

Sadler, Pam Field

From: Brestrup, Christine
Sent: Monday, June 28, 2021 10:26 AM
To: Sadler, Pam Field
Subject: FW: we support moratorium on zoning bylaw

Pam,

Please post this email with other public comments on zoning amendments.

Thanks,

Chris

Christine M. Brestrup, Planning Director

Planning Department Town of Amherst

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From: Martha Spiegelman <spiegelmanmartha@gmail.com>
Sent: Sunday, June 27, 2021 3:46 PM
To: Town Council Members <towncouncil@amherstma.gov>
Cc: Town Manager's Office <townmanager@amherstma.gov>; Planning Department Email <planning@amherstma.gov>; Brestrup, Christine <brestrupc@amherstma.gov>
Subject: we support moratorium on zoning bylaw

To: Amherst Council
Cc: Amherst Manager, Planning Board,
Planning Department

From: Martha and Irwin Spiegelman
185 Middle Street
Amherst MA 01002-3011
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June 27, 2021

Dear Amherst Council *et al.*,

This letter is largely a repetition of the letter we sent Town Council on March 21, 2021, in support of the **Temporary Moratorium for 180 Days on Building Permits for Construction of Residential Buildings with Three or More Dwelling Units** [*A moratorium of 180 days on residential permits in some areas, with a possible extended period of moratorium as may be necessary*], submitted by Councilors Darcy DuMont, Dorothy Pam, Cathy Schoen. We respectfully ask councilors to vote for Article 16.

We readily associate our words about proposed zoning changes with those of the three councilors as well as with the words persuasively expressed by columnists in several *Amherst Bulletin* issues. (Darcy DuMont, 02-12-21; Janet Keller, 02-12-21; Gerry Weiss, 02-19-21; Kenneth Rosenthal, 03-05-21; Elizabeth Vierling, 03-12-21; Denise Barberet, 03-19-21; Ira Bryck, 03-19-21; Maria Kopicki, 03-19-21) We whole-heartedly agree with the assessments of these writers. We hope you will re-read their meticulous guest columns. [Since March 21, when we cited these columns and letters in our letter then to the Council, there have been many more media accounts by additional writers who are critical of the proposed zoning bylaw change and who also request that a 180-day moratorium be enacted, certainly more grist for the mill.](#)

[As we wrote before:](#) We think a moratorium is a modest, reasonable measure, one that will allow for adequate time for a deep study on the implications and corollaries of any zoning changes for the immediate, as well as the long-range, future as they relate to

alterations in the architectural and environmental character of the town. Zoning has a way of going in a direction one may not have imagined or wanted.

Two words fondly used by the Planning Department -- "infill" and "densification" -- bring to mind for many of us certain images: congestion, crowding, desertification, traffic, asphalt, parking lots, unsightliness, reduction of green space, loss of business diversity, and other adverse visions.

[We repeat the questions and comments we sent to the Council before](#) -- garnered in part from the guest columns -- respecting the zoning process and what might happen in Amherst without thorough foresight. A building permit moratorium could allow for comprehensive study and discussion of every aspect of building and renovation. For instance:

- The professed goals of changed zoning are to generate affordable housing, but there is not a study reported of how much housing is needed, for whom, how to decide where to locate it, and what amount constitutes an affordable rent or price.
 - Priority needs to be given to housing for low income and very low income renters.
 - All rental units must have adequate on-site parking spaces.
 - Local businesses that are displaced by new buildings should be relocated, at a fair rental cost, within the downtown business district.
- Priorities should be submitted by the Planning Department and Planning Board before submitting the proposed zoning changes for the areas, Business General (BG), Residential Limited (RL), General Residential (RG).
- Safety, social, racial, economic interests must be weighed.
- Will zoning changes eventually extend to other areas, such as, Residential Neighborhood, Rural Outlying, Rural Low Density?
- Is there a plan to rein-in building of large four- and five-story buildings throughout the downtown that would create corridors of massive buildings looming over the major streets?
- Town government agencies must hold an adequate set of meetings open for ample public participation, and such agencies should advertise the content of the meetings in appropriate language, *e.g.*, a meeting on proposed zoning changes affecting the General Residential areas, *not the arcana of*, a meeting on footnote m .
- The entirety of building permissions and restrictions should be spelled out in detail: the need and desirability for the building; safety and community needs and wants; lot size; building height; building ground area; green energy plan; set-backs and landscaping; sidewalk widths; the "fit" of the building with the neighborhood; number of dwelling and commercial units; the intended renters or buyers; price to renters or buyers of units; area of open and green space; area of paved space; parking, if any, and if not any, how to provide for vehicles; plans for maintenance, repairs, and renovations.
- How to assure that other buildings and structures will not be unfavorably affected by a new building, for instance, bringing down income of businesses in the area?
- Consideration of the expected life-time of the building.

But you know all this. And surely there is still more to determine.

Yours truly, from,

Martha and Irwin Spiegelman, on June 27, 2021

[We repeat from March 21, 2021: A few excerpts from the guest columns in the Amherst Bulletin](#)

Will zoning changes take into account recommendations that a Community Safety Working Group may make on important matters, *e.g.*, community health and safety, racial equity and social justice? (**Darcy DuMont**, 02-12-21)

Will zoning changes ultimately allow apartment buildings in other zones, *viz.*, Residential Neighborhood (RN), Rural Low Density (RLD), Rural Outlying (RO), and other regions? asks **Janet Keller** (02-12-21) . She notes that a final housing policy - particularly for affordable housing - should "be enacted before, not after, zoning changes that would impact neighborhoods and downtown for generations." She goes on, "Taken together, the zoning changes would drive sprawl into working farms, residential neighborhoods, and habitats of statewide importance instead of preserving these areas as recommended in the master plan."

