

**PUBLIC COMMENT RECEIVED IN RESPONSE TO BEACON COMMUNITIES 40B
COMPREHENSIVE PERMIT APPLICATION FOR NORTH SQUARE AT THE MILL
DISTRICT**

December 1, 2016

Janet,

The following is a tentative schedule for the upcoming meetings with the ZBA, I will also see if we can put the meeting schedule on the website.

Have a good weekend.

Brandon

Thursday, December 1, 6:00 p.m.

Thursday, December 8, 6:00 p.m.

Tuesday, December 20, 6:00 p.m. (Beacon will not be discussed at this meeting, this has been set aside for other ZBA applications)

Thursday, January 5, 6:00 p.m.

Thursday, January 19, 6:00 p.m. (Beacon will not be discussed at this meeting, this has been set aside for other ZBA applications)

Hi Brandon,

I'm writing to request the ZBA Schedule for the Beacon Communities 40B hearings.

I would also like to request that the schedule be placed on the Town website.

Thank you,
Janet

Melissa,

Good afternoon, I hope that you are doing well. I will try and answer all of your questions and if I am unsure on a few, I will get back to you with the answer. I have also forwarded this email to our other staff members, in case they wanted to give you additional detail.

1. Any citizen for or against the project may speak at a public hearing. The Chair of the Planning Board determines the length of the public comment period, some may be longer and others shorter. With this project the Chair has stated that he will be opening up the public hearing for 20 minutes at each meeting. He said that he would allow a person to speak two or three minutes in order to keep the meetings orderly and allow everyone an equal opportunity to be heard.

2. You can bring an attorney to the meeting if you so desire. However, since the meeting would be considered a public hearing, they too would be subject to the standards set forth by the Chair. If you decide to do this, I would recommend having the attorney review all the necessary information about the project before hand and chose the meetings he desires to attend. This way you are not overspending on unnecessary legal costs.

3. All of the meeting pertaining to the Beacon project will be televised. We do have one ZBA Meeting scheduled for December 20, 2016, that will not be televised since the Beacon project will not be discussed, (this meeting has been set aside for other application reviews by the board.

4. Each comment is required to be part of the record and all comments that our office has received will be given to the Board for review. However, I am not familiar with comments that have been cut off or altered through the copying or scanning process. If this is the case we will make sure each comment is clear for the board to review.

5. No decision will be made prior to the Christmas break, and the review process and public hearing will be continued on January 5

6. This last question will require a lot more in depth research and will be part of my review process of the application. I will let you know what I find out and send a response to your question shortly.

Thanks,

Brandon

A few questions to to increase understanding about the 40B process and the Bylaw under ZBA;

1. Can any resident of Amherst speak at the hearing? What are the limitations to speaking? How many may speak? for how long?

2. May a lawyer be present at hearings? speak for residents? If so what are the limitations to his/her participation?
3. Will arrangements be made for the hearings to be videoed by Amherst Media?
4. We understand the comments residents submitted to the Select Board are available to the ZBA on line but are not 'required' as part of the hearing. They appear to have been reformatted and some are truncated or go off the page. We believe some 50 letters were written with the majority in opposition, some with additional signatures. If the letters form part of the 'evidence' for the ZBA to consider can the letters be restored to their original state when they were easier to read?
5. The 15 day denial period will fall in the holiday break. Will there only be one opportunity to speak before that deadline goes by or will there be an extension? At the training I believe we learnt that the ZBA can, with a letter to the DHCD before the 15 day deadline for denial, ask to retain the 'option for denial' if a reasonable project is not forthcoming. Will the ZBA ask for that on Dec 8th?
6. We can do the calculation for parking for the Residential units but could you please help us with the calculation for Retail which is complicated and requires knowing how much storage space is involved in the gross floor area. Does the parking calculation consider the kind of retail/business involved? Is Atkins parking adequate when shared with North Square? How many spaces is Atkins required to have? How do you calculate 'shared parking'? Is there a relationship between spaces and snow storage?

