

COMMENTS FROM JANET MCGOWAN ON ARTICLES 24 AND 25

1. Do people understand what these Articles will do, how they will work and what their effects will be on Atkins Corner and North Amherst?

I have spent hours reading these Articles trying to understand them in order to get ready for Town Meeting. They change the existing uses allowed on the land, expand North Amherst and Atkins Village Centers and add new regulations that trump existing Bylaw requirements and seem to contain wide exemptions to their own requirements. I do not yet understand how they will work and what changes will result. Until I do, I can't vote for something I don't understand, particularly for zoning changes that will last for years.

Since the Articles came out, there hasn't been much time or opportunities for neighbors and Town Meeting members to go over the Articles, ask questions and suggest changes. The Warrant Meeting covered all 30 Articles, and my Precinct 7 & 8 meeting didn't get through all them. At my South Amherst Precinct meeting, people had lots of questions:

Why were the Village Centers being expanded to include land currently open, farmed, in flood plains, etc.? Was expanding the village center east of 116 in Atkins Corner too dangerous to pedestrians? Wasn't a bike path connector to the Holyoke Range being considered on that land? Will crosswalks be part of the traffic circles and help slow traffic? Why did the Article take Applewood out of its current PURD/RO zoning and put it into AC? What did that mean and what uses would now be allowed? Did the residents of Applewood and Country Corners know about this? Did they want it? Why did the Applewood owners want this change and what were they thinking of doing? Why was the Cows land being taken out of Commercial Use to allow residential uses? Why wasn't the land viable for commercial uses? How many residential units could then go in there specifically and in North Amherst and Atkins Corner in general? Was the Cow Dome field (used for baseball and cricket now) going to be protected for recreation? How would the new bylaws work with the existing Zoning Bylaw? How broad was the Alternative Compliance exemption? Why expand the North Amherst Village Center before more in-fill, dense development is built inside the current Village Center? Should Form-based zoning changes first be piloted in smaller village centers to see how they work before expanding it to new areas? Would having many Village Centers with increased density weaken the downtown? Was there even a need or demand for a more built-up Village Center at Atkins Corner?

At my precinct meeting, people specifically wanted to understand the impact of changing the land use classification zoning from RO-PURD (Outlying Residence-Planned Unit Residential Development) to AC (Atkins Corner District), a change that affected Applewood. No one there could tell them. During the meeting I looked up Attachment C to the Articles and read aloud the many new uses that seem to be allowed. After site plan or special permit review: overnight lodging, live-work space, businesses and stores, for profit trade and professional institutions, taxicab or limousine services, convenience stores, grocery, bakeries, delis, caterers, restaurants, auction gallery, medical offices, workshops for artisans, a lumberyard, fuels storage plant, publishing, light manufacturing, motor vehicle or farm vehicle repairs, commercial parking lots

and garages, dry cleaning shops, cobbler, blacksmith, bars, repair shops for bikes, mechanics, blacksmiths, roofers, mason, plumbers, a vet, kennel, office uses for banks, loan companies, lawyers, and so on. I sat in the meeting thinking two things: 1) there's nothing wrong with the owners of Applewood looking for a zoning change that helps them make more money and 2) do the residents at Applewood know about and support these changes? I recall that the one Applewood Town Meeting member said most residents did not know of the proposed changes. Before I vote, it is important to me that Applewood residents know about the changes -- and that most support them. I hope other Town Meeting members feel the same way.

As I see it, Town Meeting members and residents need more time to ask questions about and understand the changes the Articles will create. The floor of Town Meeting is not the best place to do this. Is there any real problem with pushing the Articles off to Fall Town meeting to give Town Meeting members, neighbors and town residents time to read, mull, talk about and fully vet Articles 24 and 25? Perhaps Town Meeting members and the Planning Board can work together and create an Executive Summary and a Questions and Answers handout. Then they can set up community meetings to discuss the Articles, possible changes, and gain more support.

2. Is there strong support for these Articles in North Amherst and Atkins Corners from the people that live there?

South and North Amherst residents will be most affected by the Articles. They have the most to gain or lose. How many people in these neighborhoods support the Articles? I have no idea. Without significant neighborhood support, I am very uncomfortable in voting for the Articles and imposing changes on these neighborhoods. It seems like basic courtesy to make sure the residents understand and support form-based zoning. This is part of maintaining the small town feel of Amherst that we all want. And I would hope this courtesy would be extended to me when zoning changes are proposed in my neighborhood.

I've also been wondering why separate Atkins and North Amherst form-based zoning Articles are being brought to Town Meeting when they were combined before. People keep telling me that Atkins Corner was separated out because South Amherst neighbors are less organized in opposition so it will be easier to vote the Atkins Article in over their objections. I find it hard to believe that this is the guiding reason. If it is true, it seems to reveal how unpopular these Articles are in the neighborhoods.

