

January 10, 2017

Dear Mr. Parent and members of the ZBA,

My name is Valerie Cooley, I live at 125 Montague Rd., and I am an abutter to the site proposed for the Beacon Development called North Square. I attended the January 5 and December 1 public hearings. Thank you for the attention to proposal specifics that affect abutters, residents, and adjacent properties. Questions about landscaping trees and the hours and location for deliveries, for example, attest to concern for potentially detrimental outcomes of the proposed development. The third party review of the traffic report is also an excellent way to assess and address potential traffic safety issues.

I raised a question at the December 1 hearing asking for clarification about the criteria the ZBA is using to decide to grant the permit or not. Above concerns suggest that the well-being of abutters and residents is a criterion. Public discussion in favor of the project seems to focus on potential tax revenue generation, economic job growth, and provision of affordable housing. These are worthy goals and fall under the general charge for zoning laws to address the “general welfare” and “efficiency and economy” of the municipality (M.G.L Part I, Title VII, Chapters 40A on zoning and 40B on Regional Planning). Our local zoning bylaws similarly describe goals to promote the overall “health, safety, convenience and general welfare” of Town inhabitants. Economic development and housing are thus appropriate criteria.

I am asking you, however, to contemplate how you weight, prioritize, and balance these criteria in light of several issues including 1) the specific findings required by the zoning bylaw to protect abutters and nearby residents from potentially harmful development 2) the uncertainty of the benefits (and costs) of the proposed development given the unprecedented nature of the project and 3) Amherst’s safe harbor status in terms of affordable housing. I will briefly comment on the latter two points, but I would like to first offer comments on the decision-making criteria specified in the Amherst zoning bylaw.

Town of Amherst Zoning Bylaw—Specific Findings Required

Despite some of the suggested conditions you have discussed for the permit, I believe that the size, density, and orientation of the proposed development remain problematic. Local zoning laws specifically emphasize that exemptions from zoning requirements must not create hazard, nuisance, inconvenience, or offense for abutters, adjacent properties, or vehicles and pedestrians using adjacent streets. In balancing costs and benefits of a proposed project, ZBA has a specific responsibility to address and ameliorate likely harms to abutters if you grant the permit (Section 10.38). Suggested conditions to grant the permit seem insufficient to ensure such protections. The project is likely to:

- create a nuisance due primarily to noise, lights, and visually offensive site features (10.382)
- be a substantial inconvenience & potential hazard to abutters, vehicles, & pedestrians (10.383)
- NOT provide convenient or safe vehicular and pedestrian movement in relation to adjacent streets or property (10.387)
- NOT protect adjacent properties by minimizing the intrusion of lighting (10.393)
- Create disharmony with respect to the scale of existing buildings (10.395)
- NOT provide adequate recreational facilities or open space (10.397)

Many residents have highlighted the **inadequacy of outdoor and recreational space**. Others have commented on **the disproportional scale of the buildings compared to surroundings**. I agree with both points. Specifically as an abutter, the view from my front porch will showcase (in addition to the Atkins loading dock and trucks that have not yet been adequately screened) a large three story block building instead of the view of distant hills over the barn roof and great sunsets in the summer. A neighbor told me she sometimes walks up the street to see the sunset from that point on the sidewalk. The loss seems small, but it illustrates how a development of this magnitude will decrease meaningful pleasures of daily life in an R-N neighborhood with a rural and historic feel. The Master Plan specifically states that planning should “ensure new development is in accord with existing neighborhood character.” The site is formerly light industrial (which included limited daytime noise, minimal traffic, and low buildings), but immediately adjacent neighborhoods are residential. I will defer comments about traffic safety to the next public hearing, but will address two other points.

I would suggest that **the lights from the project, if not intrusive, will constitute a nuisance**. The basis of my point is the current reality that the lights from the Atkins parking lot and the new Mill District sign on the corner of Cowsls Rd. and Montague Rd. are already a nuisance. The parking lot lights shine all night long—constant and glaring globes of light that dominate the nighttime perspective and create an impersonal and commercial feel. The Mill District sign is visible all night long from my kitchen window. Additional lights, as proposed, will only increase the unpleasant distractions.

The lights and the obstructed view will constitute annoyances, but the biggest problem (after traffic safety) will be the **increased volume and constancy of noise** from greater car and pedestrian traffic. The noise is likely to extend later into the night because of the high number of residents, some of whom may return home late, and because waivers from use requirements may allow late-night restaurants on the site. In addition, turns from Montague Rd. have already increased with the introduction of Atkins Market, which causes occasional traffic stops at both the Cowsls driveway and Cowsls Rd. The stopping and starting of vehicles increases noise levels, and stops will logically increase with more traffic. Retail stores will likely include deliveries by truck, which tend to be louder than cars.

