



PLANNING BOARD

Report to Town Meeting

Article 36. Zoning Petition – Amend Official Zoning Map (O’Connor et al)

To see of the town will vote to amend the Official Zoning Map of the town’s Zoning Bylaw by changing the zoning designation of the following parcels: a) 2C-16 at 28 Cowls Road, 5A-130 at 24 Cowls Road, 5A-44 at 30 Cowls Road, 5A-45 at 32 Cowls Road, and 5A-46 at 56 Cowls Road from COM (Commercial) to RO (Outlying Residential); and, b) 5A-1 on Sunderland Road from COM (Commercial) to R-LD (Low-Density Residential), or to take any action related thereto.

Recommendation

The Planning Board voted 8-0-1 to recommend that Town Meeting defeat or dismiss this article.

Background & Purpose

Prior to the establishment of zoning in 1925, the properties north of Cowls Road were occupied by an electric trolley station and a large barn for processing and storing bulk agricultural products (onions, potatoes, etc.). Amherst’s first zoning map of record is dated 1940. On that map, the properties north of Cowls Road proposed to be rezoned to R-O under this petition were zoned Business to allow and encourage business, commercial, and manufacturing uses. The Business District remained in place until December 1963, when it changed to Commercial (COM), the designation it has held ever since.

The proposal to change these properties to a low density residential zoning district designation is inconsistent with the 70 years of Amherst’s community planning for these properties; this area is part of the North Amherst village center and has been for decades. No community planning purpose or rationale has been advanced to justify this proposal.

The properties proposed to be rezoned from COM to R-O are part of a continuous stretch of street front properties zoned COM. Changing these selected properties to R-O would create an anomalous gap in the middle of the current COM zoning along Cowls Road, leaving only a single small property on the east and two small properties on the west in the Commercial district. The area proposed to be rezoned to R-O is greater in area than the remaining COM properties.

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The proposed zoning for the properties west of Sunderland Road is similarly problematic. The property (Parcel 5A-1) west of Sunderland Road has three (3) separate zoning designations—COM (east and north of the Mill River), Flood Prone Conservancy (setback 75 feet from the crest of the bank around the Mill River on both sides), and Neighborhood Residence (south and west of the Mill River). The petition seeks only to change the zoning designation of Parcel 5A-1 from COM (Commercial) to R-LD (Low Density Residential)”. The petition language makes no reference to changing R-N to R-LD or FPC to R-LD. It is silent with respect to these portions of Parcel 5A-1. The absence of instructions with respect to these portions of the property calls into question the coherence of the proposed rezoning. Also, zoning the eastern portion of Parcel 5A-1 from COM to R-LD would create a gap in the continuity of the COM District along Sunderland Road. No community planning purpose has been advanced to justify such an action.

There is evidence that the petitioners are attempting to re-zone to ‘balance out’ development in the vicinity, because the North Square Comprehensive Permit has been approved by the Zoning Board of Appeals. The petitioners argue that the Town should rezone other nearby COM properties to prevent any more development.

This runs counter to the public purposes set forth in the Master Plan, which encourages development in Village Centers, where there is sufficient infrastructure to support such development and encourages preservation of outlying areas of town. The Master Plan and the results of the 2011 village center community planning process indicate that this area is part of North Amherst Village center, and that new residential and mixed-use development should be directed into village centers, rather than being allowed to sprawl out into remaining open lands. To be a functional village center, the streets of a center need to be lined with buildings and uses that support pedestrian activity.

Also, the Town’s Economic Director indicated that the proposed rezoning for these parcels would decrease the range of possibilities for commercial development in the Town. Presently the Town has approximately 80 acres zoned Commercial (COM). This Article would reduce that number by 18.5 acres.

Process

A public hearing was held by the Planning Board on Wednesday, March 29, 2017. The petitioner was not present. No one spoke in favor of the article. The Planning Board voted 9-0 to recommend that Town Meeting dismiss this article.

On April 5, 2017, the Planning Board voted 8-0-1 to reconsider its previous recommendation. After discussion the Board voted 8-0-1 to recommend that Town Meeting defeat or dismiss this article.