

## Introductory Comments for Town Meeting: Tuesday Nov 28, 2012 – Maurianne Adams on behalf of Coalition of Amherst Neighborhoods

First, I want to locate our Articles in the big picture that some of you asked for Monday night. It's obvious that the acceleration of commercial rentals in residential neighborhoods is part of a larger, complex phenomenon that requires response at many levels – not just zoning, not just a new Rental Permit Bylaw, but also improved enforcement, collaboration with the University, building new off-campus student complexes residences that are not located within residential neighborhoods, more vigorous enforcement of the University's code of student conduct, willingness by owners & managers to hire security guards. In this spirit, our Coalition is working on several fronts, in addition to zoning – such as a Community Land Trust; a petition for a local historical district; hiring our own neighborhood security guards; engaging personally with tenants.

So we get it that zoning is not the only tool for this serious town-wide problem. But it is an important tool in a long-term, incremental, step by step process – in which no one step can substitute for the others -- and zoning is the step we are petitioning for tonight.

Our Coalition is a citizen response to the rapid acceleration of commercial rental properties in our neighborhoods & throughout the town, as Rolf Karlstrom showed you on Monday night. It's not just that this acceleration of commercial rentals is accompanied by nuisance parties & other disruptions. The economics by which LLC's purchase homes for commercial use, raises their price beyond affordability for middle-income owners, while also threatening their safety, attractiveness AND

affordability for multi-generational, lower-income families. Once there are no longer families & long-term owners willing to buy these homes, house values will plummet.

So: Our efforts are to maintain the current balance of mixed-use, for families & working people & students, for residents who have long-term commitments to the town & to the neighborhood. We don't want to TILT into the rental enclaves that have characterized so many other college towns, something that has not yet happened in Amherst.

We've been working with the Zoning Subcommittee & the Planning Board since last Spring, to close the loopholes or omissions in zoning that are partly (& unintentionally) responsible for this acceleration of commercial use. Our citizen petition articles had to be submitted in mid-September, but we continued to work with the Zoning Subcommittee and the Planning Board as they developed their own zoning articles & we have revised our amendments in keeping with theirs.

We appreciate the Planning Board's attention to the danger posed by accelerating commercial use – it is well stated in their *Preamble* on the screen behind me (p. 8 of your Warrant). We amended our citizen petition articles to be congruent with the work of the PB and also to strengthen it.

We cannot stress strongly enough that these Articles are NOT directed at students or student behavior. That kind of blame game is not useful. Please understand that we want to draw attention to the lack of regulation, lack of supervision, and poor business practices that create rental conditions conducive to negative behavior. Our emphasis in Articles 16

& 17 is on appropriate oversight of rentals and the important role of Special Permits.

Our zoning articles reconcile a contradiction within the Master Plan – on the one hand, a desire for increased density and infill in central residential neighborhoods, while on the other hand, preserving their integrity and historical character. We want appropriate limits on the degree of infill and density, so that we don't lose our neighborhoods in the process of their accelerating density & infill.

This brings me to Article 16:

Single family homes are too easily been converted into duplexes by Site Plan Review instead of the more appropriate Special Permit process. These conversions double the number of residents permissible in a given building (from 4 to 8), and often beyond what is permissible (we have counted 10 or more).

Prior to 2008, a Special Permit was required for Two-Family Detached Dwellings. At Fall 2008 TM, such dwellings were allowed by right with Site Plan Review.

We believe that the acceleration of commercially-driven converted dwellings, using the DUPLEX procedure, is an unintended consequence of this change. We want a return to the pre-2008 situation, whereby single family home renovations and additions that turn them into duplexes, are regulated by Special Permit, which focuses on use, potential noise, nuisance, and the character of the neighborhood.

I want to say a final word about Special Permit, which I think was unfairly called "Draconian" in Monday night's discussion. I've

observed the work of the Zoning Board of Appeals and especially appreciate their required focus on decisions that involve criteria such as these:

1. suitable location
2. compatibility with the neighborhood
3. does not constitute a nuisance
4. does not present substantial inconvenience or hazard to abutters
5. protects adjoining premises against detrimental or offensive uses on the site

These criteria seem exactly the questions that owners & managers should be prepared to address as they convert homes for commercial rental use. They balance the rights of owners, with their responsibilities to their neighbors and to adjacent communities.