

**Planning Board Report to Town Meeting
Citizen Petition for Zoning Map Amendment at 460 Amherst Road
May 10, 2023 Annual Town Meeting
Article 24**

ARTICLE 24: To see if the Town will vote to amend the Zoning Map by changing the designation of a 0.69-acre parcel situated on the northwest corner of Amherst Road (Route 116) and the intersection of Pearl Street, and known as 460 Amherst Road, identified on Tax Assessor’s Map 58, Parcel 80, from mixed zoning designation of Agricultural and Business B to all Business B, as further articulated in the Planning Board’s Report to Town Meeting (APPENDIX B), or take any other action relative thereto.

PUBLIC HEARING:

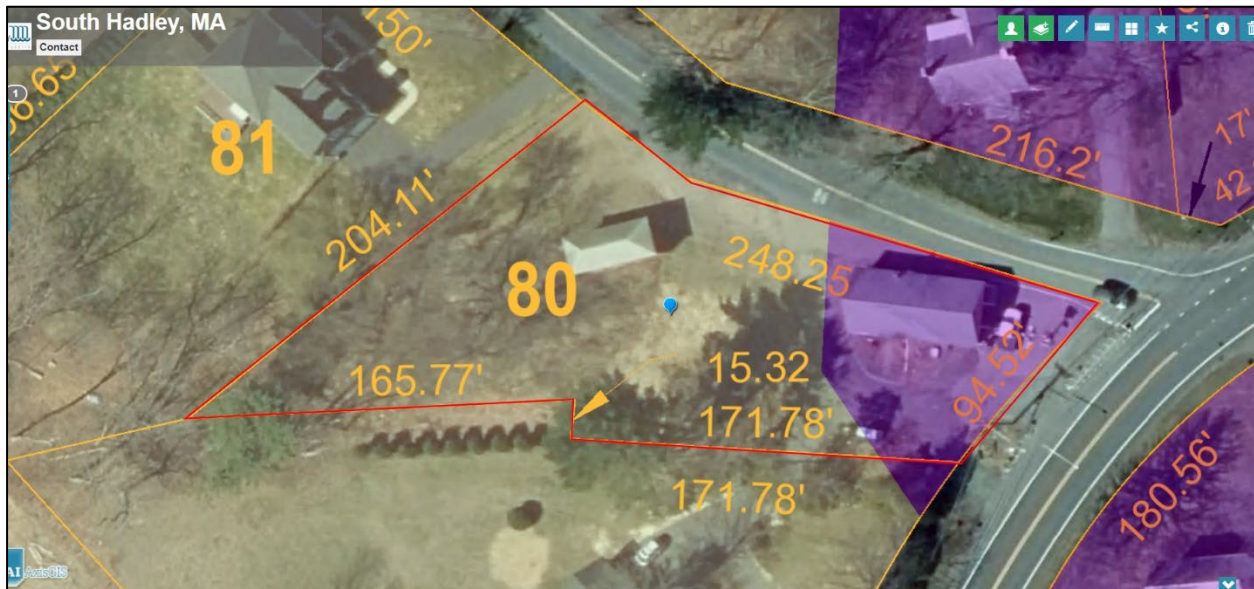
The Planning Board conducted a public hearing on April 10, 2023 to consider the request by Citizen’s Petition to amend the Zoning Map for the subject parcel from its split zoning configuration of partially Agricultural and Business B, to all Business B. The Board heard comments from members of the public as well as the prospective buyer of the property, who had recently withdrawn an offer to purchase the property. Minutes of the hearing are included as Attachment A.

REPORT:

The subject parcel is 0.69 acres located on the southwest corner of the intersection of Pearl Street and Amherst Road/Route 116. A citizen’s petition for a zoning map amendment was received by the Town Clerk on January 24, 2023: “To see if the Town will vote to amend the Zoning Map, Chapter 255, Attachment 9, for Map 58, Parcel 80 (a.k.a. 460 Amherst Road) to fully Business B from the current split zoning configuration of one-half Business B and one-half Agricultural.” The Selectboard referred the petition to the Planning Board for a recommendation and to make a formal report to Town Meeting.

