



PLANNING BOARD

Report to Town Meeting

**Article 24. Zoning Petition - Municipal Parking (MP) District Amendments  
(Petition – Wentworth et al)**

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To see if the Town will vote to amend the Zoning Bylaw as follows:

A. Deleting the lined-out portion under SECTION 7.4, Municipal Parking District

7.43 Regulation

Notwithstanding the other provisions of Section 7.0, off-street parking spaces need not be provided for any principal or related accessory uses under the following categories of Section 3.3, Use Chart: ~~Residential Use (Section 3.32)~~, Retail Business and Consumer Service Use (Section 3.35), and Research and Industrial Use (Section 3.37), located within the Municipal Parking District as herein defined. The following uses shall be required to meet the parking requirements of this Bylaw within the MP District: dormitory or similar college residence hall, hotel or motel, inn and all other principal and accessory uses under other categories of Section 3.3, Use Chart.

B. Adding the words in **bold** under SECTION 7.9, WAIVERS

7.91 **With the exception of Residential Use in the Municipal Parking District**, parking space requirements under Section 7.0 may be modified when one or more of the following conditions are met to the satisfaction of the Permit Granting Board or Special Permit Granting Authority:

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Recommendation

The Planning Board voted 6-0-1 (Roznoy abstaining) to recommend that Town Meeting refer Article 24 back to the Planning Board.

Downtown parking is an important issue consisting of numerous complex elements. Article 24 is too simplistic and extreme. If changing the zoning regulations for downtown parking is a serious priority for the community, then that task will require thoughtful consideration and thorough research. Study of the issue is already underway and needs to be completed.

### Background

Article 24 is a petition article sponsored by the citizens' group Amherst Community Planners.

There is a growing consensus in Amherst that something needs to be done about downtown parking. Beginning last September, the Planning Board and Select Board have sponsored a series of community forums to identify downtown parking problems and to begin to formulate solutions. That public process has not been completed, and well-considered, responsible regulatory solutions cannot be developed in time for consideration by the 2015 Annual Town Meeting. What Article 24 does is allow an opportunity for one more public discussion of downtown parking. It does not represent a viable zoning amendment to the parking regulations for downtown Amherst.

### History of the Municipal Parking (MP) District & Its Purposes

*1962* - The Municipal Parking (MP) "Zone" first appeared in a proposed new Zoning Bylaw in 1959, but did not appear in an approved Zoning Bylaw until 1962.

*1986* - Twenty-four years later, the 1986 Annual Town Meeting voted unanimously to add residential uses to those retail, business, professional, and industrial uses already exempted from the requirement to provide parking spaces in the downtown MP District.

*2008* - In 2008, the Annual Town Meeting voted by a declared 2/3s super-majority to turn the MP District into a formal overlay district (a legal necessity) and to add a purpose statement:

The purpose of this district is to encourage the dense development of mixed-use buildings and pedestrian spaces in Amherst Town Center. Toward that end, provision of off-street parking is not required for selected uses within the MP District.

Town Meeting also added a description of the district to Section 2 of the Zoning Bylaw, as follows:

The MP District is an overlay district intended to include selected areas of the downtown General Business (B-G) District and abutting General Residence (R-G) District. Within the MP District, a wide range of permitted retail, service, commercial, and residential uses shall be exempted from the requirement to provide off-street parking spaces. It is the policy of the Town of Amherst to encourage dense multi-use development in its Town Center. Toward that end, provision of off-street parking is not required for selected uses within the MP District.

**2009** – From 1962 to 2009, the MP District only existed south of Kellogg Avenue and Cowles Lane (see attached map). Yet fully half of the downtown General Business (B-G) District lay north of that line. In 2009, the Annual Town Meeting discussed for over an hour an article proposing to expand the area of the MP District north as far as Triangle Street, and in the process amended the scope of the proposed expansion. The Planning Board’s report to Town Meeting echoed earlier statements about the purpose of the MP District:

This purpose is consistent with the community’s increased emphasis on denser, sustainable development in our centers—the ‘village center’ concept strongly supported in the community planning process and described in the draft Master Plan. Since the late 1950s, the MPD has supported this policy by relieving selected downtown uses from the requirement to provide parking. This frees up some surface area of downtown properties so that those areas can be covered with buildings or pedestrian uses, instead of parking lots.

