

Staff Report

Summary of ZBA Hearing December 8, 2016

Administrative Matters

The chair reviews submissions since the December 1st hearing session:

- ENF form
- Dec 1 ppt
- Dec 8 ppt
- Staff report summarizing Dec. 1st hearing
- Town counsel email with actions to take tonight re clarifying SHI
- Public Comments received between Dec 1—7, including letters from Chamber of Commerce, Amherst Housing Authority, Ms. Greenbaum and Select Board

ZBA voted unanimously (3-0) to approve letter from counsel with SHI acknowledgments to DHCD.

Chair asked that application withdraw original waiver requests and submit current request dated November 28, 2016.

The ZBA will discuss individual waiver requests tonight but will not vote. The Planning Board reviewed Beacon's project last night and has not yet submitted its comments.

Chair asked who in the audience is represented by attorney Dan Hill. Approximately 12 people raised hands. Mr. Hill will be given time later in the evening to speak on behalf of these residents.

Beacon Presentation

Team members present: Darcy Jameson, Ruth Silman, Bob Carter, Pam Goodman, Dara Kovel, April Ognibene, David Person (sp?), Dave Chillinski, Jim Lee

Site and Building Plan

Beacon met with Select Board on Monday and Planning Board on Wednesday to discuss the project proposal. Beacon will try to balance community input with lender interests in terms of space and site planning considerations, parking and green space.

Amherst has done a great job of preserving open space and preserving village centers, but it is difficult to find development partners and difficult to implement development.

North Square at the Mill District will have community benefits and is requesting waivers to make the project viable; it is a comprehensive list but it is necessary for the 40B process. Do not want to miss anything or misrepresent parts of the project.

Beacon sees North Square as a forward thinking affordable housing development that integrates with existing and proposed commercial uses and neighborhood in North Amherst.

The site plan shows two buildings: Building A along the western boundary and Building B along eastern boundary. Floor plans shows a single building but its exterior architecture shows a collection of building. There is limited first floor residential—in Building A it is on the west facing side and in Building B it is in the south wing.

There are centrally located lobbies that can be entered/exited from the residential side as well as the commercial side. Each lobby will have bike storage (16 in Building A and 32 in Building B), and there will be on-site bike stands.

The 'green' and surface plaza (which can be used for parking and closed to traffic for events) helps create a connection to Atkins Market and the proposed retail in the development.

The driveway in front of Bread and Butter that leads back to the residential parking area is designed as a pedestrian friendly streetscape.

Trash and recycling areas have been located out of view and will be partially screened. HVAC and other mechanical equipment will be screened when it is located on the ground.

There will be crosswalks in the site to allow various pedestrian paths, balancing vehicular traffic with pedestrian activity. Would prefer to think of the site plan showing a pedestrian area with vehicle circulation. HP parking spaces are scattered around the site to accommodate commercial/retail spaces and residential units.

Beacon will work with the Town to create a new crosswalk to the bus stop on Cowls Road near Bread and Butter. Beacon will also add sidewalks along Cowls Road in front of the development site. This will connect to the existing sidewalk on Cowls Road that extends to Montague Road.

In response to a recommendation from the Select Board about a more direct pedestrian connection to Montague Road, Beacon is determining the best location for a paved path that would lead from Montague Road into the commercial/retail are of the site.

Upper floors of buildings will be all residential and accessed via the elevator. Every unit will be visitable and 5% will be fully accessible.

Exterior architecture, variation in siding (color, pattern, direction) and roof plan is meant to articulate multiple to resemble a village center. There are various roof shapes (flat, hip), building block components to give the appearance of a separate structure, and different heights.

The units will include 1, 2 and 3 bedrooms. A 1-bedroom will be approximately 650 sq ft, 2 bedroom will be approx. 920 sq ft and a 3-bedroom approximately 1,110 sq ft. The 3-bedroom units will have two bathrooms, with one bath en suite.

Interior finishes will be the same in all units—affordable and market rate.

Exterior architecture and color palette was inspired by regional design and existing built form. Currently all colors are from the Benjamin Moore historic color palette.