Gerry Weiss raised the problem of a lack of priorities that should have been submitted along with the zoning changes that the Planning Department and Planning Board together submitted. "These priorities have the potential to change the look of Amherst drastically as they are designed to build more and bigger buildings over nearly the entire town, especially downtown, in the neighborhoods downtown, and in village centers." (02-19-21) Further on, "The only sure outcome of these zoning changes is that there will be more student rentals. UMass added more than 4,000 students in the last decade, but did not build enough on-campus housing...Amherst faces being turned into what other small towns with large universities look like, such as Athens, Ohio and Storrs, Connecticut...It's time for the Town Council to be more transparent about goals and show us evidence that these powerful moves will accomplish the outcomes we want, not just provide more student housing." It is said that, "...if enough units are built, it will bring down the price of rentals and homes...are there studies supporting this idea?" Actually, and on the contrary, "...other landlords

have already raised their prices, since even their raised rents are a bargain compared to the new high rents [of the new apartments]."

~ What does infill mean for workforce and family housing in Amherst? **Kenneth Rosenthal** comments that, "Best practices require that community members be encouraged to communicate their values and hopes for our town before the plans are written that will result in bricks and concrete...I mean ordinary residents, not just the boards and committees..." (03-05-21) He continues, "...we need to understand the nuances of "affordable" when it comes to home ownership as well as home rental. We need...the large and green open spaces that make neighborhoods healthy and attractive to families and individuals alike. Paving over side yards for parking to accommodate ever more crowded homes is not the way...[and] remember that historic buildings, once torn down, are gone forever."

In just the last ten years, downtown Amherst has already undergone major changes, writes **Elizabeth Vierling**, with a disappearance of many amenities. (03-12-21) "The northern end of "downtown" is now a "desert" for residents and visitors. We got Kendrick Place and One East Pleasant Street, with one restaurant and horrendous streetscapes. Now the retail establishments between the two buildings are shutting down. Will infill be other super-sized, super-expensive apartments?" Ms. Vierling also takes note that planners and consultants did not interview residents in preparing their reports, and she takes up the "invitation" to residents that they attend presentations on such lofty matters as "40R", "footnote b", "footnote m". She asks, how is an ordinary citizen to know what these terms mean? "What I have seen is not creating workforce and family housing, is not making the town a destination, is not the Amherst that anyone would want if they had the time to keep abreast of all the proposed zoning changes coming at us all at once."

And then, three guest columns on 03-19-21. The titles say it all: "Why 'Footnote m' is a big deal for Amherst" by **Denise Barberet**; "Zoning is not a thing that should be 'unlocked'" by **Ira Bryck**; "Residents have a right to be heard" by **Maria Kopicki**.

Ms. Barberet explains that footnote **m** was enacted in 1993 to put a few restrictions on size of multi-unit developments in RG neighborhoods. Now we are told that there is a housing crisis in Amherst and footnote m has to go. She states that there may be "...a purported housing crisis in Amherst - a lack of apartments for students - but [abolishing footnote m] will not solve the real crisis: A lack of modest, single-family homes that young families can afford, and unsubsidized rental units for moderate-income individuals." [*The cost of a one-bedroom apartment at 1 East Pleasant is \$1,885 and for a two-bedroom is \$3,000, per month, hardly family-friendly.*]

"The stated purpose of densification is to increase affordability." writes Mr. Bryck. However, the "...high rents in those huge downtown dorms act as anchors..." that drive up prices of other apartments in town, "...just as Starbucks anchored the price of coffee so high, and other coffee shops realized they could charge more, too." Amherst's boards and councils "...may soon vote to "unlock" the area...Zoning is not a thing to be "unlocked". It is the method used to ensure that land is used with consideration for the community, what is wanted and needed, to maintain the quality of life."

Writing about the subject of town capital projects, Ms. Kopicki makes her case that the public rarely has sufficient opportunity to state their perspectives [zoning included]. She comes up with a "simple remedy", the mailing of an informational piece "...to every residence... about the impending tax and rate increases, the project and costs, alternative approaches, the impact on other capital projects and the operating budget, and where to learn more...[and] that they must contact their town councilors who will be voting on their behalf. Unless the councilors ensure that the other 99% of people who live in Amherst are adequately informed and given the opportunity to respond, they can't claim to represent anyone other than the usual suspects who are most likely to afford whatever results from their actions."

[*And here, just for remembrance sake, some observations brought to mind by Ms. Vierling's remarks about loss of amenities in the past ten years. Here's what was in downtown about 25-30 years ago, and gone forever now: six bookstores, a small supermarket, two hardware stores, two shoe stores, several clothing shops including children's clothes, a locally-owned drug store, a music shop, a knitting shop, two consignment stores, two jewelry-gift shops, two variety stores, plenty of restaurants - but not as many as now - and lots more, so many reasons to browse around downtown. Not much to choose nowadays except among the plethora of restaurants.*]

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