While some Town Meeting members expressed concern about potential impacts on nearby residential neighborhoods, there was a broad consensus supporting the purpose of the MP District in the B-G District—to encourage denser downtown development. The 2009 Annual Town Meeting approved expansion of the MP District to the northern end of the downtown by a 75% vote (137Y to 47N).

### **What Article 25 Would Do**

Article 24 proposes to do two things:

***Impose Parking Requirements on Downtown Residential Uses*** – Article 24 seeks to impose parking requirements on Residential Uses currently exempted from providing parking in the downtown Municipal Parking (MP) overlay district, which include new multi-family dwellings, as well mixed-use buildings, apartments, town houses, and lodging and boarding houses. Residential uses not currently exempted in the MP District include inns, hotels/motels, and dormitories or similar college residence halls. Article 24 does not propose to change their regulation.

***Remove the Ability to Modify Parking Requirements*** – Article 24 proposes to remove the ability of any permit granting body to modify or waive parking requirements for any residential uses in the MP District, whether those uses are currently exempted from parking requirements or not. The petition does not propose any criteria for determining when a modification or waiver of parking might be justified, it simply prohibits them. This would remove the flexibility that is in some cases necessary to ensure that residential uses can occur at all.

### **Impacts**

Article 24 would have the following impacts on downtown Amherst:

- Increasing Non-Conformity - It would create non-conformity for existing downtown residential uses that have not provided two (2) parking spaces for every dwelling unit.
- Displacing Buildings & Pedestrian Space - In new development, parking would be forced to cover more of any downtown property, displacing buildings, pedestrian space, and potential green space.
- Discouraging New Development – Imposing full parking requirements would significantly increase development costs and compete for space with buildings, significantly discouraging new development. A surface parking space can cost upwards of \$3,000/space and structured parking of the kind which would fit on downtown properties can cost from \$12,000/space to more than \$20,000/space. Each parking space eats up about 330 sq. ft. of lot area (including room for drive aisles and entrances/exits). Requiring 2 parking spaces per dwelling unit means that 660 sq. ft. (an area over 25 feet square) would be consumed for every unit.
- Discouraging Affordable Housing - Because it would impose additional costs and discourage new development, Article 24 would work at cross purposes with inclusionary zoning. Actively preventing development = actively discouraging the creation of new affordable housing.

### **Other Issues**

***Article 24 is Limited & Ineffective*** – Article 24 does not address the full range of issues associated with downtown parking, which consists of more than just mandating new supply. Many communities require significantly lower parking requirements in their mixed-use centers than are required elsewhere, and many also allow for a range of flexible ways to meet those requirements, such as allowing developers to provide payments-in-lieu of directly providing parking spaces. Northampton requires a maximum of one parking space per dwelling unit in its Central Business (CB) District, and allows a by-right option of paying \$2,000 per space in lieu of providing parking.

***Private Residential Parking is Not the Problem*** – Article 24 proposes to amend the Zoning Bylaw to solve a projected parking problem that the petitioners believe will be created by private residential parking needs resulting from new development. But private residential parking is not what creates a shortage of downtown parking. The general consensus at the Amherst Parking Forums held to date is that downtown Amherst’s problem with inadequate parking supply is associated with the most visited areas during peak times—meal times, weekends, during community events, etc.

That parking problem is not created or exacerbated by residential parking, yet residential parking is all that Article 24 tries to address. Residential parkers mostly use private parking or on-street permit parking, and use it at night. They do not directly compete in meaningful ways with other downtown users for off-street public parking lots during peak use times.

Additionally, national and regional demographics and ownership trends indicate that there is a consistent decrease in car ownership for the residents of downtowns and other centers. This is true for young professionals, retirees, and even college students. The employers, employees, and the wide range of people coming downtown for services, to shop, or eat principally use public parking.

Downtown residents use private parking, on-street permit parking, and leased parking. Forcing developers to build more private residential parking to which the public will not have access will only displace potential buildings and pedestrian spaces and have other negative consequences for the downtown. It will not address the real and pressing parking needs of downtown Amherst.