Why not take the time now to get neighborhood support -- which may include changes -- and go into a future Town Meeting with a Form-Based Zoning Article supported by the Planning Board, local merchants and residents? Everyone supports the economic prosperity of our local businesses and landowners, livable neighborhoods, and walkable, vibrant town centers. Let's make sure Form-based Zoning gets us there. Meetings can be held at Applewood and in Country Corners homes (serving Atkins doughnuts, of course) and in meeting places or homes in North Amherst. People in North Amherst appreciated the charette meetings held by Cecil Group, so why not hold some more neighborhood meetings to create better understanding, listen to ideas and get support? Maybe hire a local facilitator to bring out all the issues and to lower tensions that have built up. Lots of towns and cities work a long time with neighborhoods on zoning issues. Taking time now will create good feelings in the North and South Amherst

neighborhoods and likely will lead to fewer conflicts as new buildings or changes are proposed. Let's take the time to work this out together.

3. How will the Form-based Zoning Articles work with existing Bylaw Regulations?

The Form-based Zoning Bylaw says that its requirements supplement (or are in addition to) existing Zoning Bylaw requirements (Section 16.9 Administration), adding another level of regulations for the Zoning Board of Appeals and Planning Board to interpret and apply. Here's my question: how many potential conflicts are there between the existing Zoning Bylaw requirements and Articles 24 & 25 Form-based Zoning requirements? Answering this will show what changes will happen under Form-based Zoning and could start to answer the question of how many more residential units could be allowed in North Amherst and Atkins. It also may reveal how complicated the zoning requirements will become.

4. The Alternative Compliance Exemption in Section 16.9 still looks really broad and unlike other waivers and exemptions in the existing Bylaw.

Under the Alternative Compliance section, the form based bylaw requirements (and existing Bylaw requirements?) can be waived if certain loose conditions can be met. Requirements which can be waived include: allowing more than one primary use or structure on a lot, and requirements for street types, building and site types, open spaces types, dead end streets, public frontage landscaping, lighting and protruding building elements.

To me, these Alternative Compliance conditions seem pretty vague and easily met, creating a fairly wide backdoor around zoning requirements. Each exception or alternative must be consistent with the goals and policies of the Master Plan, the general purposes of the form based bylaw, be consistent with two of five other general goals in Section 16.91 -- and then meet one other criteria specific to the alternative. Often this final criteria is as general or vague as: providing "for or supports mixed use where appropriate," or allowing "for day-to-day interactions among residents," or providing "new local business development opportunities." A lot of things can be justified under these loose standards, so it looks like the Alternative Compliance exemption can be used to waive many zoning requirements. Section 16.901 has language that seems to rein things in. It says that no modification or alternative compliance shall be allowed that "amount[s] to an amendment of this Bylaw." I'm not sure this really helps much in a Bylaw allowing such a wide exemptions so long as general purposes plus vague criteria are met. That is, an exemption may never be found outside of the Bylaw since the exemption is so wide and vague. I didn't find any similar exemption language in the existing Bylaw even though I scanned the whole thing, although I may have missed something.

5. Are the Articles too complicated right now?

Many questions have been raised about what the Articles do and how they will work. I've been reading sections of the Articles then poring over the current Zoning Bylaw sections to see what is changed and how they work together. It's hard to understand how and when the new Form-based Zoning regulations add to existing zoning requirements and when they trump them. At times, I feel like I am trying to order 10-course meal off a 25 page Chinese restaurant menu with

subsections, charts and a lot of abbreviations. This makes me wonder how hard it will be for applicants and the citizen boards of Amherst (Planning Board and Zoning Boards of Appeal) to apply the new regulations. Will local residents understand them? Will too many mistakes be made increasing legal costs? Or will the Bylaw be so complicated that volunteer Zoning Board of Appeal and Planning Board members are so dependent on the guidance of planning employees that they are no longer really the decision-makers? Should the Form-based Zoning Articles be written so all the zoning rules for the village center covered are in one section so no one has to worry about layered and contradictory Bylaw requirements?

The History of Innovative Zoning in Amherst is a cautionary tale.

I appreciated the sheet on Amherst's history of innovative zoning but thought it offered a cautionary tale. The Phased Growth Zoning was found unconstitutional and Form-based zoning now is meant to rectify the many wrongs of the 60's and 70's zoning. I support the goals of Form-based zoning but am not ready to support the Articles without fully understanding them and without strong neighborhood support. I really appreciate the hard work of the Planning Board, Planning employees, and members of other Boards. Now it's Town Meeting's turn to do some hard work. Let's do it slowly, thoughtfully and together.

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