



# AMHERST *Massachusetts*

## PLANNING BOARD

## Report to Town Meeting

### Article 14. Zoning - Affordable Duplexes (Planning Board)

---

To see if the Town will amend Section 3.321, Two Family Detached Dwelling (Duplex), of the Zoning Bylaw, by adding the following new Section 3.3212, as follows:

3.3212 Affordable Duplex

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC B-N COM OP LI PRP FPC

SPR SPR SPR SPR N N N N SPR N N N N N  
(SP) (SP)

#### Standards & Conditions

For an affordable duplex, at least one (1) unit shall be affordable in perpetuity or to the greatest extent allowed by law, and shall be eligible to be counted on the Commonwealth's 40B Subsidized Housing Inventory (SHI) under the provisions of 760 CMR 50.03 (2) (a) and (b) as amended. Affordable units as described above need not be owner-occupied.

---

#### Recommendation

The Planning Board voted 5-0 (4 members absent) to recommend that Town Meeting adopt Article 14.

#### Background

Article 14 proposes to add a new category of duplex to the Zoning Bylaw. The two existing categories—3.3210, Owner-occupied Duplex, and 3.3211, Non-owner Occupied Duplex—are regulated differently depending on the zoning district(s) in which they are located. Article 14

would make no change in the regulations governing these existing residential use categories.

Article 14 proposes instead to add a third new category, Section 3.3212, Affordable Duplex, to the existing categories. Section 3.3212 would regulate existing affordable housing in the form of duplexes, and would govern any new duplexes—not converted dwellings—that included 1-2 affordable units. Affordable duplexes under Section 3.3212 would not require owner-occupancy, and would be allowed under a Planning Board Site Plan Review (SPR) approval in the zoning districts where they are permitted, with the exception of areas within the Aquifer Recharge Protection (ARP) overlay district, where a Special Permit would be required.

Market rate duplexes are prohibited in the ARP District, to help keep residential density low in areas around the Lawrence Swamp aquifer where development might impact Amherst's public well water supply. Article 14 proposes to allow affordable uses to occur under a Special Permit in the ARP District, balancing two critically important public purposes for Amherst.

It is highly unlikely that market forces alone will result in the development of affordable duplexes. It is very rare, for instance, for undergraduate students to be eligible to live in affordable units. At least one unit in a duplexes under Section 3.3212 will have to be occupied by an Income Eligible Household under the state's Subsidized Housing Inventory (SHI). Affordable duplexes will most likely occur as part of future affordable housing proposals, which is why it is useful to make provision in the Zoning Bylaw for regulating these uses.

### Public Hearing

The Planning Board held a public hearing for Article 14 on Wednesday, October 2 and continued the hearing to October 16. The Zoning Subcommittee provided its report on the proposed amendment, and recommended its adoption.

Some members of the public expressed concern that there was no explicit requirement for owner-occupancy or on-site managers for affordable or market rate units in such a duplex. However, with very few exceptions, undergraduate students—the most likely reason to need a property manager—are generally ineligible to occupy affordable units. Additionally, under the Residential Rental Property Bylaw adopted by the 2013 Annual Town Meeting, every rental property is required to assign a Responsible Person as a 24/7 contact. Because of the costs involved in new construction of affordable duplexes, it would not make sense for rental property speculators to pursue this use as a source of student rental income.

There was also concern that uses proposed to be allowed by right through Site Plan Review approval would prevent the community from denying a permit. However, affordable housing is a critical public interest for Amherst. In the face of increasing student rental housing pressures, increasing Amherst's supply of affordable housing in Amherst is a priority.

After further discussion, the Planning Board voted 5-0 (4 members absent) to recommend that Town Meeting adopt Article 14.