

**AMHERST PLANNING BOARD**  
**Wednesday, March 18, 2015 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** David Webber, Chair, Rob Crowner, Bruce Carson, Greg Stutsman, Christina Calabrese and Richard Roznoy

**ABSENT:** Stephen Schreiber

**STAFF:** Jonathan Tucker, Planning Director  
Christine Brestrup, Senior Planner

Mr. Webber opened the meeting at 7:02 PM.

**I. MINUTES**

Mr. Stutsman MOVED to approve the Minutes of February 18, 2015. Mr. Roznoy seconded and the vote was 5-0-1 (Calabrese abstained).

**II. APPEARANCE – Sandy Pooler, Finance Director – Update on Non-Zoning Property Tax Incentives for Affordable Housing**

Mr. Pooler gave a presentation on Affordable Housing Tax Incentives, as outlined in his email to the Planning Board dated March 17, 2015. These tax incentives are meant to accompany the Inclusionary Zoning bylaw amendment to incentivize the building of affordable housing. The Inclusionary Zoning bylaw would allow for additional dwelling units to be added to a project to help “make the developer whole” in terms of finances, i.e. to make up for the loss of income due to providing affordable units. The tax incentives would be available in certain parts of town where it is not possible to add market rate cost offset units.

Mr. Pooler has been working with the Town Manager, John Musante, on developing this tax incentive program. They have looked at other ways of providing incentives, including a traditional TIF (Tax Increment Financing) program which is phased in over time. The proposed tax incentives are similar to a TIF. They will require a “Home Rule Petition” to the legislature.

It is especially important in the early years, during and after construction, to help developers by reducing their tax burden. The incentive program is meant to match the Inclusionary Zoning bylaw in the sense that the incentives are directed at projects with at least 10% affordable units. These units may be affordable to those making 80% of area median income (AMI) outside of downtown and up to 95% of AMI in the downtown area. The incentives could last for up to 10 years. The town could choose to give a tax break for all or a portion of the taxes, on a case by case basis. The Town Manager or his designee would be authorized to negotiate with the developer. Any agreement would be required to be ratified by the Select Board.

This program will be presented to Town Meeting as a Warrant article that would give the Select Board the authority to file a Home Rule petition with the state legislature, to allow the town to offer this type of tax incentives. Town Meeting would not need to authorize the details of the legislation.

Other TIF’s are linked to economic development. That model does not fit for housing development. Special legislation is needed to grant tax relief for affordable housing development. There is no guarantee that this legislation will pass the state legislature, but the legislature usually gives cities and towns the ability to innovate. The City of Boston is currently engaged in an effort to allow incentives for “work force” housing. That program has

its limitations and may be less useful for Amherst.

Mr. Stutsman made comments and asked questions as follows:

Q. The program would operate on a case by case basis and might be targeted for certain areas in town. Would the Warrant article name those certain areas?

A. The incentives would be available for any property in town that provided 10% affordable housing at the 80% (outside downtown) or 95% (in the downtown) level and that met the other criteria of Inclusionary Zoning. Where market rate cost offset units are possible, that should be sufficient to offset the cost of providing the affordable units. The tax incentives would only be used where the market rate cost offset units are not sufficient.

Q. Could the tax incentives be used to provide lower levels of affordability, such as for people with incomes below 80% of AMI?

A. The intent is to provide tax incentives that go hand in hand with the proposed Inclusionary Zoning bylaw. There is already an array of tools that the town can use to provide units at lower levels of AMI, such as CPA funds, etc.

Q. Would the tax incentives apply only if the affordable units are created under Inclusionary Zoning?

A. The units would need to meet the affordability standards under the Inclusionary Zoning bylaw.

Q. What about existing affordable units that are already built?

A. The town does not plan to negotiate with owners of existing units.

Q. What about Habitat for Humanity or an "affordable duplex"?

A. The incentives would only apply to developments with 10 units or more.

Ms. Calabrese stated that affordable housing developments will have other mechanisms to get projects funded and the tax incentives may not be necessary for an affordable housing development.