The interior drives in the site will remain private; there is no intention of having them become a public way. Will be maintained by Beacon

In terms of the height of the buildings, zoning defines height as the average height from the street in front of the building. Changes in topography along the building impact this calculation. For instance, along Building A, the elevation ranges from 181 to 187 and the building slab will be set to 191. The roof pitch also impacts height calculation. Given these variable, the actual heights of the buildings are less than the waiver requests, but are in conformance with the zoning regulations. Both buildings are approximately 34 feet to the eave, but are in conformance with the measurement techniques described in the Zoning regulations.

The gable roofs were incorporated into the plan after conversations with the community and a desire to have more articulation of the roof lines.

There is public and private amenity spaces.

The play area near Atkins has been enlarged since first designed based on public comments. Will be fenced for security and larger size allows for appropriate structures and soft surfaces.

Within the parking lots there are dual function landscaped areas that are also bioswales that will have regional vegetation to help absorb the “first flush (approx. 1”) of rain. The bioswales will pre-treat water and help filter out sediment before it enters the engineered system.

The parking area between the green and Atkins Market will be raised 8” from surrounding pavement to create a level area with the sidewalks and green space. This will help slow traffic and make it usable for special events when it is closed to traffic.

Site signage includes free standing monument signs along Cowls Road and on the entry drive, internal signs (wayfinding signs in the site), and identification signs on the buildings for the commercial/retail tenants. The identification signs may be illuminated with additional lighting and there could be awnings in front of some tenants. There will be some variation in the individual signs of tenants.

The site lighting is designed to fit with the different spaces—streetscape and existing poles, commercial and residential—within the site. There will be different poles and fixtures, but all lighting will be dark sky compliant and will not shed light off site.

The site has been designed to allow for some snow storage. Beacon has many years of experience managing properties in New England. There are a few approaches to snow removal based on expected snowfall. If it is necessary, snow will be trucked off site, but expect that in most circumstances, snow will be managed on site. Fire and emergency egresses will remain clear. Onsite snow storage will not impact parking.

There is fencing on the site—perimeter fencing and fencing to screen trash/recycling and mechanical equipment. The fences have different aesthetics and material. The fire and emergency access from Montague Road will be fenced with a locked gate. The western site boundary will have a fence for privacy of the residential areas.

Exterior residential amenities include a dog run (west of Building A) and a courtyard near Building B. The courtyard will be for residents only and is comprised of a series of spaces and a larger space. The façade of Building B can open to create an indoor/outdoor space for events and gatherings.

All tenants will have a key fob that is used to access the buildings, bike storage, trash and recycling. Beacon is familiar with security and managing residential units. At this time there are no cameras planned for the residential space. This could change in response to behavior and consultation with the management team. There will be some cameras in the commercial/retail space.

Storm water Management (Bob Carter)

Storm water management will need to meet Massachusetts DEP standards.

The site is approximately 5 acres with little vegetation.

There was soil testing in 2016 that determined it is good, permeable soil. There is a layer of topsoil and dirt over a glacial outwash. The highest groundwater readings were in March and were 6-10 feet below the surface. This appeared to be the seasonably high water table.

Current drainage is east to west down Cowls Road, approximately 800 ft. to a catch basin and culvert that carries water north under Cowls Road and discharges into the Eastman Brook. This drainage infrastructure will remain—the existing outfall at Eastman Brook will not be altered or changed.. The runoff generated by the development will be held on site, and according to DEP standards, will only be released at the same rate and volume as current conditions. Cowls Road does not currently have a curb and there is a fair amount of sediment in the runoff.

The site drainage includes bioswales and deep sumps with oil trap hoods that pretreat water before entering underground detention basins and chambers.

There are a number of DEP standards that will need to be certified by Beacon and reviewed and approved by Town Engineer.

The DEP Standards

1. Storm water treated and erosion controls
2. Post-development peak – infiltration systems will mitigate storm water up to and including 100-year storm event. Cannot increase peak runoff
3. System designed for recharge in accordance with Mass Storm water Handbook (no loss of annual recharge to groundwater).
4. Removal of 80% of Total Suspended Solids
5. Pretreatment best management practices (BMPs)
6. Best Management Practices for critical areas – North Square does not have any but design will meet the standards
7. The project is not considered a “redevelopment” project under DEP requirements and therefore shall comply will all Management Standards
8. Erosion and sediment controls during construction (hay bales, fabric filter, fences, etc.)
9. Operations and maintenance plan post-construction (owner will maintain the system-sweep parking areas, clean catch basins 4 times per year, clean storm ceptors)
10. Illicit discharge compliance certification—does not allow dirty water to be discharged. Only roof runoff is considered clean. The rest (i.e. from parking lots) needs to be treated before being released off site.

