

----- Forwarded Message -----

From: Elissa Rubinstein <[elissar01002@yahoo.com](mailto:elissar01002@yahoo.com)>

To: "[brestrupc@amherst.gov](mailto:brestrupc@amherst.gov)" <[brestrupc@amherst.gov](mailto:brestrupc@amherst.gov)>; Brandon Toponce <[toponceb@amherstma.gov](mailto:toponceb@amherstma.gov)>; Nathaniel Malloy <[malloyn@amherstma.gov](mailto:malloyn@amherstma.gov)>

Sent: Friday, December 9, 2016 12:56 PM

Subject: Dec. 8th Beacon Presentation

Christine, Nate and Brandon,

I attended the presentation by Beacon last night and I had a concern I wanted to express. Unfortunately, only a few people were able to speak during the public hearing portion.

As town staff who work with the Planning Board and ZBA, could you please forward the following message to relevant parties? And could you please confirm that you've done so?

Many thanks!

Elissa Rubinstein

38 Fearing St.

To the Planning Board and ZBA:

During their presentation on Dec. 8th, a representative from Beacon stated that their plans do not show on site playgrounds or recreation area because they feel there is no need for such a facility. The reason given was that there are many open fields, tennis courts, etc. very close by. I assume they are referring to the Mill River Recreation Area.

I have two concerns with this statement. One is that there will be 26 or so affordable units in this project and we hope there will be many families with children residing there. I feel it is unreasonable to expect young children to cross Montague Road to access outdoor play space. Will the children end up having to play on

parking lots and sidewalks if they just want to get outside for a few minutes? In my mind this is a serious safety issue.

The second concern is that Beacon is relying on town services to provide an essential amenity. This undoubtedly will save them costs, but what are the costs to the town in increased usage of Mill River? This park is not standing empty for the use of the Beacon project. It is already a well-used facility.

Thank you for considering these remarks and I hope you are able to question Beacon on this issue.

Elissa Rubinstein  
38 Fearing St.

Janet McGowan  
706 South East Street  
Amherst, MA 01002

December 31, 2016

Re: North Square at the Mill District and Lack of Family-Friendly Features

Dear Mr. Parent:

I am writing to detail comments previously made at a hearing in the hopes that my points will be more clear--and be of use in your ZBA deliberations. My essential point there is too much space devoted to buildings, parking spaces and roads--and too little green space and amenities that actually will create a community where families, children and older adults will live. Instead the project is simply an over-dense apartment complex with lots of blacktop and some commercial space packed into 5 acres. The developers seem to be looking to maximize their profits at the expense of actually creating a mixed age community of families, professional and older adults that will benefit the North Amherst community and our entire town--the purpose of the zoning regulations at this site and the Zoning Bylaw.

Specifically:

- There is virtually no place for children to play. The small amount of green space is devoted to the commercial businesses--and dogs. The village green is very small, surrounded by roads, parking and cars. It is not big enough to be a place to run and play and if kids did, did balls will be kicked into traffic.
- There is no green space that children can safely get to by walking out of the apartment buildings. Nor can children cannot safely on sidewalks to the small playground, the "green" or a school bus stop on Cowles Road. To get to these places, children have to walk through parking lots, around parked cars and cross streets with traffic.
- Having the toddler playground and "village green" next to commercial buildings, roads and cars gives strangers easy access to the children but is difficult for parents to supervise, another safety concern. Parents can't look out a window and see where their kids are playing.
- There are not enough sidewalks to allow people to walk safely to the stores, Cowles Road, playground and to other apartment buildings. Instead people have to walk through parking lots or roads to move around the site (particularly from Building B). This is particularly dangerous for children, people in wheelchairs or with impaired mobility, and when it's dark.
- The Mill River Recreation area cannot be counted as safe play space. The recreation area is across a road with speeding cars and it gets dark around

4:30 pm 4-5 months a year. Younger children will need to be accompanied by an adult.