Mr. Pooler mentioned that Provincetown and Truro have Home Rule legislation which allows them to exempt units from property taxes if the units are rented to low income individuals and families. He noted that, in Amherst, a general subsidy for affordable housing units could get expensive very quickly. If the scope goes beyond a match for the Inclusionary Zoning bylaw then there is a vast array of housing which could be subsidized, which would require transferring payments from one set of tax payers to another. That would cause an impact on the town's ability to fund services. Amherst already has a high tax rate. We should try to have what passes at Town Meeting match the Inclusionary Zoning bylaw amendment.

Mr. Crouner asked about the sequence of events for a project. When would the developer begin to negotiate with the town? What happens if a Board imposes conditions that raise or lower the cost of development?

Mr. Pooler stated that a developer would need to have a pro-forma to show investors. The pro-forma could be used to negotiate with the town about tax incentives. The final numbers will be a combination of what makes sense for the developer at a price that the town can afford. It will be a balancing act, an iterative process, he said. The Planning Board can impose conditions and those would be considered during the negotiations between the developer and the town.

Mr. Tucker asked how the current proposal would affect Amherst tax payers.

Mr. Pooler explained that there are two scenarios:

1. Tax abatements
2. Special Tax Assessment – this would be preferable – the town and the developer would come to an agreement on the assessed value of the improved property and a time frame for its expiration so the process does not have to go through the overlay and abatement refund process; the town can capture more and more value of the property over time as the assessed value increases up to 100% of the value. The newly developed property will contribute more to the tax roll as the tax incentive phases out.

The details of how the incentives will work will not be included in the Warrant article. The legislation that goes to the state will need to be in a final form, but the Warrant article will ask Town Meeting to give the Select Board authorization to file legislation with the state. The Select Board will work with Town Counsel to come up with a draft of the legislation.

Mr. Stutsman noted that there are two important figures involved in this program – the length in years of the tax incentive and the percentage of affordability that will be provided. He asked if there would be a minimum or maximum of these figures for either the legislation or the Warrant article.

Mr. Pooler emphasized that the incentives would be negotiated on a case by case basis. Ms. Calabrese noted that the proposed maximum time frame for the incentives was 10 years.

Mr. Carson asked for an example of one type of project to help people to understand the proposed tax incentive program. Mr. Pooler agreed to provide an example.

Mr. Stutsman noted that there would be a lag between the Inclusionary Zoning passing at Town Meeting and the legislation passing in the state legislature. What happens if a developer applies for approval of a project soon?

Mr. Pooler stated that the tax incentives will only apply to projects going forward, but the tax incentives could affect a project that isn't going to be occupied for a while.

The tax incentive program is fairly easy to draft for a rental project. It is more challenging to draft for a condo project, a cluster subdivision or townhouse condominiums that are owned by the occupants. Mr. Pooler is still working with Mr. Musante on the details.

A typical Home Rule petition takes between 4 to 8 months to be approved by the legislature.

Mr. Webber asked how this program could be applied to cluster or conventional subdivisions. He noted that a subdivision like Amherst Hills has been developed over a long period of time. Clusters can be built in phases. How can affordable units be created “simultaneously”? The town could say that one affordable unit would need to be built before the 11<sup>th</sup> market rate unit is built.

Mr. Tucker suggested that there could be a requirement tied to lot releases. There are a number of ways that the Board can control the development.

There was further discussion about providing tax incentives for properties that are owner-occupied, i.e. sold to their occupants, not rented.

Mr. Webber noted that in outlying areas, density bonuses would allow the developers to make back the money lost on the affordable units and there would be less need for tax incentives in those locations. He thanked Mr. Pooler for the presentation.

