



**PLANNING BOARD**

**Report to Town Meeting**

**ARTICLE 26 RESIDENTIAL PARKING DESIGN REGULATIONS  
(Planning Board)**

To see if the Town will amend Sections 7.00 and 7.1 of the Zoning Bylaw, as follows:

**~ SEE WARRANT LANGUAGE ~**

**Recommendation**

The Planning Board voted 7-1 to recommend that Town Meeting adopt Article 26.

**Background**

At the 2011 Annual Town Meeting, the Planning Board proposed amendments to residential parking requirements (minimum spaces required) and selected design regulations for parking. Those amendments were part of a larger effort by the Town to begin to address out-of-control parking associated with poorly managed rental properties in Amherst. The proposed amendment garnered a 65% majority of Town Meeting's support, but failed by one vote to acquire the 2/3s super-majority required to adopt zoning amendments.

Since that time, the Zoning Subcommittee of the Planning Board has worked on revising the proposal, and Article 26 is the result. Article 26 does not make any changes in the number of parking spaces required for residential uses. Instead, it focuses solely on the design of parking associated with residential uses.

Article 26 would add the following new requirements for residential parking design:

- Any parking located anywhere on a residential property must be on a paved surface. No parking will be allowed on unpaved surfaces, dirt, or the lawn.
- Design standards are established for paved parking surfaces, which include gravel.
- Anyone creating a parking area consisting of a total of five (5) or more parking spaces (whether new spaces, or expanding an existing parking area) where no land use permit (Special Permit or Site Plan review) is involved must submit a parking site plan to the Building Commissioner.

Currently, there are design requirements in the Bylaw, but no way to apply them. This new requirements will enable the Commissioner to ensure that zoning design requirements for parking areas are being met.

- For such parking areas, the Building Commissioner would be authorized to waive or modify the associated design requirements “for compelling reasons of safety or design.”
- A reference is added noting that paved parking areas count toward the maximum lot coverage for a property. This is an existing requirement. Adding a reference in the parking section of the Bylaw helps ensure that those using the parking section will encounter and address the requirement.
- For properties where five (5) or more cars are regularly being parked, any parking in the front setback (usually in the driveway) must include an improvement of the driveway providing regular users and emergency vehicles with unrestricted passage. This provision was developed with Town Counsel’s assistance, to ensure its ability to be enforced.
- For parking areas of five (5) or more parking spaces, individual spaces must be marked or otherwise delineated (wheel stops, etc.).
- Lighting requirements are expanded for parking areas of five (5) or more parking spaces. Most are existing requirements taken from elsewhere in the Bylaw.
- Language in some sections is improved and clarified, something the Planning Board always does when amending sections of the Zoning Bylaw.

Again, no change is being proposed in parking space requirements (minimum number of parking spaces). The threshold of five (5) parking spaces in a parking area (or cars regularly parked on a property) used in these amendments is an existing threshold for parking area design requirements in the Zoning Bylaw. This threshold will effectively exempt most single family owner-occupied properties, but will capture most circumstances where single family dwellings are being rented to up to four (or more) unrelated persons.

Because these are zoning regulations, state law dictates that existing parking for existing legal residential uses would be grandfathered. The regulations proposed under Article 26 would apply to illegal uses, to previously grandfathered uses being changed, and to new residential uses.

Article 26 is the first step in a series of Zoning Bylaw and General By-Law amendments intended to prevent and better control the negative impacts which can be associated with rental properties in Amherst. A General By-Laws amendment is being developed for the Fall 2012 Special Town Meeting that will propose requirements for more detailed parking plans for selected kinds of residential rental properties, to fill in the gaps left by the grandfathering which accompanies Article 26.

**Public Hearing**

The Planning Board held a public hearing for Article 26 on Wednesday, March 21. The Board heard a report from the Zoning Subcommittee, which unanimously (3-0) recommended the article.

Planning Board member Constance Kruger expressed concern that the five (5) parking space threshold was too low, and might impact large or extended families. She expressed concern about additional paving and noted that overflow parking spaces are often on “dirt”. She was also concerned that additional lighting requirements might increase night-time light pollution in neighborhoods.

It was noted that the zoning amendment establishes the standard of “adequate lighting” for a use, and that normal residential lighting was not on as late as lighting for a business or commercial use. While the five car threshold would exempt most single-family homes, this type of regulation is usually enforced based on complaint, and the purpose of such regulations is to prevent and address problems, not make citizens’ lives difficult.

There was discussion of application and enforcement of the proposed new regulations. The Board concluded that there was a need for the Building Commissioner to be able to modify or waive selected design requirements, should they prove infeasible in certain circumstances, and the Board agreed upon general language for that provision.

Ms. Kruger stated several reasons for her opposition to Article 26. She felt the threshold number should be changed to a higher number, perhaps 7 or 8, to avoid affecting owner-occupied single family homes. With regard to driveway design, she felt that the threshold number should be tied to the number of parking spaces required for a particular kind of use, rather than the number of cars regularly parked on the site, which she thought would be difficult to enforce. She was concerned that the Town be cautious about setting thresholds that were too extreme in the Zoning Bylaw, because they might become the template for the General By-Laws amendment being developed for the Fall 2012 Special Town Meeting.

Town Counsel’s role in helping to develop thresholds was noted.

There was no public comment.

Following further discussion, the Board voted 7-1 to recommend that Town Meeting adopt Article 26.

The Planning Board believes that this amendment is needed. Over 2,400 single family residences in Amherst are rented. These and other residential properties involve no required permit process during which regulations can be applied to parking and the other impacts of what is essentially a commercial residential use. Article 26 provides the Town with tools to begin to address and better control parking associated with properties where too many cars in too little space are impacting the safety and quality of life of Amherst’s neighborhoods.

The Planning Board urges Town Meeting to adopt Article 26.