We much appreciate your attention to these tiresome questions, but it is all new and necessary information for us and you have been very helpful in the past and I fear more questions may be forth coming as we make our way through the Bylaw.

Sincerely, Melissa Perot

Melissa,

Good morning, I hope you had an enjoyable weekend. We have looked at the dates and have worked out a tentative schedule for the Beacon project in order to avoid major holidays during December. The ZBA Chair would like to have a portion of each meeting set aside for public comment, yet for this first meeting this may not be the case. On December 1 the Beacon group will be presenting an overview of their project and addressing a few of the requested waivers. Also at this meeting, a schedule will be discussed for further possible meeting dates and tentative topics to be reviewed at each meeting.

The following is a list of scheduled meetings for the ZBA:

- December 1
- December 8
- December 20 (Beacon will not be discussed at this meeting, this date has been set aside for other ZBA applications)
- January 5

Additional dates will be scheduled as the review moves forward.

I hope this information helps.

Brandon

Thank you for your prompt Friday afternoon response to my late in the week requests. It will take me the weekend to digest the information you provided!

While I understand the hearing will be opened on Dec 1st, will there be any consideration for public holidays during December and January in scheduling subsequent meetings? This is a very busy month that usually involves travel for family connection. I understand our presence at the meetings is allowed although I am not clear about participation even so it is important that we have representation there. Please convey any pertinent dates promptly to the affected and interested parties.

Given the very tight time restrictions, it would be appreciated if notifications to abutters, (a list of whom must have already been generated), could be processed at the *same time* as those going to town staff so that we are all in possession of the same information simultaneously.

You have been very helpful, Melissa

Melissa,

I appreciate your email. You are correct, we did receive the application for the Beacon Project. Staff has been reviewing the document for completion, and working with the Zoning Board of Appeals to create a schedule of public hearings and the logistics of the review process. This is the standard operational procedure for all projects to ensure the meetings and the public process is conducted efficiently. You are also correct in stating that abutters receive noticing. This list is being generated and notices will be going out at the end of next week or the beginning of the following. This too is part of the standard operational procedures for processing an application. The Town is following all Massachusetts State Law and the local Bylaw for noticing requirement.

The following is a link to the complete document and other relevant information.

<http://ma-amherst3.civicplus.com/2268/North-Amherst-Beacon-Community-40B-Proje>

If you have any other questions please let us know. Have a good weekend.

Brandon

Brandon, I heard through the grape vine, and today had it confirmed in the Gazette, (Nov 4th) that the complete Beacon application has been received by the ZBA and sent out to Town Boards for comment.

Abutters did not received notification of the hearing start date which may not be required, however it has been customary in this town to notify abutters and 'interested parties' of important actions and dates as they become available. I now request that the abutters also receive notification and a full copy of the 'complete application' by e-mail TODAY since time is of the essence in this process. This is particularly important given the multiple renditions of the actual site in the original proposal and other hasty last minute options that were presented.

In the interests of the Town's open government policy, I would also like to suggest that the 'complete application' approved by DHCD, be posted on the Town website where it is *obvious*, since this new information is relevant to the residents of Amherst, any of whom could be subject to this process in the future.

Sincerely, Melissa Perot

Dear Brandon –

I write to you & Nate because I'm aware you have the challenge of staffing the a specific 40B project that is facing Amherst. You may not want to or be able to answer these questions which I am posing hypothetically – since the training was held focusing on hypothetical options -- but these questions do deserve to be raised in writing.

Thanks for cc'ing me onto your thoughtful letter in response to Melissa Perot. But it appears that no one in authority has answered questions on the 40B within safe harbor situations.