- There is no space next to most of the apartment buildings for people to set up a barbecue grill or a few chairs. (To do so in Building B would put people in someone's backyard.) The single outdoor grilling area and fire pit appear aimed at college students and people in their 20's, not families and older adults. Only one building has this outdoor and indoor group space.
- Oddly, without any place for children to run, North Square provides ample room for dogs to run and play. In fact, there appears to be more space for dogs than children. With an estimated 40 children in the complex, this is not family friendly. Devoting space for dogs to run but not children seems aimed at college students and 20+ something adults, not families. A dog can easily be walked on a leash, not so true for children.
- Beacon touts the dog run as a place for people to meet, talk and build community--seeming to forget playgrounds are also places people traditionally meet, talk and build community.
- Having few apartments with 3 & 4 bedrooms also is family unfriendly.
- Without age-restricted housing for 55+, the apartment complex is very, very likely to devolve into student housing which also is not family-friendly. The many Amherst apartment complexes and condo complexes dominated by college students show this to be true.
- Beacon has not explained or demonstrated how it can and will prevent North Square from becoming another apartment complex for college students.

#### **Solutions to create a multi-age, safe community for families:**

- Make sure there is safe open green space next to each apartment building to allow children to walk outside and play--and where adults in the apartment buildings can see them.
- Pull apartment buildings away from the edges of the lot, so all residents have a place to sit and barbecue outside their building (and some privacy plantings of evergreen trees and shrubs).
- Create a large green in the center (not a central sea of parking spaces), with apartment buildings and commercial spaces around it.
- Insure that children can walk out of their buildings to a playground, a green place to run, store or a bus stop without getting hit by a car or walking through a parking lot. Ditto for people using wheelchairs and walkers.
- Enough sidewalks so everyone at North Square can safely walk to every building, playground, store or bus stop.
- Significantly reduce the number of apartment units, size of buildings and number of parking spaces to create more greenspace, sidewalks and trees. This site is so densely packed, there is room for almost nothing else, including sidewalks.
- Enforce the North Village center zoning, which balances residential and commercial development, allowing some density without creating city-like

density. In downtown Amherst, the Common, Kendrick Park, Sweetser Park, the gardens and lawns at the Jones Library and Strong House and West Cemetery provide much green and open space. North Amherst Village Center is zoned for less density which fits its rural and semi-rural setting and neighborhoods.

- Restrict (25%) of apartments to 55+ to create neighborhood stability, create a quiet, safe community and encourage families to rent at North Square. Having older residents also will boost spending at North Square stores and restaurants.
- Increase the number of 3 & 4 bedroom apartments for families (and retirees).
- Look at other apartment complexes in Amherst that are not dominated by students, find out why and implement these features.

Addressing these concerns will help North Square be a positive addition to the North Amherst neighborhood instead of a very dense student apartment complex.

Thank you for your consideration.

Sincerely,

Janet McGowan

cc:

Christine Brestrup, Director of Planning  
Planning Board



January 5, 2017

**BY HAND**

Amherst Zoning Board of Appeals  
Town of Amherst  
4 Boltwood Ave.  
Amherst, MA 01002

Re: Application for Comprehensive Permit – 134 Montague Road (“North Square”)

Dear Members of the Board:

As you may recall, this firm represents neighbors and abutters to the proposed 130-unit mixed-use development project on 5.4 acres of land located at 134 Montague Road, Amherst (the “Project” and the “Project Site”). The purpose of this letter is to follow up on some comments that were made at the last session of the Board’s public hearing, and raise a few additional concerns and recommendations.

A. Peer Review

At the last session, the Board’s chair stated that peer review of the Project is under way, and I confirmed with the Planning Director that CDM Smith has been retained to peer review the Developer’s traffic study. However, there are no plans yet to peer review the other civil design elements of the Project, most notably, its utility infrastructure and environmental impacts.

1. *Stormwater Drainage and Environmental Impacts*

Most of the Project Site will be converted to impervious surface (a waiver is requested from the Zoning Bylaw’s maximum lot coverage requirement), and the Developer is proposing to discharge the Site’s runoff into an existing municipal storm drain system in Cowls Road. The runoff would travel a couple hundred feet through a pipe, and then discharge into Eastman Brook, which is tributary to Mill River.

