

AMHERST PLANNING BOARD
Wednesday, July 15, 2015 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: David Webber, Chair, Stephen Schreiber, Rob Crowner, Bruce Carson, Greg Stutsman, and Pari Riahi

ABSENT: Richard Roznoy

STAFF: Christine Brestrup, Senior Planner

Mr. Webber opened the meeting at 7:02 PM. He welcomed new Planning Board member, Pari Riahi.

I. MINUTES

Mr. Carson MOVED to approve the Minutes of June 10, 2015. Mr. Stutsman seconded and the vote was 5-0-1 (Riahi abstained)

II. APPEARANCE

Affordable Housing Tax Incentive Home Rule Draft – Sandy Pooler, Finance Director – review and comment and recommendation to the Select Board

Mr. Pooler distributed a 3-page document which included a draft of the Home Rule Petition that the town is proposing to send to the state legislature seeking to allow the town to offer tax incentives to developers who provide affordable housing units. The first document was a red-lined draft of the Home Rule Petition with edits provided by Town Counsel, Joel Bard. The second document was a “clean” version of the petition with Mr. Bard’s edits incorporated, that will be submitted to the Select Board. The third document was Article 21 as passed by Town Meeting [on May 11, 2015]. The third document also included a list of nine critical elements that need to be included in the Home Rule Petition.

Mr. Pooler reviewed the changes that had been made to the draft Petition and gave a synopsis of the purpose of the Petition. He explained that this petition was originally meant to accompany Article 22, a change to the existing Inclusionary Zoning Bylaw that would have included new requirements for providing affordable housing. Article 22 did not pass Town Meeting. The tax incentives were meant to offset the costs of providing required affordable units where other types of density bonuses were not possible. The Home Rule Petition would allow the Select Board to enter into agreements with developers to provide tax incentives for building affordable units.

Mr. Pooler explained that Section II of the Home Rule Petition would change the definition of low and moderate income housing for purposes of the tax incentive, allowing the tax incentive to be offered for units that would provide housing for individuals and families with incomes at or below 95 percent of area median income. This comports with what was proposed in Article 22. This differs from the current Inclusionary Zoning Bylaw which defines low income housing as providing housing for those at or below 80 percent of area median income and moderate income housing as providing housing for those at or below 120 percent of area median income.

Mr. Pooler noted that Section III limits the amount of the tax incentive to the difference in net operating income for a development with affordable units and the net operating income for a development without such affordable units.

Mr. Crouner asked if the tax incentive were retroactive. Mr. Pooler stated that the tax incentives are not intended to be retroactive.

Mr. Pooler stated that the tax incentive would not go into effect until the legislature enacts it. Towns don't have inherent power to enter into tax agreements with developers. The legislation would be permissive but not mandatory to the Select Board. That is, it would allow the Select Board to enter into agreements, but it would not require the Select Board to enter into those agreements. There would be a negotiation with the Town Manager and staff, the results of which would be presented to the Select Board for its approval. The developer will need to provide information to the Assessor about rents to be charged.

Mr. Schreiber noted that the tax incentives would be discretionary. The intent was to provide relief to developers who were required to provide affordable housing. Now the tax incentives will be available to any project that falls under the requirements of the existing Inclusionary Zoning Bylaw.

Mr. Pooler noted that under the current proposal any developer with 10 units or more in which 10% are available to those with 95% or less of the area median income would be eligible to apply for the tax incentive. This will incentivize the building of new units. The amounts of money provided in the tax incentives are relatively minor. The tax incentives will take away some of the barriers to building affordable units.

There was discussion about the fact that the tax incentives only apply to the increase in assessed value resulting from the development. The program would not allow taxes on existing properties to go down. Mr. Webber stated that the increase in assessed value would be phased in over a number of years. Therefore this program would only apply to new projects or projects that are rehabilitated and therefore experience an increase in assessed value as a result of construction or rehabilitation and which include affordable units.

Mr. Crouner noted that this Petition would encourage developers to build units that are available to those making up to 95% of AMI rather than 120%, which he found to be favorable.

Mr. Pooler noted that there had been questions about whether the town was giving away too much and that there was a need to factor in the income taxes paid on a property. Mr. Pooler presented calculations showing that there would be no difference in the tax incentives if income taxes were factored in or not.

He wanted the Planning Board to see the Petition before it was presented to the Select Board on July 27th. It is consistent with what was discussed at Town Meeting.

Mr. Crouner MOVED to recommend that the Select Board adopt the draft of the Affordable Housing Tax Incentive Home Rule Petition. Mr. Carson seconded and the vote was 6-0-0.

III. ZONING

A. Zoning Subcommittee Report

Mr. Crouner reported that the ZSC had not met for a number of weeks. Now the ZSC is working on two tracks:

1. Developing a process for working on zoning amendments, as requested by the Planning Board, considering different ways to move forward;
2. Considering amendments to bring to fall or spring Town Meeting.

For now the ZSC is following its customary process, which may change in the future.

The ZSC does not expect to bring large amendments to fall Town Meeting, but may bring smaller ones, while it works on larger issues. The ZSC is not ready to work on the Municipal Parking District before it has the results of the parking forums. The ZSC wants to understand the problems that it is trying to solve.

Mr. Schreiber reported that the ZSC had discussed the issue of renting apartments by the bedroom. There is a possibility of inserting something into the use chart in the Zoning Bylaw to allow rental by the bedroom in certain use categories, but not in others. The ZSC had discussed whether there was any data to show that rental by the bedroom contributed to bad behavior on the part of tenants.

