



**PLANNING BOARD**

**Report to Town Meeting**

**ARTICLE 25 UNIVERSITY DRIVE REZONING  
(Planning Board)**

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To see if the Town will vote to amend the Official Zoning Map to change the zoning designation of Map 13B, Parcel 33, from Office Park (OP) to Limited Business (B-L)

~ SEE ATTACHMENT ~

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Recommendation

The Planning Board voted 5-3 (Barberet, Webber and Crowner opposed) to recommend that Town Meeting adopt this article.

Background

Article 25 proposes to change the zoning designation of a 5.79 acre parcel located immediately south of the Newmarket Center property, on the east side of University Drive. Currently zoned Office Park (OP), the amendment would rezone the property to Limited Business (B-L). This would have the effect of increasing the number and types of uses allowed on the property to include residential uses, mixed uses and retail uses. Under the current OP zoning, residential uses (Section 3.32), mixed uses (Section 3.325), and retail uses (Section 3.350) are not permitted on the site.

Consideration of this rezoning was originally spurred by a potential development project on the property in question. The concept for that project included affordable congregate housing for the elderly (Section 3.328) along the rear of the property, and a mixture of retail, office and residential uses (Section 3.325 of the Zoning Bylaw) near the front.

However, in examining this property and its surroundings, the Zoning Subcommittee and the Planning Board examined the full context of existing uses and land use needs in the area. As a result, this proposed rezoning is not tied to any given project, but to the need to allow a wider range of potential uses of this property.

The Planning Board has been examining the zoning of the area along University Drive for several years. In November 2007, the Board proposed and Town Meeting adopted a new Research & Development

(R & D) overlay district was applied to the B-L zoning district along the western side of University Drive. The R&D overlay district altered the permit requirement for research and development or testing uses and light manufacturing uses, creating a larger area where these uses would be permitted close to the University where many research and development activities are developed.

Most properties along both sides of University Drive have been developed to some degree. The uses in the adjacent B-L district properties include a large shopping center anchored by the Big Y Supermarket at the south end, near Route 9, many offices, restaurants, and retail uses, and, directly north of the subject property—a shopping center that includes a fitness center/gym (The Leading Edge).

Uses in the existing OP District south of this property include an office building (100 University Drive—the former Lincoln Pulp and Paper building), a nursing home (Center for Extended Care), the entrance to a living care facility for the elderly (The Arbors' building is actually located in the adjacent Neighborhood Residence (R-N) District), a medical office building containing satellite facilities of Cooley Dickinson Hospital and several other medical practices, and a former residence on Route 9 most recently used for several small professional offices.

The parcel under consideration for rezoning is the only property along University Drive that has not been developed in some manner.

The Office Park (OP) zoning of the property was created in 1978 to specifically encourage office uses on the east side of University Drive. Prior to that rezoning, the east side of University Drive had been zoned R-N (Residential Neighborhood). Currently, this area is the only OP zoning district in Amherst. The OP zoning district has been characterized as a “vestigial” zoning district, because of the many limitations on the types of uses that can occur within its boundaries. The Planning Board considered rezoning the entire district, but concluded that a change of that extent could negatively impact the many uses already operating under the existing OP zoning, creating non-conformities. For instance, the side yard setback for buildings in the OP District is only 10 feet, but in the B-L District, it is a greater 25 feet. Existing buildings constructed under the OP regulations could become non-conforming under the B-L regulations. Rezoning a vacant property, however, would not create any non-conforming situations for existing buildings or uses.

It was further noted that during the Master Plan process, the University Drive corridor between Route 9 and Amity Street had been discussed as a potential area for increased campus-edge development, including both non-residential and mixed uses. This corridor appears on the Land Use Policy Map of the Master Plan as an area for “Existing/Potential Non-Residential Development”, one of several areas described as “selected outlying areas—usually but not always near existing or proposed new centers . . . targeted for carefully controlled non-residential commercial development.”

Rezoning this property from Office Park (OP) to the Limited Business (B-L) designation would also further that longer-term public purpose.

Public Hearing

The Planning Board held a public hearing on Article 25 on March 17, 2010.

The Planning Board heard a report and recommendation from the Zoning Subcommittee, which had been studying the rezoning of this property. The Planning Board also heard extended testimony from abutters and others about wetlands, storm drainage and traffic issues on the site and in the vicinity of University Drive. Many of those speaking were concerned that development of the property under new B-L zoning might cause a worsening of these site conditions.

In discussion, a majority of Board members felt that while there appeared to be some strong environmental and infrastructure limitations on development of the property, the extent of those limitations was not known and the appropriate place to address them would be during the permit process. Some conditions, such as the capacity and function of existing storm drainage, might only be improved as a result of development.

A minority of Board members felt that the zoning should respond to the current conditions on the property, or, should not proceed unless those conditions were better understood.

After discussion and public comment, the Board voted 5–3 (Barberet, Webber, and Crouner opposed) to recommend that Town Meeting adopt this article.