Mill River, which itself is only about 400 feet south of the Project Site, has been identified as an “impaired waterbody” by the state Department of Environmental Protection under the state Clean Water Act, G.L. c. 21, §§ 26-53, and is listed as a “Category 5” Water on DEP’s List of Waters protected by the federal Clean Water Act, §305(b).<sup>1</sup> That designation

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<sup>1</sup> See, <http://www.mass.gov/eea/docs/dep/water/resources/07v5/14list2.pdf>.

means that the river has been identified as impaired by one or more pollutants that require a limitation on total maximum daily loads, or TMDLs. As a Category 5 Water, Mill River has been recognized as impaired and deserving of protection, but no TMDL has yet been completed. Mill River is tributary to Lake Warner in Hadley, which is also an impaired waterbody and has a completed TMDL. Phosphorus is among the pollutants addressed in the Lake Warner TMDL. Road runoff is known to be a source of phosphorus contamination in surface waters in the Commonwealth and nationally.

We would expect that a robust peer review of the Project stormwater system would flag this as an issue, and advise the Town whether it increased runoff flows should be allowed into this protected river. Notably, this issue was not raised by the Developer either at the December 8, 2016 Board meeting or in its Environmental Notification Form submitted to the state under the Massachusetts Environmental Policy Act (MEPA) in late-November.

Further, Chapter 40B developers typically file a stormwater report containing hydrology calculations and a narrative explaining whether and to what extent the drainage system complies with the ten state stormwater standards set forth in the Wetlands Protection Act regulations.<sup>2</sup> The Developer's engineer stated at the last session of the hearing that the Project will comply with the standards, but no report has been posted on the Town's on-line depository for Project-related documents.<sup>3</sup> Further, we understand that no peer review of the drainage system has been ordered. The Developer stated in its December 8, 2016 presentation to the Board that it would provide a "DEP Certification of Compliance" to the Town concerning the Project's conformity with the state stormwater standards. We are unaware of any such "certification" program, and call on the Developer to explain what this means.

The state's Chapter 40B applications specifically contemplate that zoning boards would engage in civil engineering peer-review of proposed projects.<sup>4</sup> Review of such details is particularly justified where an applicant is requesting significant waivers from local bylaws and

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<sup>2</sup> See, 310 CMR 10.05(6)(k). We note that the Conservation Commission has recommended that partial stormwater design information be provided to the Board, and that a "full stormwater report" be submitted prior to the issuance of a building permit. We strongly disagree with that approach. A complete stormwater report that complies with the state Stormwater Standards and Handbook is justified here, where the Developer is paving over a 5-acre site and proposing to discharge runoff into a waterbody that is tributary to an impaired river and lake. A building permit may not be issued until after significant site development work, which would trigger runoff concerns, has been started or even completed, and therefore it would be a mistake to wait until that stage of the development process to review stormwater plans for conformity with the state standards and environmental impacts generally. Moreover, if there is a fundamental constraint related to stormwater design and management that would either require material alteration of the Project's design, or preclude the Project altogether, it would be prudent to discover that before the Developer invests substantial time and money in further permitting and site preparation work.

<sup>3</sup> Today's Staff Report stated that "plans have been provided indicating the engineering aspects of the development" (p. 4), but the only drainage information we found on the website is the single "grading and drainage" plan sheet that is part of the larger plan set. The Developer included with its Environmental Notification Form (submitted with the state on November 30, 2016) a five-page summary of the drainage system's compliance with the state standards, but these are mere representations without the supporting documentation and calculations that are typically provided. The five-page summary is not signed by anyone, and is not stamped by a registered professional engineer.