1. Why, if a town is securely in “safe harbor” and is it's own region (so other regional issues don't come into play), did the Town Counsel talk at such length about what to do if NOT in safe harbor, and not about what options is one left with (other than the Zoning Bylaw) if a 40B comes one's when one is in safe harbor? Can you describe the steps (beyond letters to ZBA or hiring one's own lawyer or experts) the abutters who object to any such 40B brought in a “safe harbor” situation can take? The Town Counsel never addressed that question & it seemed to me that this is what Melissa Perot was asking in her letter.

2. Here's an even tougher one: If one cuts to the chase on this – if a town is in “safe harbor” – is there any reason for a developer to file under 40% in a “safe harbor” situation? Or is it simply a smart effort to end-run Amherst zoning through a 2:1 ZBA vote by folks on behalf of a specific safe-harbor 40B project? Frankly, I can see no other reason to file a 40B within the context of safe harbor & find it difficult to understand (aside from the attractiveness of potential affordable housing based on the scale of such a 40B) why it would receive serious consideration?

I am posing this as a hypothetical, because it is (in fact, for me) a serious hypothetical -- whether or not a town may in fact be faced with a real-world scenario of this type. This may not be an answerable question, given its “on the ground” implications. But I think it is useful for you to know that those of us who are trying to think clearly on this issue -
- hypothetically and logically – and who entered the training in a far more optimistic frame of mind than we exited it – are left with the two burning hypothetical questions asked above.

All best
Maurianne Adams

Hi Nate, a couple of questions:

1) Since the ZBA has scheduled the opening of the hearing for Dec 1st, I presume the DCHD has returned the proposal with a letter of eligibility. Does it come with their comments on their required 'findings'? If so are they available to the public?

2) December is the busiest month of the year when many people go away, (myself included for two weeks plus). This project was made known to the public during the summer months, also a time when many are away but clearly the Town was aware of something before then because the PB/DPW proposed an extensive traffic solution for the 'dangerous intersection in front of the library that was clearly designed for the, as yet to be announced, Cows/Beacon project. It took some time to connect the dots and for the neighborhood to do their homework and respond to the potential outcome. Are you able to insure that the residents of the town get at least equal consideration as non resident developers with regard to the 40B process and it's timing?

Thanks for being on top of this. Your comments at the training were very helpful. Melissa

To Brandon Toponce and the members of the ZBA 10/28/2016

As was expressed at yesterday's training meeting given by the DHCD, all those able to attend found it very informative but also very dense. One might think it unnecessary for the community to understand the details given the undeniable 11.18% affordable housing the Town has achieved. That alone gives the ZBA the power to deny the proposal within 15 days of receiving it and be done with it. The ZBA could also file a letter during the 15 days to reserve the right to deny if significant modifications, consistent with local needs expressed in the Bylaw, are not met. But unfortunately previous experience tells me that is probably not what is going to happen. So, residents opposed to aspects of the project must become acquainted with the intricacies of this "complicated and archaic" law in order to defend their right to the protection of their largest financial asset, their homes, against the impact of inappropriate and environmentally insensitive development. I hope the ZBA will see our comments in this light and acknowledge the complexity of the law in layman's hands.

The ZBA has access to counsel but the residents do not. It also has access to services from the Planning Board but residents will only be told what the Town wants them to know and only when it suits their interests. Thus residents knew nothing of this 40B proposal until the deal was signed between Beacon and W.D.Cowls. It is obvious that the Planning Board knew 'something big' was coming because during the summer when many people were away, they and the DPW decided on a "solution to the dangerous intersection in front of the library", (previously neglected and no accident in the six years I have lived close by). The interim Town Manager suggested to residents (who thought it was more important for the DPW to restore sidewalks, create safe crossings and improve lighting), that they needed to support the MassWorks grant for the proposed road plan that could include such improvements along with faster internet access to encourage future development!

