



PLANNING BOARD

Report to Town Meeting

**Article 8. Zoning – Table 3 Footnotes – Miscellaneous
(Planning Board)**

To see if the Town will amend Article 4, Cluster Development, Section 4.32, Use and Dimensional Standards, and Article 6, Dimensional Regulations, Table 3, Dimensional Regulations, of the Zoning Bylaw, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 5-0-0 (with four members absent) to recommend this article.

Background and Purpose

In an effort to reduce the complexity of one of the most important and contentious parts of the Zoning Bylaw – Table 3, Dimensional Regulations – the Planning Board has brought a series of articles to the last few Town Meetings to relocate or eliminate most of that table’s footnotes, making it less cluttered and easier to read, without affecting how the Bylaw works in any way.

Table 3 is where the minimum or maximum standards for the basic dimensions of any development in each of the zoning districts in Amherst – including lot area, frontage, setbacks, and height – are listed. Many of the rows, columns, or cells in the table are (or were) marked with a footnote that either helps the user interpret the standard or modifies the standard under certain conditions. However, most of the footnotes rarely come into play and their presence in the table has served mainly to make the table more mysterious than it really is. Meanwhile, the Zoning Bylaw chapter to which Table 3 is appended, Article 6, includes a section reserved for explaining and interpreting the table: Section 6.1, Interpretation. To a significant degree, Section 6.1 and the footnotes have been performing overlapping functions, so it makes sense to consolidate them in one place or the other. Some footnotes have been found to be unnecessary altogether.

Mechanics

This amendment would delete two footnotes, one of which has become superfluous and the other of which can be transferred to another part of the Zoning Bylaw, where it belongs logically anyway.

- 1.) Footnote *j* applies to “Maximum Lot Coverage” in a single zone – Limited Business or B-L – but not for all parcels in that zone. The text of the footnote reads: “85% in any B-L District adjacent to the B-G District [i.e., downtown], and along University Drive; 70% in any other B-L District and in the COM District.” The COM and B-L districts used to be listed together in Table 3, which is why there is a reference to the COM District in this footnote; they are now listed separately, with Maximum Lot Coverage in the COM District restricted to 70%. So the footnote applies only to B-L districts – which exist in three parts of town: (1) adjacent to the B-G District, (2) along University Drive, and (3) on the south end of Dickinson Street where it ends at College Street across from Amherst College.

The effect of footnote *j*, therefore, is that it reduces the default Maximum Lot Coverage from 85% to 70% in one place: Dickinson Street – where there are only three parcels zoned B-L, two owned by Amherst College (the former Classic Chevrolet, which is now used as a garage for the College’s buildings and grounds vehicles; and a surface parking lot for students and fleet cars) and one by Whiting Oil, which contains a large tank on a parcel with no frontage between the Amherst College parcels and the train tracks.

The Planning Board proposes to simply remove footnote *j* and not attempt to reproduce its content, deviating from previous Table 3 Footnotes articles. This represents a substantive change in Maximum Lot Coverage for the three parcels on Dickinson Street from 70% to 85%. However, the Amherst College parcels already exceed 70% coverage – the garage lot is at approximately 81% coverage and the parking lot is at approximately 92% coverage (making it nonconforming even in the absence of footnote *j*) – and the third parcel has no frontage and is well set back from the road, so the Planning Board believes footnote *j* does not protect any important interest of the Town.

- 2.) Footnote *k* allows the Planning Board to further modify three dimensions in Cluster Subdivisions – Lot Frontage, Minimum Front Setback, and Minimum Side and Rear Yards – that are already automatically reduced in Cluster Subdivisions (because doing so makes clustering possible). The footnote annotates not the rows listing the standard dimensions for those items but three rows added to the bottom of the dimensional table (plus a fourth that is not affected by footnote *k*) that apply only to cluster subdivisions. All of the other cluster subdivision regulations are in Section 4.3 of the Zoning Bylaw – including another substitute dimensional table similar to the bottom four rows of Table 3 (it applies to cluster subdivisions containing affordable units). This article would relocate those bottom four rows of Table 3, including footnote *k*, to a new subsection under Section 4.32, Cluster Subdivision Use and Dimensional Standards. Footnote *k* would become an asterisk but none of the text would change and it would have the same function and effect that it currently does in Table 3.

With the removal of footnotes *j* and *k*, all of the “easy” streamlining of the Table 3 footnotes will be done, so this article would also delete all of the now-empty footnotes currently marked “Reserved”, leaving only footnotes *a*, *b*, and *m*. There is no need to renumber them at this point.

Benefits

This article continues the process of making Table 3, Dimensional Regulations less cluttered and intimidating. Not only that, but the Cluster Subdivision regulations would be more comprehensible too, since they would all be in the same place in the Zoning Bylaw.

