

Approved: 5/9/2016

Amherst Finance Committee Minutes  
Thursday, April 21, 2016  
First Floor Meeting Room, Town Hall

ATTENDANCE: Kay Moran (Chair), Steve Braun, Bernie Kubiak, Janice Ratner, Anurag Sharma.  
Absent: Marylou Theilman, Tim Neale.

OTHERS IN ATTENDANCE: Sonia Aldrich, Comptroller; Christine Brestrup, Interim Planning Director; Rob Crowner, Planning Board; Sharon Sharry, Library Director; Gigi Barnhill, President, Amherst Historical Society; Vince O'Connor, petitioner.

Meeting was called to order at 7:05 PM

## **1. Discussion of upcoming Warrant Articles**

### Article 31

This article would rezone the parcel owned by the Amherst Historical Society (AHS) from General Residence (R-G) to General Business (B-G). Ms. Barnhill noted that this change, approved by the AHS board of trustees, would allow for the purchase by the Jones Library of a portion of the property, which would facilitate current plans for the library's expansion and provide the AHS with some needed revenue. The change is necessary because otherwise an illegal non-conforming use would be created if a portion of the property were sold to the library. Rezoning will also allow greater flexibility to the library because various issues such as required setbacks for new construction would be avoided.

During discussion, Finance Committee members noted that the potential financial implications of the rezoning are difficult to quantify, although it's possible that the proposed change could have positive social and economic impacts by facilitating the library's expansion and supporting the mission of the AHS, both of which are key components of the Cultural District now under discussion by the town.

Moved: to make no recommendation on Article 31. Vote 4-0, 1 abstaining, 2 absent

### Article 32

This article would authorize the Historical Commission to accept a restrictive covenant or a historic preservation restriction on the property owned by the Amherst Historical Society (AHS). Ms. Barnhill noted that, in fact, such restrictions already exist on the property as required for the AHS to be eligible for Community Preservation Act funding. For technical reasons, however, the present restrictions need to be altered, which the AHS will be seeking, regardless of this Article. The Article is being brought to Town Meeting to allay any fears that, with the proposed rezoning, the property could be sold and inappropriately developed in the future.

During discussion, Finance Committee members noted that the potential financial implications of the rezoning are not clear at this time.

Moved: to make no recommendation on Article 32. Vote 4-0, 1 abstaining, 2 absent

### Article 33

This article would amend Articles 12 and 15 of the Zoning Bylaw (related to affordable housing). Mr. O'Connor noted that he intends to split the article into separate motions at Town Meeting, consistent with the suggestion from the Planning Board.

The first part of the Article would remove an existing reference to "moderate income housing," as housing that serves households having an income up to 120% of the area median income (AMI), leaving a lower figure (80% AMI or lower) as the remaining population to be served. Mr. O'Connor argues that people with the higher level of income do not need subsidized housing. Mr. Kubiak disagreed with this view, arguing that, in fact, many people of "moderate" income cannot, in fact, afford to buy homes in Amherst.

Mr. Crowner said the Planning Board supports the proposed change because the 120% figure was difficult to calculate with existing formulae, because only units that are available at the 80% figure could count toward the town's Subsidized Housing Inventory, and because the lower figure covers a reasonable portion of what is called "workforce" housing.

During discussion, Finance Committee members noted that the potential financial implications of the proposed change are not clear.

Moved: to make no recommendation on Article 33, part 1. Vote 5-0, 2 absent

The second part of Article 33 would essentially lower the "trigger" for imposing an inclusionary requirement on a development project. Currently, the provisions of the affordable housing bylaw apply to projects that require a Special Permit for the use itself (i.e., to developments that are not "by right") and that allow for an actual increase in the number of units that could be built. Mr. O'Connor's amendments would impose the inclusionary requirements to any project that receives a Special Permit for any reason, including relatively minor or "secondary" aspects of the project.

Mr. Crowner said that the Planning Board does not endorse this part of Article 33 because it may discourage development that the Zoning Bylaw and Master Plan otherwise seek to promote, and could even prompt a legal challenge because a developer might not be "given" enough value from a special permit to justify the town's imposition of the significant costs associated with providing affordable units.

Mr. Crowner said the Planning Board is currently working on a more nuanced revision to the affordable housing portions of the bylaw that would strike a balance between the more expansive requirements sought by the petitioner and the legal limitations inherent in any requirements that involve a "taking."

Moved: to refer the second part of Article 33 to the Planning Board. Vote 5-0, 2 absent

**2. Member reports: None.**

**3. News Affecting the Budget: None**

Meeting Adjourned 8:45 p.m.

Acting Clerk  
Stephen Braun