The ZBA will seek peer review of their conclusions but residents have no such support for their arguments, arguments that have previously been dismissed as NIMBYism, even as a member of the Select Board said in a public meeting, "I'm in favor of the development but then it is not in my back yard!" Residents have worked diligently to participate in promoting Mixed Use development on the sawmill site and support affordable housing and services where appropriate. It was they who proposed and supported Atkins North, relieving N. Amherst from the stigma of being in a USDA 'food desert', even while watching the decay of an historic farm barn next to it.

Finally it is my hope that local residents can work with the ZBA to achieve some benefit to this otherwise neglected neighborhood that will advantage the town as a whole in good time.

Melissa Perot

I live On Montague Rd, North Amherst and I love having our own Atkins store which I visit every day. I also like the restaurant Bread and Butter which I frequent about once a week. I am not against development in the Mill Area, but I would like to protest the size of the projected 130 apartment units, etc. Way too big!! Too many people, cars, and too little open space left over. Please help to decrease the size of the this development.

Thank you,
Trish Farrington

Melissa,

Thank you for your email and for attending the ZBA training meeting. The 40B process can be confusing for all involved, thus the reason for the training. I believe the presentation by Town Counsel was helpful for not only the public, but for staff as well. It is important for staff to be as educated as possible in order to give the Board, the applicant, and the public the most relevant information they can.

Often Amherst receives many inquiries about future projects within the community and staff must research and plan for these potential projects. However, some of these fall through and never make it past the beginning stages. When staff realized the Beacon Development was becoming more serious, planning and training started and public awareness also began. Having staff meet with the applicant prior to an official application being submitted, is a typical process. This helps the applicant to know the expectations of the Town and the application process. This in no way constitutes an approval of any kind by the Town or ZBA. Each land owner and developer is given a fair opportunity to develop a property as they see fit - under proper State law and the Town Bylaw. This means that staff must review the proposal against the law to ensure compliance has been met. The ZBA must also follow the law, and as Ilana Quirk mentioned, may deny the project only if it does not meet the bylaws and other applicable standards for the Town of Amherst. They cannot deny the project without a substantiated reason based on the Bylaw and State Law. The ZBA will follow this law and seek advice from Town Counsel when needed. The peer review, which is allowed by the 40B process, helps to ensure the Town and its citizens are getting the best well thought out project that meets the needs of the community concerning, traffic, safety, drainage, architecture and other relevant issues.

We encourage the public to become involved by attending public meetings and to participate in public hearings. Yet, the public may also do as you have done and send letters stating specific reasons of concerns, asking questions, and letting staff know of specific neighborhood needs that should be emphasized. These comments are taken in to consideration by staff, brought up with the applicant and made aware to the ZBA in order for these concerns to be addressed. Often citizen concern are relevant and help to create a better project within the neighborhood where they live. You ended your letter with the hope the ZBA and residents, and may I add staff, can work together to achieve a benefit for the community. This too is our goal, and I am confident as the process moves forward we can achieve this by being actively engaged in the review process.

Again, thank you for your interest and If you have any other concerns please let our staff know. In addition, Nate Malloy will be the lead project planner for the Beacon Development and he can become a tremendous asset for you. Nate is extremely knowledgeable with the 40B process and the specifics of the proposed Beacon project.

Sincerely, Brandon Toponce

Zoning Board of Appeals Members: I write in support of Beacon's proposal to create a mixed use development (North Square at the Mill District) on the vacant land off of Cowles Lane in North Amherst. This project answers so many of the goals that Amherst has asked for, the Master Plan encouraged the type of development that Beacon is proposing. Providing market rate and affordable housing in the Village Center along with commercial use will provide growth to this Village Center as intended. The project will add much needed tax dollars to Town. I would encourage the Board to approve this proposal, in my opinion this is a good reuse of the vacant sawmill property.

Thank you
Barry L. Roberts
200 Bay Road
Amherst, MA 01002
(413) 537-4737

Hello Christine -

Please accept this letter of support from the Amherst Area Chamber of Commerce concerning the proposed North Square at the Mill District project.