Mr. Crouner reported that the issue of rental by the bedroom came out of the public reaction to The Retreat, which was a large-scale, rent-by-the-bedroom development. The Planning Board could consider focusing on preventing something like The Retreat by prohibiting rental-by-the-bedroom in certain Development Methods [Section 4 of the Zoning Bylaw] and in apartments.

Mr. Webber suggested that this issue could be dealt with by amending the Rental Registration Bylaw. There was further discussion about this suggestion. Mr. Schreiber preferred that it be dealt with in the Zoning Bylaw because it may make a project like The Retreat less likely.

Mr. Crouner stated that he was not sure that rental-by-the-bedroom was a bad thing in all cases.

B. Public Comment Period – none

IV. OLD BUSINESS

A. SPR2011-00009 – Amherst Survival Center – 138 Sunderland Road – Review of proposed additional fencing at rear of building

Mindy Domb, Executive Director of the Amherst Survival Center, and Sarah Barr, Board President, appeared on behalf of the Center.

They have contracted with a fence contractor to install a fence at the rear of the building. There is now a 6' high shadow-box fence along the north side of the property. There is an area on the west side of the building that can be used for outdoor dining. To make this area safe, it is necessary to install a fence. Along the west side of the dining area, a 6' high fence would be installed to match the existing shadow box fence. Along the south side of the dining area, a 6' high chain link (vinyl coated, green) would be installed so that the dining area would be visible from the parking lot.

Ms. Domb showed on a plan where the new fence would be installed. The fence will have three access points, two of which are existing. The chain link fence will have a gate to allow people to bring equipment into the space.

Mr. Crouner asked why the fence was needed and the answer was for safety because there is a slope that goes down from the dining area.

Mr. Schreiber MOVED to approve the proposed new fence. Mr. Stutsman seconded and the vote was 6-0-0.

The Board thanked Ms. Domb for hosting the North Amherst Village Center Intersection public forum. She thanked the Board members for holding the meeting at the Center and invited Board members to come to lunch at the Center.

B. Signing of Decision – SPR2015-00015 – Habitat for Humanity at Hawthorne Farm – 235 East Pleasant Street – the Board signed the decision.

C. Topics not reasonably anticipated 48 hours prior to the meeting

Mr. Webber stated that the North Amherst Village Center Intersection public forum had been a great success with many participants. There was a lot of discussion about how to reconfigure traffic flow. Staff gave a good presentation on what the forum was about and why it was being held.

Ms. Brestrup noted that she would be attending the upcoming Public Works Committee meeting on July 6th where there would be some discussion about the North Amherst Intersection.

V. NEW BUSINESS

A. Chapter 61A Withdrawal Request – Property of Orchard Run Associates – West Street – Parcel A on ANR Plan of Land prepared for David C. Kelly and Alan C. McNeely

Ms. Brestrup explained the request for withdrawal. Mr. Carson noted that there is an old trolley line to the east of the property in question. It may be converted into a bike path in the future. Mr. Carson was interested in preserving access to the old trolley line.

Based on his research, Mr. Carson had concluded that the withdrawal of this property from Chapter 61A and the town's declining its right of first refusal would not affect access to the old trolley line because there are other properties that can be used to access the trolley line. Mr. Carson presented a plan showing where the crosswalk is located going from Atkins Market to the property of Atkins on the east side of the street.

Ms. Brestrup explained what Chapter 61A means and why the Planning Board is considering this request.

Mr. Webber noted that the property owner would need to pay the back taxes on the property. The town gets the right of first refusal. There is no compelling reason to acquire this property. Taking this property out of Chapter 61A will increase the tax rolls, he said.

Mr. Stutsman MOVED that the Planning Board recommend to the Select Board that the town not exercise its right of first refusal. Mr. Carson seconded and the vote was 6-0-0.

B. Planning Board's Summer Schedule – The Planning Board decided to keep the summer meetings as scheduled [July 29, August 5 and August 19] and to decide later whether to cancel them.

C. Topics not reasonably anticipated 48 hours prior to the meeting – The Board acknowledged receipt of an article, sent in by Jim Wald, Select Board member, about the driving habits of "Millenials". The article is entitled "The Clearest Explanation Yet for Why Millennials Are Driving Less" and it appeared on the website of www.CityLab.com.

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VII. UPCOMING ZBA APPLICATIONS – The Planning Board declined to review the following project:

ZBA FY2015-00041 – Sarah Stookey – 53 Fairfield Drive – for a Special Permit to expand an existing Supplemental Apartment larger than 800 square feet and create an owner occupied Converted Dwelling through the construction of a two story addition and with allowance for rental during sabbatical, under Section 3.3241 of the Zoning Bylaw (Map 8A, Parcel 45, R-N zoning district)

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – none

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Bruce Carson

Community Preservation Act Committee – Richard Roznoy

Agricultural Commission – Stephen Schreiber

Transportation Plan Task Force – Richard Roznoy and Rob Crowner

Amherst Redevelopment Authority – vacant

Design Review Board – vacant

Housing and Sheltering Committee – Greg Stutsman

Zoning Subcommittee – Rob Crowner, Bruce Carson, Greg Stutsman and Stephen Schreiber

The Board agreed to discuss committee and liaison positions at the July 29th meeting as part of the discussion of Election of Officers and Planning Board reorganization.

X. REPORT OF THE CHAIR – none

XI. REPORT OF STAFF – none

XII. ADJOURNMENT

The meeting was adjourned at 7:59 PM.

Respectfully submitted: Approved:

Christine M. Brestrup
Senior Planner

David Webber, Chair

DATE: _____