

Amherst Finance Committee minutes

Meeting of April 4, 2013

First Floor Meeting Room, Town Hall

The meeting was called to order at 7 p.m.

ATTENDANCE

Kay Moran (Vice-Chair), Janice Ratner, Anurag Sharma, Douglas Slaughter, Andrew Steinberg (Chair), Marylou Theilman. Absent: Bob Saul.

OTHERS PRESENT

Sandy Pooler, Finance Director; Planning Director Jonathan Tucker; Rob Crowner, Planning Board chair; Hwei-Ling Greeney; Vince O'Connor; Jack Hirsch; Barbara Ford; Norman Ford; Edith MacMullen; and Amherst Media

AGENDA

1. Non-Financial and Petition Articles expected at 2013 Annual Town Meeting (*Note: All article numbers are as listed in the April 4, 2013, draft of the warrant for the May 2013 Annual Town Meeting. Numbers may be different on the final warrant to be approved by the Select Board on April 8.*)

A. Art. 30. Zoning – Converted Dwellings Standards and Conditions.

This would correct an unintended conflict between two amendments to the Zoning Bylaw approved at last fall's Town Meeting. Eliminating the conflict could prevent future litigation over interpretation of the bylaw. There was no opposition at Planning Board's public hearing, Crowner said. The Planning Board voted unanimously to recommend this to Town Meeting.

The Finance Committee voted 6-0, 1 absent, to RECOMMEND approval, to avoid potential future costs of litigation due to the conflict in the Bylaw. No other financial consequences were seen.

B. Articles 31, 32, 35.

Crowner said these three amendments to the Zoning Bylaw are part of a different approach the Planning Board is taking to mixed-use buildings in the town's existing mixed-use center districts. The intention is to bring about smaller changes over a larger area than in previous attempts, which were more comprehensive.

Article 31. Zoning – Mixed-Use Buildings – Standards and Conditions.

The Planning Board voted unanimously to recommend this article, which changes the way mixed-use buildings are regulated in several mixed-use districts. For instance, more dwelling units would be allowed in a given building before a Special Permit is required. Also, it would allow residential

uses on the first floor in mixed-use center districts, which is not allowed now. By making a mixed-use building more economically viable, this could encourage development in existing centers and bring in more property tax to the Town. On the other hand, increased development with additional residents could also require more Town services. Slaughter said it's hard to judge whether the financial impact would be positive or negative, even though it's good planning. Slaughter moved, Ratner seconded taking no position. Sharma agreed. Steinberg disagreed, saying that under current zoning, no new growth is happening in mixed-use center districts; the proposed changes could encourage new growth, producing new taxes. Slaughter changed his mind, that this could encourage new growth. He withdrew his motion. Theilman said she'd like the Finance Committee to remain neutral. Ratner still wanted the Committee to take no position and made that motion, though no one seconded it. Tucker said costs to the town would be minimal because these mixed-use centers already receive town services; grants might be available if infrastructure improvements are needed. Sharma said he may be changing his mind, too, because there's a great demand for more rental properties; the costs to the Town would be manageable, and the potential benefits are significant. Tucker said part of the housing production report has just been put on the Town web site, indicating a demand for more rental housing. **The Committee voted 6-0, 1 absent, to POSTPONE a vote** to a future meeting.

Article 32. Zoning – Mixed-Use Center Dimensions.

The Planning Board voted unanimously to recommend this article, which would introduce a few selected form-based design dimensions to help guide the form and layout of new development. It would also add a few feet to the allowed building height, and make the method of measuring height more flexible. Converted dwellings would still be limited to four units, but they could exist on slightly smaller lots. No changes are proposed to limits on lot coverage. Crowner said by making the centers more pedestrian-friendly with a lot of activity, this could increase the value of properties there. The Finance Committee recommendation will be determined at a later meeting.

Article 35. Zoning – Locational Requirements for Non-Conforming Structures in Mixed Use Centers.

The Planning Board has not yet held the public hearing, taken a vote, or issued a written report on this. The intended effect is that any addition to an existing non-conforming building in all mixed-use districts would kick in new minimum and maximum setback requirements that would begin to create better streetscapes with walkways, etc. Articles 31, 32 and 35 should be thought of as a package, Crowner said.

Article 33. Zoning – Non-Conforming Uses and Structures.

The Planning Board voted unanimously to recommend this article, which is intended to solve problems of interpreting requirements for permitting non-conforming structures. It defines what "structurally altered" means and would allow those making minor changes to buildings that are already non-conforming to go to the same Town board for all permits/site plan review. A

possible financial advantage is reducing the amount of staff time needed to process hearings.

Article 34. Zoning – Fraternity Residence (R-F) District Dimensions.

This could make possible more significant residential development for student housing on private lots in this very limited district. The Planning Board has not yet held a hearing, voted or issued a written report on this.

Article 36. Zoning Petition Article – Main & Gray Street Rezoning.