### Public Hearing

The Planning Board held a public hearing on Article 24 on Wednesday, March 4, 2015.

The article was presented by a representative of a citizen's group called Amherst Community Planners. She indicated that it was an attempt to "roll back" the zoning changes of the past few years, which they believe have gotten the town into "a really bad situation" re downtown parking.

The petitioner indicated that the article was intended to address the problem of there being no parking required for residential uses in the downtown, and the resulting problem of where business customers would park their cars. She said the Town did not get into this situation all at once, but had been changing its zoning over a period of years, citing amendments to the MP District in 2008 and 2009. She asserted that there was a now a big push on to build another parking garage.

The Zoning Subcommittee presented its analysis of Article 24. Mr. Crouner said that the Planning Board was very cognizant of downtown parking as a public concern, but it was not yet clear that there was a problem to address. There might be, but the community did not have the data to demonstrate that a parking problem involving residential uses existed. It was as a result not clear that mandating the provision of private parking for residential uses was the best solution. He noted that there were many alternate ways to handle parking need. The ZSC acknowledges the issues raised by this petition, but its unanimous recommendation was that the Planning Board recommend that Town Meeting refer the article.

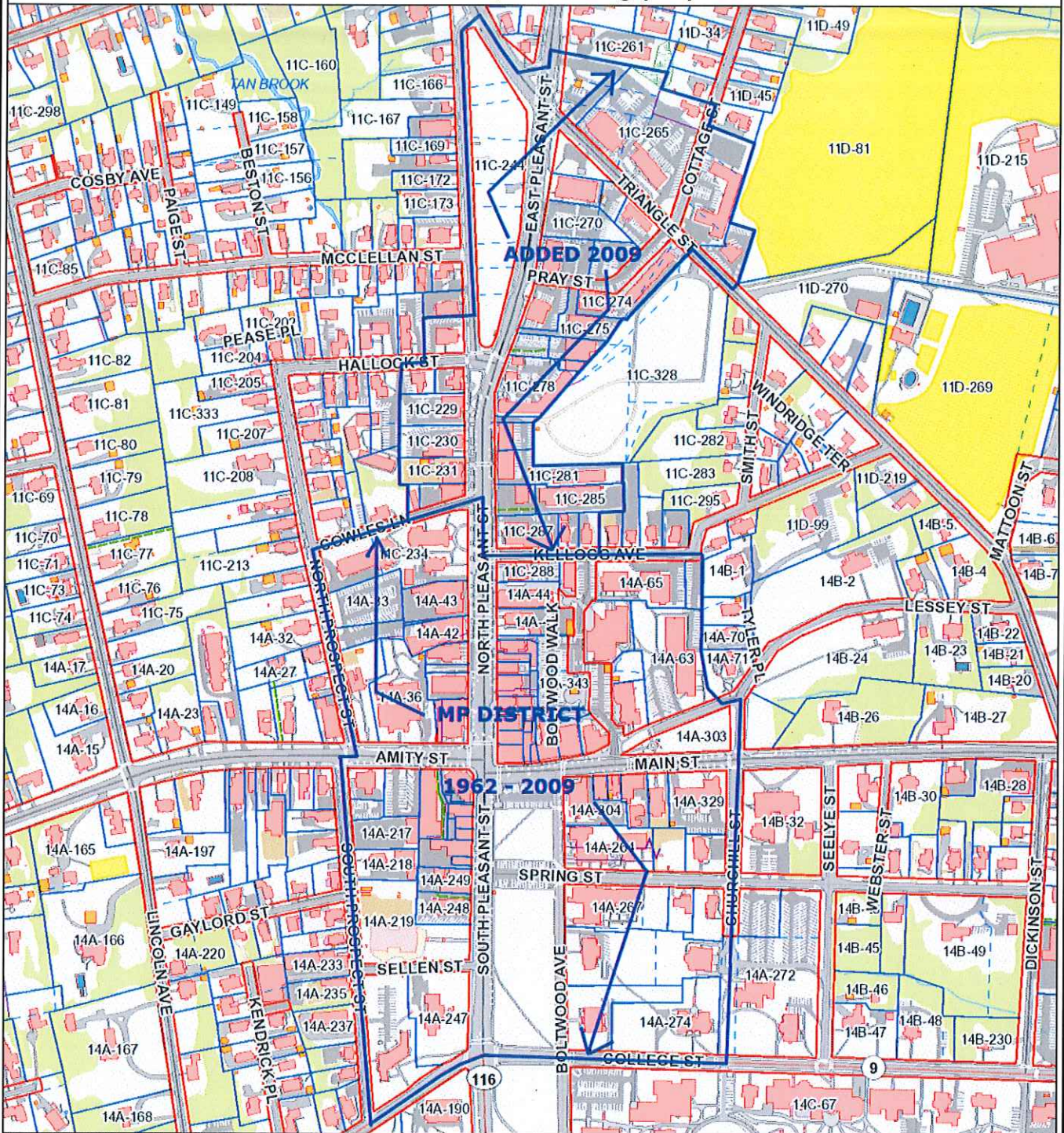
During public comment, one downtown business proprietor stated that in the last 40 years the number of new buildings that had been built downtown could be counted on one hand. Until very recently, there had only been one: the Tucker-Taft building, built in 1984. Furthermore, the Boltwood Walk parking garage provides far too little parking to even be considered a parking garage. Now that a local developer is actually building new buildings, we are seeing these petitions in reaction. The Town should be promoting downtown density, as the Master Plan calls for, but the petition articles are flawed.