<sup>4</sup> See, 760 CMR 56.05(5).

regulations which were adopted for the very purpose of ensuring the adequacy of utility arrangements and mitigation of environmental impacts. Here, the Developer is seeking a broad waiver from the Town's site plan review requirements, which would otherwise apply to such a large and impactful development project, and which would require a robust review of drainage arrangements and environmental impacts. See, Zoning Bylaw, §11.241. The Planning Department's Report for today's meeting noted the importance of reviewing the drainage plans, and recommended that the Fire Marshall, Town Engineer and Public Works Director "draft a formal document with detail of their review and conclusion." However, town officials cannot review the design of a drainage system if the Developer doesn't submit a complete stormwater report.<sup>5</sup>

We respectfully submit that there is no reason for the Board to apply a protocol of review that is any less strict than what every other developer must endure in Amherst, especially where the Town is already above the 10% threshold under Chapter 40B. We therefore re-iterate the request we made on December 8, 2016 that the Board engage a qualified civil engineering firm with experience in municipal peer review assignments to review the design details of the Project, with a particular focus on the issues that would have been considered through the site plan review process.

## 2. *Municipal Water and Sewer*

The proposed Project intends to connect to Amherst's municipal water and sewer distribution systems. These connections will result in a significantly greater demand on the Town's utilities over the current uses on the Project Site. Despite this, we are not aware of any analysis undertaken by the Developer, much less peer reviewed by the Town, evaluating the capacity of these systems to take on the additional flows that will be required for the Project. We therefore re-iterate our previous request that the Board engage an independent peer review firm to evaluate capacity and adequacy of the existing infrastructure generally, and to identify what state and local permits are needed to connect the Project to these systems. Needless to say, this review should be done early in the permitting and planning process, to avoid the needless expenditure of time and money if there is a major infrastructure concern that either delays, adds costs, or prohibits the Project altogether.

## B. Other Design Issues

### 1. *Internal Driveway, Parking and Loading Areas*

Significant waivers are being requested from the Town's parking and loading requirements. It's not clear from the Planning Department's report for today's meeting whether the Department is satisfied with the proposed design. The Report states, confusingly, that "the development will need to meet all standards pertaining to driveway width and access to Cowls Road as per the Town Engineer," and that "parking lot isles [sic] and parking stalls will also be

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<sup>5</sup> It's not clear to us what interest the Fire Marshal has in drainage design.

required to meet all engineering standards.” However, it is not the Engineer that decides whether to waive local dimensional requirements – it is the Board’s discretion. Further, the “engineering standards” referenced for parking aisles and stalls are not defined.

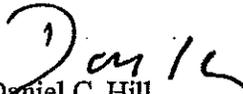
2. *Properties on the state Historic Register*

The Developer’s ENF (page 2) describes the site as the entire 14.1-acre parcel that is identified as 134 Montague Road, and noted that the “new acres of land altered” is the 5.4-acre “leased area” that will comprise the Project Site. On page 5 of the ENF, the Developer states that there are no structures on the site that are listed on the state Register of Historic Places. This is incorrect. Two historic houses that front on Montague Road and that are part of the larger 14.1-acre parcel are listed on the Register. See Exhibit A attached hereto. The Developer should amend its filing with MEPA and file an appropriate notification form with the Massachusetts Historic Commission.

\* \* \*

Thank you for your continued diligence, and we look forward to providing additional comment as the hearing progresses.

Very truly yours,

  
Daniel C. Hill

Enc.

cc: Ruth Silman, Esq.  
Clients

## **Toponce, Brandon**

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**From:** Betsy Mathews <magistramathews@gmail.com>  
**Sent:** Thursday, January 05, 2017 10:45 AM  
**To:** Toponce, Brandon  
**Subject:** North Square concerns

Mr. Toponce, Please forward the following letter to the ZBA.

Thank you,  
Betsy Mathews

To whom it may concern: In December I submitted a letter to the ZBA expressing concern about the size and density of the North Square project proposed for Cowls Rd in North Amherst.

The presentations subsequently made to the Planning Board and the ZBA by Beacon raised further concerns for me about specific features of the project and the quality of life it will provide for its tenants:

1. The lack of adequate open space for residents, especially families.

In addressing this the developer cited the proximity of the Mill River Recreation Area as a public amenity available for the residents. It should be carefully considered that access to this public space requires crossing rt 63, a heavily and speedily traveled commuter artery.

I walk and cycle regularly on this street and can attest to its dangers. If fatalities are to be avoided a signaled crossing will be required at the entrance to Mill River.