The development will connect to municipal water and sewer utilities.

There will be propane tanks on site due to the natural gas moratorium. Beacon has discussed this with the Fire Department and has designed the locations to meet code.

There will be soil (fill) added to the site. This will be examined to determine an approximate amount and if a waiver request should be submitted. Currently, it is estimated that 2,000 cubic yards of fill need to be added to the site.

Water usage on site was included in Beacons Environmental Notification Form (ENF) and is based on Title 5 regulations. It is estimated at 33,000 gallons per day for water. The landscaping will use drought tolerant plans and Beacon is investigating the installation of a well for irrigation.

Response to Previous Questions

The need for affordable (and market rate) housing is well documented in local plans. There are over 28,000 households on the regional waiting list for affordable housing. People that are coming off this list have been waiting since 2004. There are over 1,000 on the waitlist for the Amherst Housing Authority, with 60 households requesting an accessible unit. The waitlist for Valley CDC is approximately 500 households and over 600 on the waiting list for HAPHousing.

Amherst has a low vacancy rate for housing units—2 to 3 percent. Studies show that under 3% costs of housing increases, especially for renters.

The affordable units will be affordable in perpetuity with a deed restriction.

The target market does not necessarily include undergraduate students, but some may live at North Square. Beacon's management practices may discourage less mature undergraduates so that many self-select to not rent in this development.

Beacon has had very positive experience owning and managing Rolling Green. A 204 unit multifamily rental development with a diverse population. Virtually no evictions (and only for non-payment not behavior), and have been praised by Amherst Police for good management practices. There has been a 35% reduction in police calls since Beacon purchased Rolling Green.

Beacon has a third party complain line available at all times to report an issue.

Neighborhood impacts of 40B projects have been studied by MIT, Tufts and Dukakis Center that show, if anything, these developments have a positive impact on surrounding property values.

In terms of the type of affordable housing, the studies show that quality of design and management impact neighborhood more than the affordable units.

Based on Beacon's experience with other projects, including redevelopment projects with affordable housing, there is a positive impact on community—i.e. reinvestment in the area with new amenities and restaurants.

The project will generate \$17 million in property taxes in 30 years (on average, \$566,000 per year), and will be paying property taxes during construction. Currently the property generates \$10,000 per year.

The scale and number of units is needed to make the project financially feasible. The amount of fixed costs do not change by reducing units and increases borrowing. At 130 units, the development is at the edge of feasibility. The annual operating costs are nearly \$1 million for staffing (property management) and do not want to reduce this aspect of project.

The commercial/retail and residential spaces are interdependent. The commercial/retail spaces need a significant number of units to activate space to make it viable. Similarly, the commercial/retail help make the residential units marketable and feasible.

Mixing uses also a tenet of smart growth—opportunity on site to protect outlying open space while redeveloping a former industrial site.

The building design and location on site has changed in response to community concerns—the buildings are completely within the commercial zoning district and are stepped down near Montague Road.

There will be benefits to the neighborhood in terms of job creations, housing options, revitalization of the village center and tax revenue.

Cowls will manage the commercial/retail space and is committed to having local businesses. The rents will be determined by the market.

Beacon examined access to Sunderland Road but grade change and lack of property ownership makes this impossible.

Staff will look into impact of development on the Subsidized Housing Inventory (SHI).

Surveyor will review perimeter vegetation.

There will be no garages on the site.

Impact town services—fire, police, schools—will be discussed on January 5th.

Lifespan of buildings will be discussed more thoroughly on the 5th, but anecdotally, the lenders expect 40-50 years.

The landscaping plan will be discussed on January 5th, including screening and fencing materials.

The development is seeking LEED Silver certification, which has standards during and after construction, materials and operations. The development will meet energy star standards and the stretch code. Windows will be operable in residential units.

