

Overview of Three Citizen Petition Zoning Articles  
and a Nuisance House Bylaw  
Prepared by the Coalition of Amherst Neighborhoods,  
For Town Meeting Members at the Special Fall 2012 Town Meeting

November 19, 2012

The Coalition of Amherst Neighborhoods (CAN) is working with the town to restore the quality of life in neighborhoods threatened by increasing numbers of commercial rental houses. Recognizing that this serious and increasing threat to neighborhood stability is a town wide problem, the Coalition submitted these petition articles on the September 19<sup>th</sup> due date, while continuing to work with the Zoning Subcommittee and the Planning Board on their articles. We appreciate and agree with the PB's *Preamble for Zoning Bylaw Articles 12-15* (p. 8 of the Fall 2012 TM Warrant). We believe that our citizen petition articles are congruent with those proposed by the Planning Board and will strengthen them.

**PLEASE NOTE: We plan to amend our Sept 19<sup>th</sup> original Articles in light of what was proposed by the PB. Please refer to amended motions for Articles 16-19, rather than referring to the text in the original Warrant.**

Our Articles emphasize the negative conditions created by overcrowded student rentals, as distinct from concerns about student behavior itself. We realize that our zoning petitions are only one tool for dealing with complicated social and zoning problems.

We want to reconcile two seemingly opposed concepts in the Master Plan – on the one hand, increased density and infill in Amherst central residential neighborhoods, and on the other hand, preserving the integrity and historical character of these residential neighborhoods. The articles are designed to limit the degree of infill and density, in order to maintain the attractive and historic qualities of these neighborhoods.

- **Overview of Article 16 [See separate sheet for Motion]:**

Recently, single family homes in residential neighborhoods have been “converted” into two-family dwellings by means of the Two-Family Dwelling (Duplex) Bylaw rather than through the more stringent Converted Dwelling Bylaw. Such changes double the number of residents permissible in a given building (from 4 to 8), and at times beyond the permissible tenancy (10 or more).

Prior to 2008, a Special Permit was required for Two-Family Detached Dwellings. By action of Fall 2008 TM, such dwellings in R-G (the general residence area) and R-VC (a village center residence) were allowed by right with Site Plan Review. We believe that the acceleration of commercially-driven converted dwellings is an unintended consequence of this change. We argue for a return to the pre-2008 situation, by which single family home renovations or additions are regulated by the more stringent Special Permit process which examines use, potential noise, nuisance, and the character of the neighborhood.

- **Article 17 [See separate sheet for motion that reduces the scope from 12 points down to 1 point drawn from para. 5]:**

For any properties to be converted into two or more dwelling units, one of the units shall be and shall remain owner-occupied or will have a resident manager. This provides for the stability associated with owner-occupied properties, oversight of tenant behavior by the property owner him or herself or through a resident manager, and in the event of disruptive behavior by tenants, assures that neighbors know whom they should contact to address these problems.

This citizen article is based on a recent study by Town Meeting member Professor Rolf Karlstrom of nuisance house rentals in the neighborhood immediately south of campus. His study shows that *all* of the chronic nuisance houses in that district are *not owner-occupied*, while *none* of the owner-occupied student rentals in that area are nuisance houses.

- **Article 18**

This article seeks to preserve the integrity and historic character of Amherst neighborhoods by discouraging the demolition of buildings to replace them with a greater number of residential units than are currently legally allowed on the property in question, or with buildings that may be inappropriate in size and character to the rest of the neighborhood.

- **Article 19 General Bylaw on Nuisance Houses**

These additions to the current Nuisance House Bylaw will strengthen enforcement and assure notification to owners and managers of violations at rental houses for which they are responsible. The Nuisance House Bylaw (passed in 2008) addresses violations such as excessive noise, excessive pedestrian and vehicular traffic, and obstruction of public streets by crowds or vehicles.

Three changes are proposed to the 2008 Bylaw:

1. Will identify the Amherst Police Department as the department responsible for notifying owners and management companies when police cite tenants of rental houses for violations of the Nuisance House Bylaw.
2. Names managers and management companies as responsible agents together with owners of rental properties
3. Fines and holds liable the owners, managers, and/or management companies, for Town response costs upon a third violation of the Nuisance House Bylaw