The Planning Board voted unanimously to recommend this article, which would rezone two vacant properties at the corner of Main and Gray Streets from General Residence (RG) to Neighborhood Business (BN). Currently, two residences could be constructed there by right. The current owner wants to sell those lots to the non-profit Amherst Media, which wants to build its headquarters/studio there. Crowner said BN zoning already exists directly across Gray Street, and the properties on the other side of Main Street are zoned Village Center (B-VC). Changing the zone would allow increased lot coverage and therefore its potential value for development, which could bring in more tax revenue to the Town. Ratner pointed out that if the property is owned and developed by the non-profit Amherst Media, it would no longer pay property tax – a negative financial impact.

The Committee voted 6-0, 1 absent, to make NO RECOMMENDATION.

Article 43. Petition Article – Purchase Conservation Restriction parcels 84, 91 & 96 of map 5A.

Speaking for the petitioners, residents of North Amherst, Hirsch said the proposal by a private developer to build student housing on this land off Henry Street spurred them to seek a conservation restriction to stop the housing. They hope to do fund-raising and apply for grants to help fund purchase of a conservation restriction. Building a student ghetto there is not the best use of the land, Hirsch said. Barbara Ford said that except for the Holyoke Range, this area is the largest contiguous woodland in the area. Steinberg asked what price the interested developer would pay the landowner. MacMullen said there's no purchase-and-sale agreement yet. Steinberg said he's troubled by the amount the article asks the Town to pay, \$360,000, which would be 30% of the \$1,200,000 appropriation sought in the article. The rest would come from donations, grants, CPA money, etc. Moran said that's a large amount when put into the context of limited tax dollars and tight operating and capital budgets. She'd like to know why this land hasn't been a high priority acquisition for the Conservation Commission. The petitioners said developer's interest came to their attention suddenly, which hasn't given them enough time to fully develop their proposal. The Finance Committee will ask Conservation Director David Ziomek about this at its April 11 meeting, which he is attending for other purposes.

Article 40. Petition Article – Rental Housing Information.

O'Connor said there is no provision in the Safe and Healthy Neighborhood proposal (Article 29) for informing tenants of their rights and responsibilities,

so he's proposing that the Town send a brief summary of the pamphlet "Your Rights and Responsibilities as a Landlord or Tenant in the Town of Amherst, Massachusetts" annually to each tenant household, landlord and rental property manager. The article further requires that the full pamphlet be displayed prominently on the Town web site. (It's already on the Town web site.) Steinberg pointed out that Section 8 of Article 29 requires landlords to distribute such information to each tenant annually and maintain proof of delivery. O'Connor said Article 29 might not pass – he won't vote for it – so there is a need for his article. Ratner suggested postponing a vote until we've heard from Ziomek about Article 29 on April 11.

Article 41. Petition Article – Residential Parking (petition).

O'Connor's article would make all residents subject to parking requirements, not just rental properties as in Article 29. His article would not require a parking plan, as Article 29 does. He wants to make sure people can't park on the lawn, even if Article 29 is defeated. Ratner said she sees no financial implications for the Town, but thinks we should consider Article 41 along with Article 29. Steinberg asked Pooler to find out whether Town Counsel has reviewed this article.

2. Fiscal Year 2014 budget development, including review of motions required for the Annual Town Meeting

Pooler reviewed the 4/4/13 preliminary draft list of articles for the Annual Town Meeting. Under Article 12, there will be some adjustments to the FY 13 operating budget, to decrease the amount appropriated for debt and increase the amount for Veterans' Services.

Steinberg said he has learned that the Amherst Survival Center does not support Article 37, Petition Article – PVRTA Funding. The proposal was to amend Route 32, which goes from South Amherst to Cushman, to add a daytime run. (The article says, in error, Route 31.) The center, which relocated from the North Amherst School to Sunderland Road this year, does not know how many people have been affected by the move.

The Committee voted 6-0, 1 absent, NOT TO RECOMMEND Article 37.

The Committee voted 6-0, 1 absent, to RECOMMEND Article 3 – Optional Tax Exemptions.

3. New information affecting budget, review financial projections

The Legislature this week announced a transportation budget plan that would bring in about 25% of the amount in the Governor's proposal. It would somewhat increase our Chapter 90 money and the state allocation to the PVRTA. Gov. Patrick announced that he would veto the Legislature's proposal. The House comes out with its budget next week. If we don't get any additional state aid above initial estimates, we'll have to make up a \$60,000 deficit in the proposed FY 14 budget.

4. Member reports – liaisons and committees. None.

5. Minutes of previous meetings

The Committee VOTED 6-0, 1 absent, to APPROVE the minutes of 10/25/12 and 3/21/13.

6. Next Meeting and Agenda – The next meeting is April 11.

7. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting – None.

The meeting adjourned at 10:32 p.m.

Kay Moran, acting clerk

4/4/13 draft warrant for the May 2 Annual Town Meeting, Articles 25-45

Planning Board Reports to Town Meeting for Articles 30, 31, 32,

Map and aerial view, dated 4/4/13, of Watroba's building on Sunderland Road, showing setbacks, in relation to Article 35

Maps and questions and answers about Article 34 – Fraternity Residence dimensions

Maps showing Centers and Outlying Zoning; East Village COM District; North Amherst COM district; Amherst Farmer's Supply COM District; Downtown B-L Districts; University Drive B-L District; Atkins Corners B-L District; North Amherst B-VC South of Mill River; East Village B-VC District; Pomeroy Village B-VC District; Gatehouse Village B-VC District