The density of this project is approximately 25 units per acre. This is modest density and less than average density of other projects. However, each project and community is different, making it difficult to compare numbers.

Waiver Requests (Ruth Silman)

Using the revised waivers submitted on November 28, 2016

Waiver list is a work in progress. It identifies all waivers required from zoning and general bylaws.

First 5 waivers are for uses. First two go to concept of putting multifamily mixed use on the site. Mixed use buildings are allowed by right (as long as they don't exceed 10 units above the first floor). Comprehensive permit in lieu of this requirement.

First waiver to allow the proposed mix of uses within the commercial zoning district.

The second waiver, because of mixed use building and requirement to go to Planning Board.

3rd waiver--request to waive Site Plan Review (SPR) only for retail establishments. Not requesting waiver from commercial/retails uses that would need a special permit.

4th waiver--accessory uses to commercial with respect to seasonal outdoor dining. Again, waiving only waiving SPR from Planning Board.

5th--accessory uses for live or pre-recorded music, which is allowed in the commercial district. Waiver request is from SPR from Planning Board.

All other licenses (i.e. victualer) for a special event would need to be reviewed by the Town.

Waivers 6-11 are for dimensional standards

6th waiver--request waiver from additional lot area requirement of 4,000 sf per unit

7th waiver—Minimum front setback. Applies only to Building A along Cowls Road. By creating a streetscape and not having parking between the building and the street, Building A is within the front setback.

8th waiver—the actual property is larger than the ground lease area. Although buildings are close to the lease line, this is not the property line. The waiver request from the side setback requirements apply to the maintenance building and southeast corner Building B.

9th waiver—Request from lot coverage requirement. The site is pre-existing non-conforming, and this will be slightly increased in lease area.

10th waiver—Request from maximum floors.

11th waiver—request from maximum height.

Skipped waiver requests 12-20.

21st waiver—request from requirement of only one monument sign; the design shows two signs.

22nd waiver—Request to waive Site Plan Review

23rd waiver—request to waive separate demolition proceedings for the structures on the property that will be demolished.

24th waiver—Waive requirements of inclusionary zoning. The development exceeds these requirements but still need a waiver request.

Beacon is still investigating if it will need a waiver request for cut/fill, and HP parking requirements of Town and State.

General Bylaws waiver requests.

1st Waiver--assignment of house numbers.

2nd waiver--approval of town manage for work in public way. This will be reviewed by DPW during construction and would not be waived. The ZBA could approve with conditions that this provision needs to go to DPW for inspections

3rd waiver—request waiver for driveway permit, normally reviewed by DPW.

Other Regulations Waiver Requests

1. fuel storage--sometimes a special permit is required
2. landscaping guidelines—waiver request for possible tree removal
3. and 4. Waive separate water and sewer connection approvals. The ZBA could give overall approval with condition for inspections.
5. Waive requirement to be issued a separate demolition permit
6. Waive requirements from Board of Health for a possible irrigation well
7. Waive local requirements (from Board of Health) to permit or approve grease traps. There are possible locations and will install grease traps during construction.
8. Emergency access through RN zone, from more restrictive to less restrictive zone. Only for emergency access. No case law about pedestrian access but will augment waiver list to include pedestrian access. Typically fire, EMT and police have access to keys to open the gate.

Public Comments

Attorney Hill

- Representing about 12 neighbors.
- Amherst is in an enviable position having reached a safe harbor of 10% on the SHI, because ZBA can condition the project to meet local need or it can deny the project.
- Most important task of ZBA is to review waiver requests to determine if they impact public health, safety, open space and other local concerns.
- In order to evaluate the project, the Town should use professional 3rd party reviewers—engineers for traffic and drainage. The Town should also collect evidence about local concerns of density and traffic.
- When reviewing the waiver requests, ZBA should ask if the denial would make the project uneconomic.
- The Town could be more specific about what type of affordable housing it wants—age restricted, different income levels, bedroom sizes.