Best,

Tim O'Brien
Executive Director
Amherst Area Chamber of Commerce
28 Amity Street, Suite 1B
Amherst, MA 01002
www.AmherstArea.com



November 29, 2016

Dear Members of the Zoning Board of Appeals:

I am writing to once again express that the Amherst Area Chamber of Commerce strongly supports the North Square at the Mill District project.

North Square at The Mill District offers much to the Town of Amherst. We face a very real challenge, something we at the Chamber hear frequently: too many people who want to work here can't afford to live here. And so these 130 units of housing – geared to attract rising young professionals and monied empty-nesters – are strategically and tactically important from an economic-development standpoint. The rich blend of proposed new residential units and associated 22,000 square feet of new commercial space will be attractive and exciting in and of itself.

But it has important additional dimensions. The people who live there will also shop, dine and recreate in our existing inventory of businesses all across Amherst, too. If approved, this project translates to tangible sales at establishments as diverse as jewelers, tradespeople, galleries, dental offices, coffee shops, restaurants large and small, gift retailers, inns and many more. Keeping and growing a vigorous mix of thriving local businesses is *vital*.

Amherst's annual tax classification hearing will likely decide again to keep a level tax base between the commercial and residential segments. Fair enough. What's really needed is not a higher tax rate for any one segment, but a broader tax base overall. North Square at The Mill District will add *significant new tax revenue* to the town's coffers, which can help support the variety of public capital improvements currently under consideration.

To summarize, North Square at The Mill District will:

- Attract new businesses to Amherst and create/support local jobs (short term in construction, longer-term in tenant businesses and maintenance)
- Boost the supply of non-student-focused rental housing (definitely in short supply in Amherst)
- Help us retain our young professionals and attract back retired alumni (diversity is good economics)
- Strengthen our existing core of retail businesses and restaurants in the town center and beyond with patronage from new North Square residents (critical, period - all merchants always seek new customers)

Please help this project happen. The North Square at The Mill District project will help ensure Amherst's economic future.

Respectfully,

A handwritten signature in black ink, appearing to read 'Tim O'Brien'.

Tim O'Brien - Executive Director

November 26, 2016

To: Amherst Zoning Board of Appeals Members

From: A Lifelong North Amherst Resident and Property Owner

Re: North Square at the Mill District

I am strongly urging you to consider rejecting the housing project planned for the North Amherst Mill District, or at the very least requiring that it be **scaled down considerably**.

Concerns from many area residents, of which I'm sure you are aware, include: high traffic on surrounding roads, pedestrian safety, population density (in addition to the other apartment complexes in North Amherst), little accessible green space within the complex, potential loss of historic structures, and an altered landscape/skyscape.

130 apartments, 315 parking spaces, and 22,000 sq.ft. of commercial space is WAY too much to squeeze into 5.3 acres of land. North Amherst is not a city, nor does anyone want it to become one!

Just because Cinda Jones wants something does not mean that it has to happen! Please consider those of us who love North Amherst and live here, and, if this project has to happen, keep the scale of this complex appropriate to the size of the land and the neighborhood. Thank you.



Dear Members of the Zoning Board of Appeals,

Please allow me to offer my support to North Square at the Mill District.

As an empty-nester, the parent of three young professionals (all of whom would like to live here) and the employer of dozens of young professionals, I see a critical need for an increase in rental housing stock for all three of these populations. I also see a critical need for affordable housing, which this project offers.

I am excited about the obvious tax benefits of this development. This added revenue that will allow us to maintain the excellent municipal services we have all come to enjoy and rely upon. Given that 58.0% of Amherst's land is either permanently protected, partially protected, or institutionally owned, we have very few opportunities to increase our tax base.

This development reflects all of the best practices of sustainability, walkability and accessibility by public transportation that we have needed for so long. We are lucky to have attracted this kind of investment in our community. Let's not miss this opportunity.

Please give this project favorable consideration.

Respectfully submitted,
Julie Marcus