Another concern, however, is **the noise and other possible nuisances caused by late-night pedestrians** walking to and home from parties. This is the biggest current challenge in the neighborhood, due in large part to the high proportion of rentals—most of which are filled with students. We do not know what proportion of students will choose to live at North Square, but most of us acknowledge that some will, and the number could be quite high. Young professionals may also keep late hours. While I believe Beacon will manage their own property and minimize parties on site, the primary problem is the likely increase in groups of loud mobile pedestrians walking through adjacent streets and properties at very late hours. This is already a regular weekend problem, further worsened by litter and occasional property damage and trespassing onto private lawns (to urinate, pass out, or congregate while waiting for taxis or Uber drivers). We can reasonably expect that noise, litter, infringement of privacy, and property damage will increase with the increased population of pedestrians. In an early conversation

with the President of Beacon Communities, I offhandedly mentioned that I may need a fence around my property because of my concerns about noise, privacy, and safety due to a large influx of neighbors and visitors. She agreed that the character of the neighborhood would change and current residents may have to adapt. Construction of a fence may seem to be a reasonable solution, but it would decrease the sense of shared community that now exists and is a tangible and significant cost to abutters. Excellent on-site property management does not address these issues in adjacent areas, though the project will exacerbate them.

Suggested solutions to address nuisances and potential harms

To effectively address the potential adverse consequences to the residential corridor on Montague Rd. and adjacent streets, I urge the ZBA to consider **1) a decrease in the number of overall units** and corresponding population to align with current zoning standards **2) significant changes to direct and encourage vehicle and pedestrian traffic toward Sunderland Rd** and **3) substantial changes to nearby roads and intersections to protect vehicles, pedestrians, and bikers** (which I will address in subsequent comments at a later date). A shift toward Sunderland Rd. as the primary access into the development would benefit both the commercial tenants on Sunderland Rd. and protect the residents along Montague Rd. from noise, other nuisances, and safety hazards. At the very least, pedestrian access from the development to Sunderland Rd should be required. It will also be important to enforce the construction and management guidelines stipulating that construction and commercial delivery vehicles must use Sunderland Rd. If the town resubmits a MassWorks grant to the state for funds to redevelop the Pleasant St/Montague/Sunderland intersections and surrounding area, an altered design plan needs to encourage through traffic toward Sunderland Rd. NOT Montague Rd. Though complicated, I believe it is also possible to create a primary vehicle and pedestrian entrance into the development from Sunderland Rd. The town may need to play a role in facilitating communication and creative planning among property owners to find solutions that are beneficial to all actors. If that does not work, the town should consider the use of incentives or land acquisition to facilitate a substantial change to the development's entrance. Collaborative, innovative, and substantive changes to the Beacon proposal can ensure smart development that preserves the best characteristics of the existing neighborhood, protects abutters and residents, and promotes the general welfare of the town.

Uncertainty of Effects

The Beacon proposal presents the possibility for significant benefits and/or costs to the residents of Amherst and other stakeholders. The combination of the size, density, nature, and location (immediately adjacent to a residential neighborhood) of the project is, however, unprecedented in the last decades of Amherst development. For example, recent affordable housing projects in Amherst at Olympia Place and Butternut Farms were neither as large nor as dense and were not mixed with market rentals and commercial uses. Downtown development occurs amid different zoning. Claims of benefits or harms from this project, therefore, are uncertain. The promise of economic development is unclear despite strong claims of job creation and tax revenue generation. While tax revenues will certainly increase, we do not know with confidence the extent of net revenue. The project continues the current

pattern of reliance on residential taxes with limited supplementary commercial taxes from small retail establishments (at a time when downtown retail spaces remain empty.) It does not diversify the tax base or encourage new forms of commercial development. The number of jobs that provide a living wage are likely limited given the retail focus of the commercial development.

Affordable housing and family housing

The 40B process is designed specifically to “reduce regulatory barriers that impede the development of...housing” for low and moderate income families. Our safe harbor status shows the town’s dedication to low-income housing. A comprehensive permit purposely bypasses local regulatory safeguards, threatening the well-being of abutters, and prioritizes affordable housing as the primary social goal. Amherst can continue to develop affordable units without imposing unnecessary costs on abutters and property owners through excessive development extending beyond current zoning regulations. I personally, and neighbors with whom I have spoken, do not object to affordable housing in the neighborhood. It may help to right-size the project by focusing on a key priority listed in the Amherst Housing Production Plan—housing for very low-income families. The overall size of the project could decrease while still maintaining or increasing the number of affordable multi-bedroom units.

Amherst also desperately needs housing for young families in general. The Housing Production Plan states “Amherst is likely to become a community of students and seniors, losing important social and economic vitality in the decades ahead.” The proposed development is not oriented toward families—either in the outdoor space, the design of individual units, or the distribution of units based on number of bedrooms. Even if young professionals comprise a majority of tenants, which is not a certainty, they would likely move (possibly to other towns) if and when they form families. As a mother who lived in an apartment when my children were young, I can assert that I would never voluntarily choose to live in this complex as proposed, especially at the listed market rates. The development caters to current trends and needs in regard to students and seniors and reinforces a troubling trajectory, rather than shifting trends to retain families. A rightsized project with modifications could become a viable option for young families in Amherst of all income levels, create a demographically diverse community, and ensure social and economic vitality.

Thank you for all of your work, deliberation, and time. Development at the Montague Rd. site is both appropriate and needed. Significant conditions, however, must be imposed in order for the current Beacon proposal for North Square at the Mill District to appropriately balance the broad social goals of the town and the specific obligations to protect current abutters and residents and future tenants.

Valerie Cooley, 125 Montague Rd., Amherst