- It appears that the project is too dense and is a very intense use of the site. There is very little green space for residents. The proposed 130 units doubles what would be allowed by zoning.
- There will be impacts to municipal services but these have not yet been identified.
- The increase of traffic—183% on Cowls Road—will surely have an impact. This should be investigated more thoroughly.
- A mixed-use project is not a bad idea, but should not be asking for waivers for the commercial/retail uses.
- The ZBA should ask the developer for a yield plan to show the number of units allowed under zoning as a mixed unit development. Use this as a baseline for comparing the current proposal.
- Ultimately, because the Town is above 10% on the SHI, it does not need to approve any waive requests.

Rolling Green Tenant

- Has served on resident advisory board of the Amherst Housing Authority and has lived at Rolling Green for 8 years, through three different owners. Beacon management cares about tenants; they are approachable and tenants are comfortable approaching them. They will enforce lease provisions and there is on-site staff during business hours.
- Beacon was such a good manager that encouraged other family to move to Rolling Green.
- Beacon added safety measures to each unit—smoke detectors in all bedrooms. They also made capital improvements to the property and properly notified tenants.
- Beacon keeps the property clean. They have pride being in the community. Landscaping and snow removal are fine.
- There have been no issues with neighbors.
- Confident that Beacon would successfully manage North Square.
- The Town needs more affordable housing.

Niels la Cour

- Professional planner with 20 years' experience.
- This project meets more goals of the Master Plan than any other project.
- Since 1973, with the SCOG report, the Town has been preserving open space but not good at allowing growth in the village center.
- The Town has a tax revenue problem because over 50% is protected and the Town desperately needs affordable housing. A study in 1980 concluded the town needed more affordable housing and 25 years later, the same conclusions in recent studies.
- The 40B process in Massachusetts is needed to address this very problem.
- This project is more appropriate for the village center than the current zoning. Therefore, the waiver requests should be granted; they are balancing community needs with the project.

Meg Gage

- North Amherst is an existing neighborhood with lots of social and culture. There are also a high number of apartments north of UMass. There are nine apartment complexes north of UMass. If zoning is right and this type of development is not allowed, then enforce it. If zoning is wrong or too restrictive, the Town should research how best to fix it.
- Although Beacon said studies show a positive neighborhood impact because of density of 40B projects, was this qualified? How much density? How many units? Is there a limit? And, what exactly are the impacts?
- Residents of North Amherst want retail and not MassMutual (like in Kendrick Place). Can we be assured that there will be shops for residents?

Peter Jessop, representing the Amherst Housing Authority (AHA)

- The AHA is extremely supportive of the project, voting unanimously to support it.
- 20% of the units at 50% AMI is crucial to continued social diversity and success of Amherst
- This project will create and preserve more affordable housing in town.
- There are 759 households on the AHA waiting list over 800 applications on the central regionalized wait list that expressed interest to live in Amherst.
- These waiting lists testify to the need for more affordable housing in Amherst.

Rolf Karlstrom, Member of Amherst Community Land Trust

Reviewed letter submitted earlier in the day to the ZBA

- It is disingenuous to say that undergraduates would not live at North Square. The Comprehensive Housing Market Study completed by RKG Associates shows that students outcompete with non-students of households earning up to \$100K per year. This is the target demographic of Beacon. The ZBA should look closely at the management plan for the development.
- The ZBA should collect data from Kendrick Place to determine who lives there and how units are rented. The Town was told this would not be rented by room (like a dorm).
- The waiver request for number of units and its relationship to good management is weak and refuted by the smaller complexes in town that have good management.

Tom Kegelman, chair, Amherst Municipal Affordable Housing Trust

- The Trust is unanimous in its support for the project.
- This is the type of project needed in town
- Beacon presented preliminary plans to Trust and responded to Trust's recommendations for increasing affordability levels so that Section 8 voucher holders could rent units.
- Beacon is a reputable company and track record shows they are good neighbors.
- The Town would lose a great opportunity if this does not move forward.

John Hornik, member, Housing and Sheltering Committee (HSC)

- The HSC voted unanimously to recommend the project.

- The committee worked with the consultant to draft the Housing Production Plan (2013) that shows a need for 3,000 affordable units in town for various incomes. The plan also identifies a production goal of 48 affordable units in a year.
- The town has not created any units in 3 years to meet this goal.
- The reason the Town is above 10% SHI is because Beacon Communities purchased Rolling Green three years ago and preserved the affordable units. Otherwise, the town would be below 10%.