The petition for a zone change was originated by a former resident who was interested in purchasing the property and converting it to a breakfast and lunch restaurant. The rear of the lot which is zoned Agricultural would be needed for parking for such a restaurant which necessitated the zone change. However, that person decided not to pursue that business venture and withdrew their purchase offer. However, since the zone change request was initiated by a citizen’s petition filed with the Town Clerk, the Town is obligated to engage in the required process for placing it on the Warrant for a vote by Town Meeting. A full-size zoning map is submitted below. In both images, tan is the Agricultural zoning district and purple is Business B.

The subject parcel was a small market and gas station for many years until its closure sometime in the past few years. The redevelopment potential of the existing buildings and/or the environmental condition of the site is not known.



Allowed Uses in Each Zoning District

The subject zoning districts are described in the Zoning Bylaw 255-11 as follows:

Agricultural - The purpose of this district is to promote agriculture, forestry, recreation, and land conservation, as well as compatible open space and rural uses, by siting development in a manner that preserves large contiguous tracts of open space and agricultural land. The preservation of scenic vistas of open land, forestland, the Mount Holyoke Range, the Mount Tom Range, and the Connecticut River in this district is a key aspect of maintaining South Hadley's desired scenic and rural identity.

Business B (Village Center Mixed Use) - The purpose of this district is to maintain the traditional scale, density, design, and mix of uses that characterize South Hadley's historic village centers and in other areas intended to develop with a similar village character, including a wide range of business uses, low-impact manufacturing, and residential use.

Existing uses currently allowed with each Zoning district are as follows:

Agricultural

- Single-family residential by-right
- Two-family allowed by Special Permit; all other multi-family prohibited
- Business uses prohibited generally
- Open Space uses allowed

Business B

- Single-family and two-family residential by-right
- Multi-family by Special Permit
- Business uses by Site Plan Review or Special Permit
- Open Space uses allowed

Zoning in the Area

There are seven parcels at or proximal to the intersection of Amherst Road and Pearl Street that have Business B zoning. A portion of the five of these parcels are similarly zoned Business B along the frontage, or a portion of their frontage, and Agricultural in the rear. One parcel to the northeast of the intersection on Amherst Road is fully Zone B (Map 58, Parcel 47). And another parcel, (Map 58, Parcel 92), has only a small area in the northeast corner zoned Business B with the remaining majority of the lot zoned Agricultural. However, six of these parcels are existing single-family residences, and one is maintained as open space. Outside of these seven parcels, the surrounding land is zoned Agricultural to the south approximately 990 feet north of The Knolls, and west to the Connecticut River, generally encompassing the entire northern portion of town. The Granby town line approximately follows Amherst Road placing the frontage of the lots to the northeast in Granby. However, the parcels to the southeast of the subject parcel in Granby are also single-family residential dwellings. At the April 10, 2023 public hearing, an attendee stated that the residential dwellings zoned Business B had housed farm related businesses in the past when agriculture was the dominant use on Pearl Street, likely several decades ago.

Relationship to Master Plan

In the 2020 Master Plan Update, the intersection of Amherst Road/Route 116 and Pearl Street is not specifically identified as a focus area of concern or for recommended strategies. The 2010 Master Plan land use vision statement for Route 116, Amherst Line to Town Common is as follows:

Route 116, from the Amherst Line to the Town Common, consists of a mix of land uses with historical properties and structures located nearer to the Town Common and predominately single-family residences to the north. Particular characteristics and considerations relevant to this corridor include:

- Though limited, the commercial development along this corridor is not consistent with the dominant residential and historical nature of the corridor and does not complement neighborhood character.
- The character and intensity of development along this corridor has maintained open spaces and significant views of the Mount Holyoke Range.
- Several gravel pits are located along the north side of the Amherst Road portion of the corridor opposite the town of Granby. While only the largest of these operations predates the Zoning Bylaw, both operations are considered nonconforming (but grandfathered) since the Zoning Bylaw has been amended since the smaller operation was originally permitted. Such operations, similar to the smaller commercial businesses, should be considered exceptions, and contrary, to the corridor's dominant character.
- Future development of the Amherst Road portion of this corridor should be limited to residential uses, consistent with existing trends. Future development of the Woodbridge Street portion of this corridor (from Amherst Road to the Town Common) should complement the surrounding architecture and style.
- Implementation of a design review process, with jurisdiction over this corridor, can help retain this historical and residential character of the Town.

