



PLANNING BOARD

Report to Town Meeting

**Article 16. Zoning – Educational District Project Review
(Planning Board)**

To see if the Town will amend Section 3.21, Educational District (ED) of the Zoning Bylaw, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 7-0-0 with one member absent, to recommend that Town Meeting adopt Article ____.

Background and Purpose

The Educational (ED) zoning district covers land owned by Amherst College, Hampshire College and the University of Massachusetts. A provision of Mass General Law Chapter 40A known as the Dover Amendment exempts those landowners from most zoning regulations. The result is that the Planning Board doesn't have much jurisdiction over what activities and construction occurs on the campuses. However, it is useful and informative for the Planning Board, the Planning Department, and the general public to know about the construction projects being undertaken on the campuses and so our Zoning Bylaw requires that the institutions file plans with the Planning Board before beginning work.

There is currently a sixty-day waiting period between the filing of construction plans with the Planning Board and the issuance of a building permit. Several times in recent years this requirement has caused a scheduling crunch when the Planning Board's meeting schedule doesn't neatly conform to the windows of opportunity that the institutions have to perform work with the least disruption to the academic calendar or on-campus events. Since the Planning Board does not have jurisdiction over work done in the ED zoning district – and the work requires a building permit anyway – the waiting period does not serve any useful purpose. When the waiting period is inconvenient, the Planning Board is often asked, and routinely grants, a waiver of the sixty-day waiting period.

Mechanics

This article eliminates the sixty-day waiting period while retaining the requirement that plans be filed with the Planning Board before work begins. In addition, the language describing what must be filed is updated to reflect current usage and practice.

Benefits

This article removes the unnecessary requirement that the colleges file building plans earlier than practical or begin work later than convenient especially for minor projects, or for the Planning Board to have to waive the requirement in order to facilitate a project.

Risks

This article lessens the possibility that the Planning Board can suggest alterations to a plan that might actually be implemented by the applicant, because the turnaround time could be so much shorter than it is now. On the other hand, many projects in the ED zoning district are beyond view from other zones and the likelihood that the Planning Board would suggest alterations to a plan is small.

Process

After several consecutive summers of being asked by Amherst College to waive the waiting period for projects initiated after school ends for the summer, for projects intended to be completed before classes resume in the fall, the Planning Board decided to propose amending the requirement. The article language was developed way back in the spring of this year, but a public hearing was not held until September 7, 2016. No public input was received at that time, and the Planning Board voted 7-0-0, with one member absent, to recommend the article as presented.