There was discussion of the option of recommending defeat of the article, rather than referral. Mr. Crowner said that to just recommend defeat of the article did not acknowledge the very real public concerns involved and could be seen as insulting to those concerned about this issue. He said that the ZSC did not want to imply that nothing could be done—the Subcommittee had been looking at the downtown parking regulations since the previous spring. He noted that the petition article did two things and the Board could choose to make different recommendations for the different sections.

A motion to recommend that Town Meeting dismiss the article failed by a vote of 3-4 after discussion. It was argued that the article was insulting to the Planning Board since the petitioners had not consulted with the Planning Board. The Planning Director outlined the range of ways in which an article could be put on the Town Meeting warrant, noting that there was no obligation on the part of petitioners to consult with Town boards. While it made more sense to do so, providing an opportunity to avoid technical errors and unintended consequences, it was not required.

Mr. Stutsman said he saw Article 24 as mostly symbolic. Whatever the Planning Board recommended to Town Meeting, the Board needed to declare its intention to take this issue seriously and work on it.

After further discussion, the Planning Board voted 6-0-1 (Roznoy abstaining) to recommend that Town Meeting refer Article 24 to the Planning Board for further study.



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.

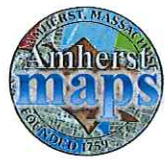
The Town of Amherst makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of these data, & does not assume any liability associated with the use or misuse of these data.

- Property M**
- Property Lines
  - Property Line
  - Hydrographic Property Line
  - Right of Way Line
  - Town Boundary
- Lot Lines**
- Former Property Line
  - Subdivision Lot Line
  - Easements
  - Adjacent Towns Parcels
- Basemap 2009**
- Trails
  - Rail Lines

- Structures**
- Building
  - Foundation or Construct.
  - Outbuilding or Misc.
  - Deck, Porch, Stairs
  - Mobile home, Trailer
  - Swimming Pool
  - Building Ruins
  - Water storage tank
- Rivers and Streams**
- Streams
  - Major Culverts
  - Hydro Connector
  - Headwalls, Floodwalls

- Landcover**
- Brush & Scrub Vegetation
  - Tree & Forest Vegetation
  - Cultivated field
  - Gravel pile
  - Quarry
  - Misc Impervious Surface
- Parking**
- Parking Paved
  - Parking Unpaved
- Driveways**
- Paved Driveway
  - Unpaved Driveway
  - Sidewalks
- Transportation**
- Paved Roadway
  - Unpaved Roadway

- Bridges**
- Bridge Decking & Structures
  - Foot Bridge
  - Rail Bridge



1" = 450 ft