### III. ZONING

- A. Zoning Subcommittee Report – Mr. Crowner gave the ZSC Report. He and Mr. Tucker noted that the ZSC had not made any changes to Inclusionary Zoning except to delete a repetitive phrase from Section 15.1 and to move another phrase so that the paragraph reads as follows:

“The purposes of this Article are to create affordable housing in a lawful, equitable, and effective manner; to foster and support the development activity necessary to provide such housing; to promote the general welfare by providing for an economically integrated and diverse community; and to fulfill the goals of the Amherst Master Plan.”

Planning Board members decided by consensus to agree to this wording as a de minimus change.

Mr. Crowner reported that issues had arisen with regard to how Inclusionary Zoning could be applied to both cluster and conventional subdivisions. The Board should work on these issues as soon as possible. In addition there are changes proposed to the Rules and Regulations with regard to how to implement Inclusionary Zoning. Mr. Crowner recommended that the Board hold a public hearing on these changes to the Rules and Regulations and then move that they take effect upon adoption of the Inclusionary Zoning bylaw.

Mr. Webber expressed support for holding a public hearing on the Rules and Regulations. He suggested including a requirement that a Construction Logistics Plan be submitted to the Planning Board. This requirement could have helped with a recent project at Puffer’s Pond that caused problems for neighbors.

The Board discussed holding a public hearing on the Rules and Regulations. April 22<sup>nd</sup> was the date chosen for the public hearing. (April 15<sup>th</sup> is a Town Meeting Precinct Meeting night and Planning Board members may wish to attend the Precinct Meeting to present information about zoning articles.)

The Board decided by consensus to cancel the scheduled Planning Board meeting on April 15<sup>th</sup> and instead to meet on April 22<sup>nd</sup>. Ms. Calabrese will not be able to attend on April 22<sup>nd</sup>, but other Board members will be available.

Mr. Crowner encouraged Board members to attend Precinct Meetings, as follows:

- Monday, April 13<sup>th</sup> – 7:00 p.m. – Middle School Professional Development Center
- Tuesday, April 14<sup>th</sup> – 7:00 p.m. – Crocker Farm School Library
- Wednesday, April 15<sup>th</sup> – 7:00 p.m. – Immanuel Lutheran Church Parish House Lounge
- Saturday, April 25<sup>th</sup> – 3:00 p.m. – Police Station Community Room

Mr. Crowner will attend the April 13<sup>th</sup> Precinct Meeting and the Select Board meeting when the zoning articles are discussed.

Mr. Tucker recommended that there be a procedural motion at Town Meeting to consider the Special Act for Home Rule and the Inclusionary Zoning bylaw amendment on the same night, on a specific date.

Mr. Webber announced that he will be out of town from May 31 to June 6 and requested a date certain in the month of May.

Planning Board members Mr. Roznoy and Mr. Schreiber are Town Meeting members.

- B. Public Comment Period – no comment

#### IV. FILM VIEWING

**PVPC (Pioneer Valley Planning Commission) Film** – “New England’s Sustainable Knowledge Corridor: One Region, One Future” – approximately 20 minutes

Mr. Carson introduced the film, stating that he had watched it at a recent PVPC meeting and thought it would interest the other Planning Board members. The Board viewed the film.

#### V. OLD BUSINESS

- A. Signing of Decision – SPR2015-00009 – Sigrid Miller Pollin – Crotty Hall – 418 North Pleasant Street – The Board signed the decision.
- B. Topics not reasonably anticipated 48 hours prior to the meeting – none

#### VI. NEW BUSINESS

- A. Amherst Housing Market Study, RKG Associates, Inc. – Acknowledge receipt and schedule future discussion – The Board acknowledged receipt of the Housing Market Study and scheduled a discussion for the next Planning Board meeting on April 1<sup>st</sup>.
- B. Topics not reasonably anticipated 48 hours prior to the meeting - none

#### VII. FORM A (ANR) SUBDIVISION APPLICATIONS

The Board endorsed the following ANR plan:

ANR2015-00009 – Deirdre and Alex Haim – 15 Eames Avenue, 24 Chestnut Street and 155 East Pleasant Street

