the presence or absence of a rail stop.

Public Hearing

The Planning Board held a public hearing on Article 12 on October 21. After hearing from citizens expressing general concern about new development, adjacent property owners concerned about the effects on their properties, and property owners supporting the change and praising the public process which created it, the Planning Board voted 6-0-2 (Barberet and Webber abstaining), to recommend that Town Meeting adopt Article 12.

If Town Meeting chooses not to adopt Article 11, the Planning Board voted 8-0 to recommend that Town Meeting refer Article 12 back to the Planning Board, since the rezoning proposed under Article 12 depends upon the new Neighborhood Business (B-N) District proposed in Article 11.

ATTACHMENT

ARTICLE 12 DEPOT CENTER REZONING

To see if the Town will amend the Official Zoning Map changing the zoning designation on properties on Main, Dickinson, and High Streets, as follows:

- A. Rezone the following properties or portions of properties on Main Street from General Residence (R-G) to Neighborhood Business (B-N) on Assessors Map 14B:**
 - A northerly portion of the property at 319-321 Main Street (Parcel 28) totaling 21,774 sq. ft. in area, more or less.
 - 446 Main Street (Parcel 66)
 - 462 Main Street (Parcel 68)
 - A northerly portion of the property at 457 Main Street (Parcel 131) totaling 17,741 sq. ft. in area, more or less.

- B. Rezone the following properties on Main, Dickinson, and Railroad Streets around the Amherst Depot from Commercial (COM) to Village Center Business (B-VC) on Assessors Map 14B:**
 - 437 Main Street (Parcel 65)
 - 34 Dickinson Street (Parcel 53)
 - 24 Dickinson Street (Parcel 56)
 - 16 Dickinson Street (Parcel 57)
 - 12 Dickinson Street (Parcel 58)
 - 13 Railroad Street (Parcel 808)

- C. Rezone the following properties on Dickinson and College Streets from Commercial (COM) to Limited Business (B-L) on Assessors Map 14B:**
 - 40 Dickinson Street (Parcel 52)
 - Dickinson Street (Parcel 216)
 - 140 College Street (Parcel 51)

- D. Rezone the following properties on Main and High Streets from Commercial (COM), or from Commercial (COM) and General Residence (R-G), to Neighborhood Business (B-N) on Assessors Map 14B:**
 - 502 Main Street (Parcel 130)
 - 534 Main Street (Parcel 128)
 - 13 High Street (Parcel 129)
 - High Street (Parcel 234)

E. Rezone the following properties with frontage on Main Street plus two landlocked properties listed as being located at Kelley Square from Commercial (COM) to Business Village Center (B-VC) on Assessors Map 14B:

- 351 Main Street (Parcel 59)
- 363 Main Street (Parcel 60)
- 373 Main Street (Parcel 61)
- 381-383 Main Street (Parcel 62)
- 401-409 Main Street (Parcel 219)
- Main Street (Parcel 63)
- Kelley Square (Parcel 55)
- Kelley Square (Parcel 54)