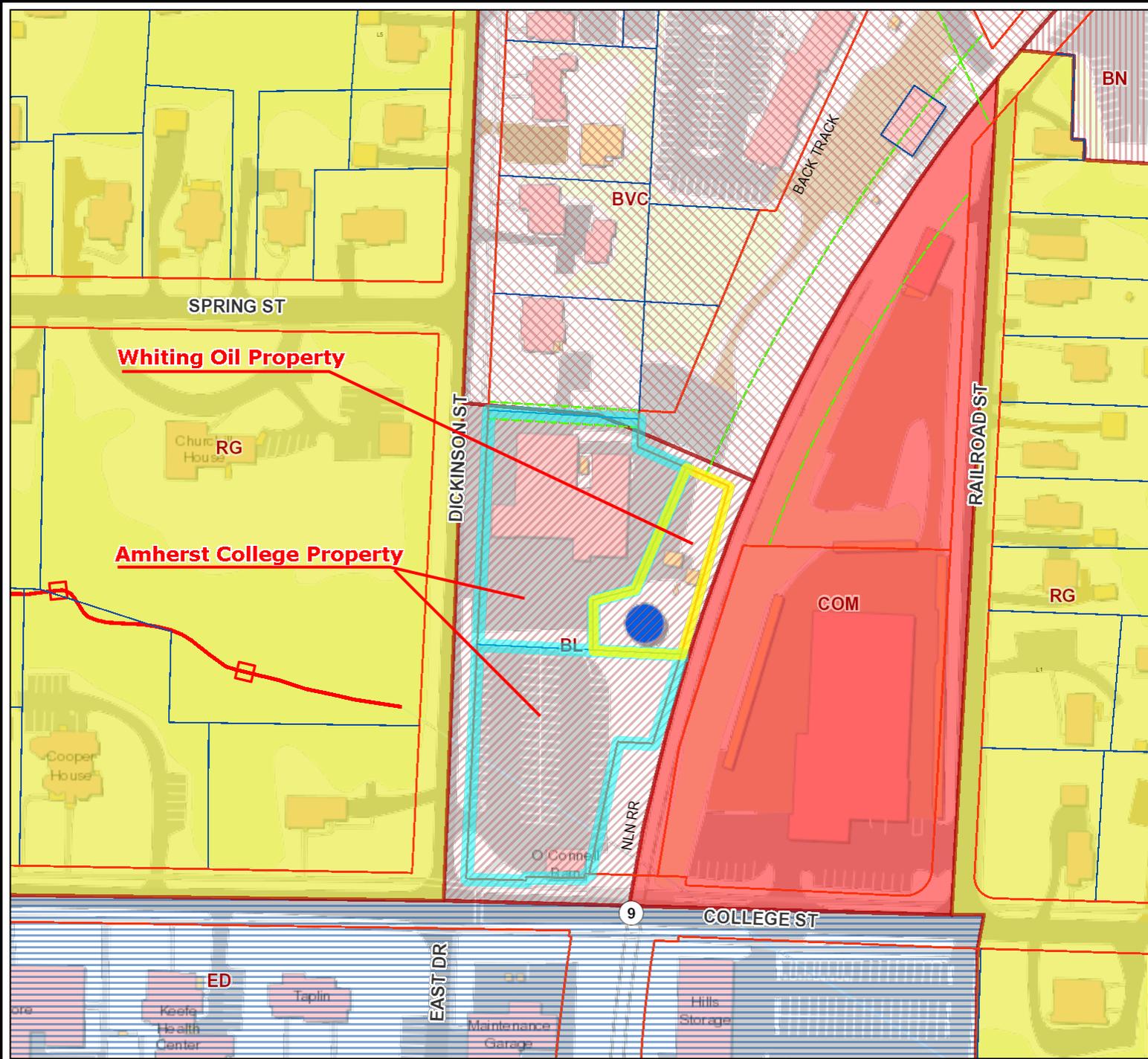
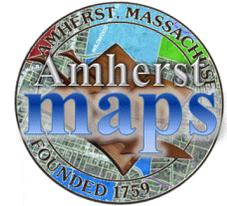
Risks

There is no risk in the part of the amendment related to footnote *k*, and there is likely no risk related to deleting footnote *j*, since Amherst College is such a good neighbor – it actually reduced the lot coverage on the garage parcel when it acquired it, by installing a grassy area between the building and the street.

Process

The Zoning Subcommittee has been reviewing the Table 3 footnotes for over a year and has brought several prior articles to Town Meeting, all of which have been approved. This article, addressing footnotes *j* and *k*, was developed over the summer at Zoning Subcommittee meetings. A Planning Board public hearing was held on September 13, 2017. No input was received at that time, and the Planning Board voted unanimously (5-0-0 with four members absent) to recommend the article as presented.

B-L District on Dickinson St



- Property Map
 Adjacent Towns Parcels
- Zoning Map
 × FPC Boundary Elevations
 FPC Stream Setbacks
 25' Setback
 50' Setback
 Zone Overlay
 Design Review Board Jurisdiction
 Municipal Parking District
- Zoning
 R-LD: Low Density Residence
 R-F: Fraternity Residence
 R-O: Outlying Residence
 R-N: Neighborhood Residence
 R-VC: Village Center Residence
 R-G: General Residence
 B-VC: Village Center Business
 B-L: Limited Business
 B-N: Neighborhood Business
 B-G: General Business
 OP: Office Park
 COM: Commercial
 PRP: Professional & Research Park
 LI: Light Industrial
 ED: Educational
 FPC: Flood-Prone Conservancy

Horizontal Datum: MA Stateplane Coordinate System, Zone 4151, NAD83, Feet; Vertical Datum: NAVD88, FT
 Planimetric & topographic basemap 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 & underground utility locations are approximate & require field verification.

The Town of Amherst makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of these data, & does not assume any liability associated with the use or misuse of these data.

1" = 188 ft