2. As proposed The North Square project (unlike other family, affordable projects throughout Amherst) deprives tenants of simple, routine access to the out of doors. There are no yards, balconies, porches or private entrances for any units. Village Park, Watson Farms, Rolling Green, Olympia Oaks all provide a private entrance and/or a porch/deck/yard for individual units. The Ann Whalen and Clark House have a balcony for each unit. Rolling Green, a Beacon property, has open lawns adjoining all the buildings that provide attractive and accessible open space for the residents. In contrast North Square provides such limited and fragmented open space that the project might be better named Cramped Quarters.

The overall design of the residential units at North Square does not conform to any other family housing in Amherst but is fundamentally similar in conception to recently built developments that are explicitly or functionally student housing.

I hope the Zoning Board of Appeals will hold the developers to the provisions of our zoning code and help them craft a properly sized mixed use project that will benefit North Amherst.

Respectfully,  
Betsy K Mathews  
Jan, 5 2017

January 5, 2017

Town of Amherst  
Zoning Board of Appeals  
Town Hall, 4 Boltwood Ave.  
Amherst, MA 01002

Dear Members of the Town of Amherst Zoning Board of Appeals,

We are abutters to the property at Cows Road in North Amherst, and are writing regarding the upcoming 40B permit application and related zoning matters.

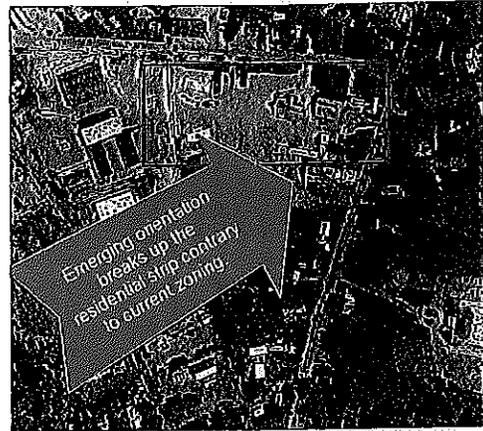
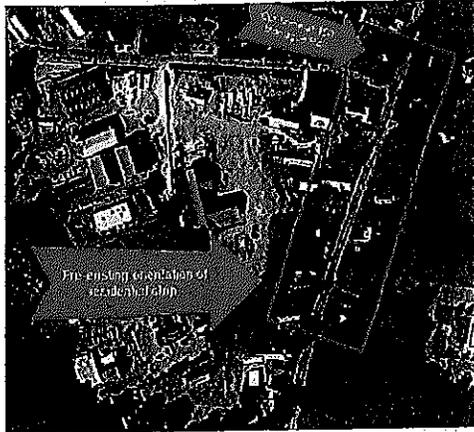
In 2007, we purchased our home at 150 Montague Rd., which was then a generally quiet location in a residential strip adjacent to a commercial area with daytime traffic. This neighborhood character, and the zoning rules underpinning it, fit well with our desire for peace and quiet on evenings and weekends, in a location not too far from town. As we were choosing to invest our life savings in this property, we were further encouraged by the town of Amherst's reputation for being conservative in its approach to zoning, thinking that would limit radical changes in the neighborhood.

When we first heard of the upcoming changes, we were glad to see these two points in the 2011 charette:

- First, that "Sunderland Road should remain primarily commercial with existing businesses and new infill development".
- And second, that "Montague Road should remain primarily residential north of the Mill River."

As developments unfold however, changes on the ground seem to be going in a contrary direction. As we have learned about the scale and nature of the proposed development, we feel compelled to speak out, for three reasons.

First, the area around the corner of Montague Road and Cows Road is being changed from a residential strip interrupted by a small road leading to a commercial location, to what seems to be a defacto single non-residential commercial property that interrupts the residential character of Montague Rd. Figure 1a and 1b show areal photographs from 2011 and 2014 side-by-side. The different orientations of the rectangles are an attempt to show how the new commercial property is increasingly a single commercial property, without maintaining the residential quality of Montague Road. This change converts our property from one in the middle of a residential area to one at the edges of a large, open, and clearly commercial zone, with the loss of peace and privacy that comes with it.