Department Comments:

Donna Whitely, Treasurer/Collector: This property does have a past due Real Estate bill that was due 2/1/23. The amount due as of 4/5/23 is \$741.56.

Missy Rimbold, Associate Assessor: There is nothing due to this office as it is an inactive business.

John Broderick, Acting DPW Director: I do not know of any plans for Mass DOT to reconfigure that corner. I know the town has no plans to reconfigure the intersection of Pearl Street which is town owned with the Mass DOT easement. I do know that over the years there have been a few accidents there. Mass DOT in the last two years has added the reflective stanchions and tried a new pavement method for corners that includes a traction layer I believe it is sprayed. This was done after they milled and resurfaced the corner directly in front of 460. There have been some accidents, but I am not familiar with the building being hit other than some minor bump and goes. The few accidents at this intersection happened late at night or in western setting sun time. Large truck traffic should travel Rt.116 to Rt. 47 ideally anyways.

Zoning Map Amendment Considerations

1. Spot zoning should not be approved. As indicated, approximately half of the subject property is currently zoned Business B, and six of the adjacent lots have some Business B coverage. It does not appear that changing the zoning on the subject parcel from partially Agricultural to fully Business B would constitute spot zoning.
2. The split zoning on the subject parcel may have the potential to hamper redevelopment of the site for business uses. For example, redevelopment of the property into a small restaurant was not feasible due to the small area within Business B available for parking. Extending any business uses, including parking, into the Agricultural zoned portion of the site would be prohibited, with the exception of the sale of farm products which is allowed by right. The use of the site for open space uses such as a small park or parking for other nearby open space uses may be permissible.
3. Rezoning the entire parcel Business B would still allow for redevelopment as residential uses but would also expand the options for the site to additional business uses such as retail, restaurant and professional and business services, as well as others, all of which would require either Site Plan Review or Special Permit.

Public Comment

During the Public Hearing, comments from the public expressed concern for a re-zoning to a business use due to a number of severe accidents over past years on that corner and to the north along Amherst Road. MassDOT had installed reflective stanchions along the road shoulder at the subject property. The abutter at 450 Amherst Road has secured a recorded an access easement across 460 Amherst Road which they use as a driveway to their property due to what they reported as dangerous traffic conditions along that segment of Amherst Road. Some residents supported the idea of a small business to serve neighborhood needs as the former Gagne's Market had done for years. The prospective buyer for the subject property stated that she has withdrawn her offer to purchase the property due to the high cost estimate received to renovate the site for a restaurant. Some residents expressed a desire for the Town to acquire the property and redevelop it as a small park with parking for the Lithia Springs trailhead which is off of Pearl Street on Lithia Springs Road.

RECOMMENDATION:

