



TOWN HALL
4 Boltwood Avenue
Amherst, MA 01002-2351

PLANNING DEPARTMENT
(413) 259-3040
(413) 259-2402 [Fax]
planning@amherstma.gov

To: Town Manager, Paul Bockelman
From: Senior Planner, Nate Malloy
Re: Staff response to questions for the Project Eligibility Phase
for Beacon Communities Proposed Project in North Amherst
Date: September 7, 2016

The following is a staff response to questions asked by the Town Manager and Select Board on Monday, August 29, 2016 about the Project Eligibility phase for Beacon Communities' proposed project in North Amherst.

What is the deadline for submitting comments. We posted the deadline for submitting comments to the town as 9/23. How do we turn that around instantaneously? Do we have time to take those comments into consideration and then form a "Town" response?

Can we ask for an extension for submitting comments, given the above and the likelihood that the Select Board won't be meeting until the 26th?

Typically the 30-day comment period is the time when comments from the municipality need to be submitted to DHCD. Town staff confirmed with DHCD that comments can be submitted the week of September 26th in order to allow sufficient time for the public to review the project and for the Select Board to review a draft letter at their meeting on Monday September 26th. In order to compile the comments and draft a letter, comments for the Beacon Communities project are due at 12:00 p.m. on Wednesday, September 21, 2016.

Does the ZBA vote – if it gets there – have to be unanimous, super majority, or majority?

The ZBA votes by majority (2 out of 3 members) when reviewing comprehensive permits. It is typical that the ZBA will vote on each individual waiver requested from the zoning requirements and then take a final vote for the comprehensive permit.

Can you add the criteria for making comments to the website – the section from your memo – so people know on what aspects of the project they should be reviewing (finances, site suitability, etc.)

During the Project Eligibility phase, DHCD and the public review the project based on Massachusetts regulations (Mass 760 CMR 54.04(4)) excerpted below:

Findings in Determination. A determination of Project Eligibility, to be issued by the Subsidizing Agency after the close of the 30-day review period, shall make the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

- (a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);
- (b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under M.G.L. c. 40A, and overlay districts adopted under M.G.L. c. 40R (such finding, with supporting reasoning, to be set forth in reasonable detail);
- (c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);
- (d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);
- (e) that an initial *pro forma* has been reviewed, including a land valuation determination consistent with the Department's guidelines, and the Project appears financially feasible and consistent with the Department's guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;
- (f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and
- (g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Subsidizing Agency shall provide copies of its written determination of Project Eligibility to the Department, the Chief Executive Officer of the municipality, and the Board.

What would be allowed (number of units) under current zoning? Ensure that you are comparing the correct parcels and not the entire property if it is not part of this project. Can the project include Atkins parking, etc.?

What is allowed as of-right and what would be discretionary, i.e. with a special permit?

Based on the plans and information submitted by Beacon Communities as part of their Project Eligibility Application, there are two different areas used to describe the development site: 5.3 acres or 6 acres. Staff looked at development potential—commercial and mixed used (residential/commercial)—using these two figures. It is important to note that there are many variables that influence how a property is developed (i.e. number of floors, number of residential units, parking spaces required based on use, and area of impervious surfaces), such that there is not a simple straightforward answer. Each by-right development looks different based on these variables. For instance, restaurants and retail shops have different parking requirements than a warehouse or storage facility.

The project is also in the conceptual stage and it will likely change as it moves through the permitting process. Ultimately the Zoning Board of Appeals, with help from staff and Town counsel, will be responsible for sifting through the information presented to them, including a determination of what is allowed by-right or special permit.

When trying to determine what would be allowed on the project site, the calculations were based purely on total lot area (the 5.3 or 6 acres) and the assumption that Cows lumber yard and building supply and other uses in the farmhouse would remain in operation so that the entire 13 acre parcel was not used in the calculation.

The Commercial Zoning has the following dimensional requirements, of which, the front setback, side and rear setbacks, maximum floors and maximum height can be modified with a Special Permit according to footnote ^a in the Zoning Bylaw.

Basic Minimum Lot Area (sq. ft.)	20,000
Additional Lot Area/Family (sq. ft.)	4,000
Basic Minimum Lot Frontage (ft.)	125
Basic Minimum/Maximum Front Setback (ft.)	20
Basic Minimum Side and Rear Yards (ft.)	25
Maximum Building Coverage (%)	35
Maximum Lot Coverage (%) ^o	70
Maximum Floors	3
Minimum/Maximum Height (ft.)	35

Staff also looked at the use requirements of the Commercial Zoning. In the Zoning Bylaw, typical residential uses—single family homes, duplexes, apartments—are not allowed. Mixed-use building are allowed by-right through Site Plan Review, with the following conditions:

- A mixed use building containing more than ten (10) dwelling units above the first floor requires a Special Permit.
- No dwelling unit or internal space associated with a dwelling shall be located on the first floor portion of a mixed-use building facing onto a street, public plaza or other public space.
- No more than forty percent (40%) of the first floor Gross Floor Area shall be used for residential purposes.

It is important to reiterate that in the Commercial Zone, many non-residential uses are allowed by right, including the following:

- forestry and harvesting of forest products
- farm stand
- non-profit educational institution
- transformer station or other energy facility
- taxicab or limousine service
- retail stores
- grocery, bakery, deli, butcher shop, fish market
- laundry or dry cleaning
- Class I restaurant
- Veterinary establishment, kennel or place for boarding animals
- Offices—banks, real estate, technical or professional
- Medical uses—medical office, group practice
- Warehouse or other enclosed building for the storage, distribution or wholesale marketing of material, products or equipment
- Research and development facility
- Light manufacturing and assembly
- Automobile and truck rental
- Gas station
- Motor vehicle sales, including trucks, boats and farm equipment

The following calculations can be made based on total lot area without consideration of whether particular zoning requirements would apply.

5.3 acre parcel (231,220 square feet):

Residential Development

20,000 square feet required for first unit	1 Unit
<u>211,220 remaining, divided by 4,000 sq ft for each additional unit</u>	<u>52 Units</u>
Total	53 units

Commercial Development

Maximum building coverage of 35%	80,927 sq ft
<u>Maximum Floors multiplied by building coverage (3*80,927)</u>	<u>242,781</u>
Total (gross square feet)	242,781

6 acre parcel (261,360 square feet):

Residential Development

20,000 square feet required for first unit	1 Unit
<u>241,360 remaining, divided by 4,000 sq ft for each additional unit</u>	<u>60 Units</u>
Total	61 units

Commercial Development

Maximum building coverage of 35%	91,476 sq ft
<u>Maximum Floors multiplied by building coverage (3*80,927)</u>	<u>274,428 sq ft</u>
Total (gross square feet)	274,428 sq ft