*Figure 1a – Google Earth historical imagery, 2011. Figure 1b – Google Earth current imagery, 2014*

Second, the corner of Montague Road and Cowls Road seems to be a pinch point for traffic in the area. Sunderland Road, as envisioned in the charette, seems to have the room at the corner of Cowls Road to expand in support increased traffic. The Montague Road end of Cowls Road is more problematic, and our property is directly in the crosshairs of any future expansion necessitated by increased high-density residential usage not accounted for in the original zoning. We are concerned that, without well-enforced zoning, our property itself over time may become simply an impediment to higher and higher traffic in the area, with little privacy or appeal to future buyers, and perhaps even a target for future eminent domain actions, which may someday appear reasonable as a direct consequence the actions now under consideration, if, for example, a large rotary were required at the intersection.

Third, the high density residential property proposed under the 40B bypass of zoning restrictions may degrade the quality of life in our neighborhood, still generally quiet in the evening, although now a weekend hotspot with the new stores. Does the town of Amherst and its residents need yet another noisy apartment complex featuring, inevitably, high densities of student occupancy? The map shown in figure 2 shows the locations of noise complaints according to town GIS data. Apartment complexes like the Townhouses and Puffton Village feature many tens of noise complaints, while the area around Cowls Road only shows a few individual complaints. We are concerned that the new development will lead to similarly high levels of evening and weekend noise, an externalized cost of development to be absorbed by the town at no apparent expense to the non-resident commercial interests that do not have to bear such costs to their personal quality of life.

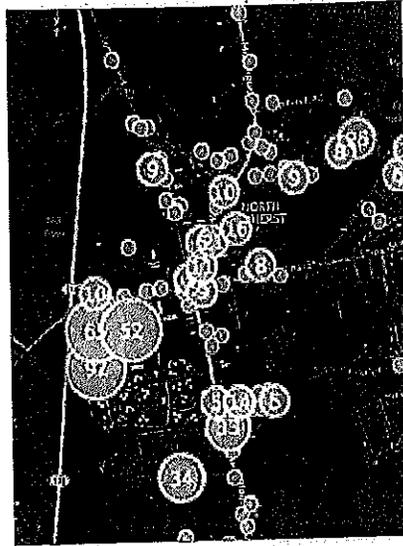


Figure 2 – noise complaints, downloaded from [http://maps.amherstma.opendata.arcgis.com/datasets/87ea9519a8ba43518855b860a495613f\\_0.geojson](http://maps.amherstma.opendata.arcgis.com/datasets/87ea9519a8ba43518855b860a495613f_0.geojson). The numbers indicate the number of noise complaints at the given location, with dates from 2014 through 2016. No number indicates a single complaint.

In light of these concerns, we respectfully request that the Amherst Zoning Board of Appeals carefully consider the interests of existing area residents, and apply reasonable restrictions on zoning exceptions that keep the faith of current and future homeowners in the stability and reliability of zoning rules in the town of Amherst. Specifically, we believe that limiting the density of any future residential development and limiting the non-residential changes to the residential strip of Montague Road north of the Mill River would not unduly burden the commercial and profitable use of the old Sawmill property consistent with the 2011 charette.

Thank you very much for your attention to this matter.

Sincerely,

Gordon M. Green  
Astrid Schween  
150 Montague Rd.  
Amherst, MA 01002  
413-549-0729

## Toponce, Brandon

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**From:** Philip Mathews <snorky107@gmail.com>  
**Sent:** Thursday, January 05, 2017 3:16 PM  
**To:** Toponce, Brandon  
**Subject:** North Square

Dear Mr. Toponce:

I am writing to you in regard to the proposed "North Square at the Mill District" development. As a retired plumber, my field experience causes me to have certain concerns about the suitability of the site.