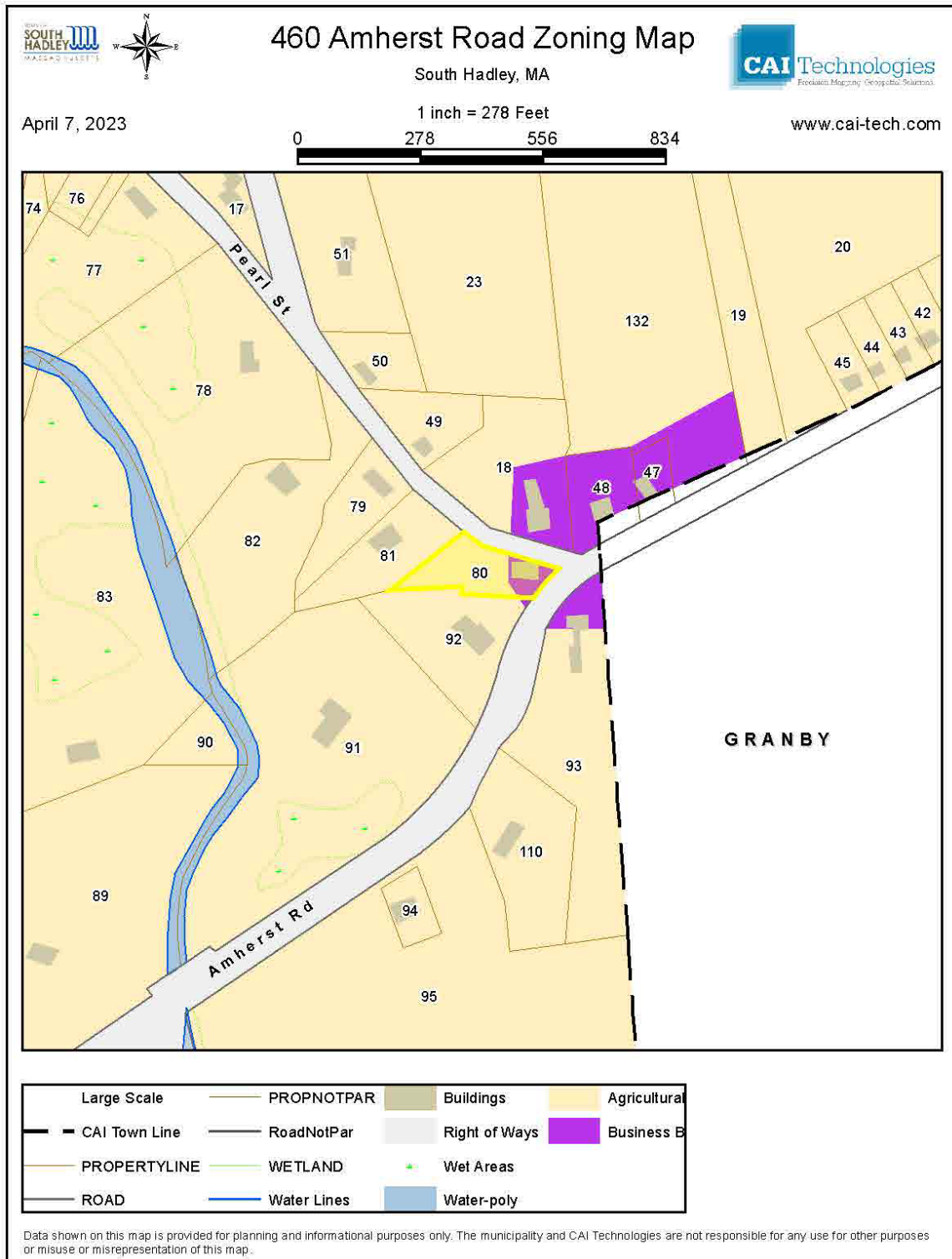
At their April 10, 2023 meeting, the Planning Board voted Five (5) opposed (B. Hutchison, D. Mulvaney, N. Therien, J. Brown, and M. Davis) to not recommend the zoning map amendment. At their meeting on April 24, 2023, the Board voted 5-0 to approve this Report to Town Meeting.

ATTACHMENTS:

Attachment A: Zoning Map

Attachment B: Public Hearing Minutes

ATTACHMENT A: Zoning Map



SOUTH HADLEY PLANNING BOARD PUBLIC HEARING:

Citizen's petition to amend the South Hadley zoning map by changing the zoning designation from Agricultural and Business B to fully Business B at 460 Amherst Road, Assessor's Map 58 Parcel 80
MEETING MINUTES OF APRIL 10, 2023

Present: Brad Hutchison, Chair; Diane Mulvaney, Vice-Chair; Joanna Brown, Clerk; Nate Therien, Member; Michael Davis, Member; Michael Adelman, Associate Member; and Anne Capra, Director of Planning and Conservation; Colleen Canning, Planning/Conservation Coordinator

Chair Hutchison called the public hearing to order at 7:35 PM and Clerk Brown reading the notice aloud as follows:

The South Hadley Planning Board will hold a public hearing on Monday, April 10, 2023 at 6:45 p.m. to discuss a citizen's petition to amend the South Hadley Zoning Map by changing the zoning designation of 460 Amherst Road from Business B and Agricultural to fully Business B.