#### VIII. UPCOMING ZBA APPLICATIONS – The Board declined to review the following ZBA applications, which were scheduled for public meetings and hearings on March 19, 2015:

**ZBA FY2014-00033 – Bistro 63 Monkey Bar** – For the Board to review the use after six months, in accordance with Condition # 1, at 63-67 North Pleasant Street

**ZBA FY2013-00026 – Valerie Hetzel** – For the Board to review compliance with the conditions of the permit after 18 months, in accordance with Condition # 15, at 16 Adams Street

**ZBA FY2011-00017 – Amherst Brewing Company** – For the Board to review a new Management Plan upon a change of ownership, in accordance with Condition #18, at 6 University Drive

**ZBA FY2015-00025 – Grace Griecci** – For a Special Permit to construct a new detached accessory structure to be used as a Supplemental Detached Dwelling Unit, under Section 5.0111 of the Zoning Bylaw, at 15 Beston Street

**ZBA FY2015-00026 – Howard Ewert** – For a Special Permit to reconfigure three existing dwelling units through the demolition and reconstruction of an existing barn and interior changes to the existing dwelling, as an owner occupied Converted Dwelling, under Section 3.3241 of the Zoning Bylaw, at 69 Pelham Road

**ZBA FY2015-00027 – Craig and Rachel Gibson** – For a Special Permit to convert and existing single family dwelling into two units, with an addition, as an owner occupied Converted Dwelling, under Section 3.3241, and to modify the maximum building coverage

limit of 25% under Table 3, footnote a, of the Zoning Bylaw, at 50 McClellan Street

**IX. UPCOMING SPP/SPR/SUB APPLICATIONS**

Ms. Brestrup reported that the Board had received a Site Plan Review application for Marsh House on Lessey Street, the public hearing for which would likely occur on April 22<sup>nd</sup>.

The Board will also be reviewing a proposal to install one electric vehicle charging station with two hook-ups as an amendment to the Site Plan for the Town Hall parking lot. The town has received a grant to install this charging station.

**X. PLANNING BOARD COMMITTEE & LIAISON REPORTS**

Pioneer Valley Planning Commission – Bruce Carson – no report

Community Preservation Act Committee – vacant – no report

Agricultural Commission – Stephen Schreiber – no report

Transportation Plan Task Force – Rob Crouner – Ms. Brestrup reported that there will be a presentation of the Draft Transportation Plan on April 8<sup>th</sup>. She thanked Mr. Roznoy for getting the Transportation Plan in motion a number of years ago. Mr. Webber stated that without Mr. Roznoy's leadership the Transportation Plan Task Force might have remained dormant.

Mr. Webber announced that there would be a Parking Forum on Tuesday, March 24<sup>th</sup> at 7:00 p.m. It will be held in the Bangs Center. Some members of the Planning Board have been asked to be facilitators. The Forum will be organized by topics with the process constructed to establish a declaration of priorities for solutions to problems associated with downtown parking.

Amherst Redevelopment Authority – vacant – no report

Design Review Board – vacant – no report

Housing and Sheltering Committee – Greg Stutsman – no report

Town Gown Study Steering Committee – David Webber and Greg Stutsman – no report

Master Plan Implementation Committee – vacant – no report

Zoning Subcommittee – Rob Crouner, Bruce Carson, Greg Stutsman, Stephen Schreiber and Christina Calabrese – report given earlier in the meeting

**XI. REPORT OF THE CHAIR – none**

**XII. REPORT OF STAFF – Mr. Tucker reported that April 6<sup>th</sup> is the anniversary of the Declaration of Arbroath in 1320 and it is also Tartan Day throughout the U.S.**

**XIII. ADJOURNMENT**

The meeting was adjourned at 8:45 PM.

Respectfully submitted:

Approved:

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Christine M. Brestrup  
Senior Planner

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David Webber, Chair

DATE: \_\_\_\_\_