It's safe to say that the town never contemplated development on such a scale in that end of town, as is evidenced to me by the number of six-inch sewer mains installed in the area. This is a minimum size appropriate for single-family areas. Ball Lane, Summer Street and the easterly end of Cowls Road are this size, though the westerly end of Cowls Road expands to eight inches. Sunderland Road and Montague Road also contain eight-inch lines. My calculations according to the Massachusetts Plumbing Code (admittedly incomplete due to lack of information) suggest that the maximum outflow from the "North Square" project can well approach the maximum capacity of any of the available sewers. The sewer system in this area is also elderly, being (according to the town website) clay tile laid in the 1940s. It has functioned well for seventy years and with luck can continue to function well, but it should be noted that the "North Square" development as proposed would impose loads five or six times greater than the system has ever seen, so the wisdom of trusting to luck must be questioned.

Much the same concern exists in regard to the water system. The project would seem to require a minimum five-inch water service (or the equivalent in multiples), so the eight-inch main on Cowls road would seem to offer a comfortable margin, but those who have seen what the inside of a cast-iron water main looks like after it has been in service for a good while can testify that its inside diameter isn't eight inches any more. Googling "iron tuberculation images" can bring up some interesting pictures.

In summary, The "North Square at the Mill District" development, on the scale being proposed, seems likely to overload existing utilities, and thus bids fair to cost the town a good bit of money down the road.

I would ask the board to work closely and thoughtfully with the town engineer and plumbing inspector on these issues, so that all hidden costs can be laid on the table, lest decisions be made that we will have cause to regret. Thank you for your attention.

Philip Mathews  
107 Henry Street

## Toponce, Brandon

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**From:** Betsy Mathews <magistramathews@gmail.com>  
**Sent:** Thursday, January 05, 2017 10:45 AM  
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I hope the Zoning Board of Appeals will hold the developers to the provisions of our zoning code and help them craft a properly sized mixed use project that will benefit North Amherst.

Respectfully,  
Betsy K Mathews  
Jan, 5 2017

Janet McGowan  
706 South East Street  
Amherst, MA 01002

January 5, 2016

**Re: The ZBA must identify what legal standard and regulations it is applying to its review of Beacon's 40B permit application.**

Dear Mr. Parent:

I am an Amherst resident and have been following the ZBA hearings on Beacon's North Square at the Mill District 40B permit application. I am also an attorney. I have attended several meetings, watched hearings on TV and made oral and written comments. I read the Planning Board's preliminary memo to the ZBA recommending that the ZBA apply Amherst's Special Permit regulations and heard Attorney Hill's presentation and his recommendation the ZBA apply Amherst's regular zoning regulations since this is a 'friendly' 40B application. I also read 760 C.M.R. 56. I am writing today to ask the ZBA to identify the legal standards and regulations it will apply to its review of Beacon's North Square at the Mill District application for a 40B comprehensive permit.

In all my past experiences in front of boards and courts, at no time was it unclear or unknown to the parties what law was being applied to the proceeding, yet this is the situation here. For this, as in all legal proceedings, fundamental due process requires that the ZBA apply the relevant laws and regulations guiding its decision-making process--and that the parties and public have timely notice of what these legal standards are during the course of the permit proceeding to provide a fair, transparent and reviewable hearing process.

Clarifying the law and regulations it is applying also will provide the ZBA with an orderly framework for the members to analyze the large amount of diverse evidence and information now being presented and to make a decision. It's not clear at present what laws and regulations the ZBA is or will be using to evaluate evidence and make its determination. 760 C.M.R. 56 provides virtually no clarity.

The ZBA must apply some law or regulations to its decision-making process. The ZBA cannot go into a freestyle decision-making process, without any legal underpinning, simply because this is a friendly 40B permit application. Parties, including abutters and others affected, will have no notice or will be hampered in effectively participating in the permit process or in appealing the ZBA's decision. This also could make the ZBA's decision effectively unreviewable by a court. The 37 waivers requested by Beacon are so large and many (heights, parking, density, setbacks, etc.), that Beacon is essentially asking for a waiver of Amherst's local zoning bylaw requirements. This cannot be the case and the ZBA must quickly

identify the legal standards it is applying to its review of Beacon's 40B permit application.

Thank you for your consideration.

Sincerely,

Janet McGowan

cc:

Christine Brestrup, Director of Planning  
Planning Board