The property is a 0.7 acre parcel at the intersection of Amherst Road and Pearl Street and identified as Assessor's Map 58, Parcel 80. The property is currently a small retail store.

The materials relative to the petition are available on the Town's website at the following link: <https://www.southhadley.org/1347/Zoning-Map-Amendment-Requests>. Alternatively, hard copies of the documents may be viewed at South Hadley Planning and Conservation Department office.

Due to the COVID 19 State of Emergency, virtual public meetings have been allowed to be held through Executive Orders of the Governor. This allowance is set to expire on March 31, 2023. At the time of publication, no extensions have been granted to allow fully virtual meetings to continue. If changes are made at the state level to allow fully virtual meetings to continue, the hearing will be held fully remote and will utilize zoom log-in information below: URL to join:

<https://us02web.zoom.us/j/82305486133?pwd=OjBISlQ3MFZxSVZvd00xdGNVeHpNUT09>

Or join by phone: +1(646) 931-3860

Webinar ID: 823 0548 6133 Passcode: 077561

If no such extension is granted allowing fully remote meetings to continue, the public hearing will be held in person at the South Hadley Senior Center in the Multipurpose Room located at 45 Dayton; South Hadley MA 01075. Clarifying information will be published on the meeting's agenda which will be posted on the Town's website no later than the evening of Thursday April 6, 2023.

Joanna Brown, Clerk

South Hadley Planning Board

Publication: Friday, March 24, 2023

Friday, March 31, 2023

Director Capra explained that a citizen's petition had been filed to change the zoning designation of 460 Amherst Road from Agricultural and Business B to fully Business B. The request originated when a prospective buyer wanted to develop the existing site into a small restaurant. The site's existing building was zoned business but the rear of the site, which would be needed for customer parking, was zoned agricultural. The site needed to be fully Business B to allow for customer parking at the rear of the lot. After the zone change petition was filed, the prospective buyer lost interest in developing the site. However, the request still needed to be brought to Town Meeting. Director Capra reviewed the zoning use schedule for both districts; the Master Plan goals and objectives for the site; and the comments received from Town departments.

Clerk Brown indicated that traffic accidents were common near the property. She was interested in hearing feedback from abutters. She also wanted more information about the zone change petition as the property owner was not the petitioner. Director Capra explained that a zone

change petition could be generated by the landowner, the Planning Board, or a group of citizens. This particular request was brought by a group of citizens. The individual interested in developing the site was not a South Hadley resident. Therefore, they needed to garner local support for the petition. After doing so and filing notice with the Town Clerk, the potential developer withdrew their interest in acquiring the property. However, the Town was still compelled to consider the request at Town Meeting as was required under a citizen's petition.

Member Davis stated that there appeared to be an accessory structure on the property. Director Capra stated that it appeared to be a shed and was not a dwelling unit.

Member Therien indicated that rezoning the property could lead to greater flexibility for redevelopment. He knew there was a recent attempt to open a small convenience store at the location but the project was abandoned when the interested party could not comply with local regulations. He was interested in hearing comments from the public. He also noted that there appeared to be a driveway bisecting the lot and questioned how it would impact redevelopment of the site.

Chair Hutchison opened the hearing to public comment.

Mary Hall, 15 Silverwood Terrace, addressed the Board. She was unsure what caused the former business to close but questioned if the location actually made sense for business use. She stated that traffic calming measures were needed as there were a number of car accidents at the location. In her ideal scenario, the site would become a park or garden.

Melissa Hughes, 455 Amherst Road, addressed the Board. It was her business interest which led to the requested zone change. At the time of filing the request, she was not a current resident of South Hadley. However, she recently moved into a home abutting the subject property. Her family owned and operated the old Gagne Market so she had interest in redeveloping the site into a breakfast and lunch restaurant. However, she discovered that renovations would be too costly and the orientation of the site complicated traffic flow. At most, three cars could park on site. There were multiple entrances to the site which complicated parking and led to further safety concerns. Additionally, an abutting property owner had an easement through the property to enable access to Pearl Street.

Brian and Julie Brown, 12 Pearl Street, addressed the Board. They echoed concerns for traffic and supported the idea of a park or garden.

Hattie Finkel, 450 Amherst Road, addressed the Board. She supported the previous comments made by Melissa Hughes. She has lived next door to the subject property since the 1950s and addressed concern for traffic at the location. She installed a berm along her property to mitigate concern for vehicles driving off the road onto her property. Such an incident did happen and the berm prevented a truck from colliding with her house. Due to these traffic concerns, she acquired an easement through the subject property so she could use Pearl Street to enter and exit her property. She was open to moving her easement if the building was relocated or if the site was repurposed for a parking lot to allow hikers to access Lithia Springs.

Marc Derosier, 310 Amherst Road addressed the Board. He was a signatory on the citizen's petition but only had done so out of familial obligation as he was related to Melissa Hughes. He did not support the proposed zone change and referred to the Master Plan's recommendations for the location.

Member Therien observed abutter interest in redeveloping the site into a pocket park or a hiker parking lot. He questioned if such could be done under zoning and how it would be paid for. Director Capra replied that the Town or a private entity would need to acquire the parcel for redevelopment. She questioned if it would be wise to locate a parking lot at the location given all the concern for traffic.

Members observed a number of properties near the location had split zoning and questioned why such had been done. Members also considered if one consistent zone throughout the property would more easily enable site redevelopment.

Clerk Brown indicated that she was not inclined to support rezoning the property at this time. She noted the individual who was initially seeking to develop the site was now opposed to the zone change request. Relative to the discussion regarding a pocket park and hiker parking lot, she identified that recreational facilities were currently allowed within the agricultural zoning district.

Mary Hall, 15 Silverwood Terrace, addressed the Board again. She stated that the traffic safety needed to be addressed before she would support a zone change petition. She asked who was responsible for maintenance of the road. Chair Hutchison replied that MassDOT owned the road at that location.

Hattie Finkel, 450 Amherst Road, addressed the Board again. She stated that Gagne Market was in operation prior to adoption of the zoning bylaw and zoning map. A number of small community businesses were in operation many decades ago which was why a number of parcels near the location had portions of property zoned for business.

Melissa Hughes, 455 Amherst Road, addressed the Board again. She concurred with Hattie Finkle's statements. The former market was used by members of the community for decades but the property was later sold. She liked the idea of the site being repurposed as a park.

Mary Hall, 15 Silverwood Terrace, addressed the Board again. She asked who she could speak with regard to having traffic calming signs near the site. Director Capra recommended speaking to the Selectboard.

Members discussed the historical use of the property and potential impediments for site redevelopment. The existing easement appeared to hamper development potential. Additionally, changing the zoning did not guarantee that development interest would follow.

Hattie Finkel, 450 Amherst Road, addressed the Board again. She reiterated that she would be open to relocate her easement if the building on site were relocated.

Associate Member Adelman identified that problems for future site development were apparent. However, the Planning Board was only charged with making a recommendation to Town Meeting. Enough information had been gathered to enable him to not support the zone change request.

Commissioner Therien questioned what incentives could be created to encourage site redevelopment. Without action, the site would continue to languish in its current condition.

Chair Hutchison indicated that enough information had not been provided to enable him to support the request at this time.

Motion: Clerk Brown moved to recommend that Town Meeting *not* amend the zoning map to change the zoning designation of 460 Amherst Road. Vice-Chair Mulvaney seconded the motion. Five **(5)** out of five **(5)** members voted in favor of the motion through roll call.

Motion: Clerk Brown moved to close the hearing. Vice-Chair Mulvaney seconded the motion. Five **(5)** out of five **(5)** members voted in favor of the motion through roll call.

The regular meeting reconvened at 9:02 PM.

Respectfully Submitted
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Zone Change Petition	Planning Files
March 28, 2023 email from Hattie and Steven Finkel, 450 Amherst Road	Attached