

All comments submitted from Town Boards/Committees and Town Departments, as of June 19, 2020 2:28PM:

1. Comments from the Amherst Fire Department, Dated June 9, 2020;
2. Comments from the Amherst Fire Department, Dated June 18, 2020;
3. Letter from Christine Brestrup on behalf of the Amherst Planning Board, Dated June 18, 2020;
4. Comments from the Amherst Municipal Affordable Housing Trust, Dated June 17, 2020;
5. Comments from the Amherst Town Council, Dated June 15, 2020;

Fire Protection Transmittal

To: Fire Prevention

From: Michael E. Roy

cc: Fire prevention transmittal

Date: June 9, 2020

**Re: 40B
review**

Plan Review: 132 Northampton Rd. ZBA 2020-39

1. Existing single family four bedroom has been renovated, brought up to current codes.
2. New project will be 28 studio apartments with a total gross sq. /ft. of 11,983' and fall under MSBC R-2 use group.
3. This is a 40B MAAB project will be a 2.5 story wood framed dwelling with 28 studio apartments averaging 237 SF. Assessable units will be 393 SF. Total building height will be less than 40'.
4. If fossil fuel is used carbon monoxide detection is required. Review Massachusetts 527 CMR 1 for technical options for the installation carbon monoxide detection equipment. If using fossil fuel one of the options may provide you with other installation options.
5. Elevator: will the elevator be sized to accommodate an ambulance stretcher?
6. Two handicapped units will be built with one being prepared for future use. Handicapped units should be outfitted with 177 Cd strobes.
7. Water based fire protection will be required for the R-2 building. Total area of protection is 12,761' SF. Covered porches will require protection.
8. A type 1 automatic fire alarm system will be required for all common areas and sprinkler supervision. A type 1 system shall transmit the alarm condition off-site to a UL listed monitoring company.

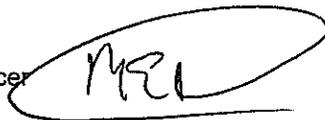
9. Each dwelling unit will also require smoke detection. This can be accomplished with either a line voltage system with battery backup in each unit or each dwelling unit can be tied into the low voltage system; using alarm verification programming sequence.
10. Review Massachusetts amendments with regards to covered porches.
11. Portable fire extinguishers to be installed in accordance with NFPA 10.
12. FD access "Knox" key vault will be required. Town by-law. Key vault shall be "sub-mastered" for APD. Key vaults can be ordered electronically from the Knox Company.
13. FD access; review 527 CMR 1 chapter 18. Any access way exceeding 150' is deemed a "fire access road" and shall be designed to accommodate the weight of fire apparatus. A suitable turn shall be designed for apparatus similar to a "j" turn.

**Fire Prevention Amherst
Fire Department**

Fire Protection Transmittal

To: Fire Prevention

From: Michael E. Roy; Prevention Officer



cc: Maureen Pollock

Date: June 18, 2020

**Re: 40B
review;
additional
comment**

Plan Review: 132 Northampton Road, ZBA 2020-39

1. Comment # 8 dated 6/8/2020; please add the following: A type 1 fire alarm system will be required for all common areas and sprinkler system supervision. Type 1 alarm system shall transmit alarm offsite to a LU listed alarm monitoring company. Common area sounders and sounders located within each residential unit shall be outfitted with 520 megahertz sounding equipment.
2. Comment # 13 dated 6/8/2020; FD access shall comply with chapter 18 of 527 CMR 1 with Massachusetts amendments. Currently "6/18/20" the existing access drive measures 200' long and 28' wide at the end. The proposed drive will be 143' long which is less than the Massachusetts access requirement. A vertical clearance of 13.6' will still be required. A suitable operating surface with the ability to support the weight of a ladder truck with downriggers in place is also required. The design should take in consideration the 25' inside turning radius needed for a cab over designed fire apparatus. This design will be similar to the needs of a dumpster truck.



June 18, 2020

Mr. Steve Judge, Chair
Amherst Zoning Board of Appeals
Town Hall
4 Boltwood Avenue
Amherst, MA 01002

Re: ZBA FY2020-39 – Valley Community Development Corporation
132 Northampton Road, Comprehensive Permit Application for 28 Studio Apartments

Dear Mr. Judge:

At its June 17, 2020, meeting the Amherst Planning Board heard a presentation from Valley Community Development Corporation regarding its proposed Comprehensive Permit project for 28 studio apartments at 132 Northampton Road. After hearing the presentation, discussion by the Board members and receiving public comment the Planning Board voted 7-0 to recommend that the ZBA approve the project as designed.

Planning Board members commented that this is a beautiful building, and the covered bike rack, grass pavers, sidewalk design, gardens and the setback from the street were positive features.

Some of the other comments and recommendations that were offered by Board members and staff at the meeting include:

- Consider raising the white band on the façade that separates the stone and siding so that it is closer to the bottom of the windows, closer to the first floor level;
- Confirm that the lighting plan is Dark Sky Compliant and does not cast light onto adjacent properties, while making sure that the level of light on the property is safe and appropriate;
- Consider increasing the amount of screening around the smoking pavilion to minimize the view to the structure from off-site;
- Keep air intake for the building heating and cooling systems away from the smoking area.

Please let me know if you have any questions about these comments and recommendations.

Sincerely,


Christine M. Brestrup
Planning Director

Cc: Laura Baker, Applicant
Christine Gray-Mullen, Chair, Amherst Planning Board



TOWN HALL
4 Boltwood Avenue
Amherst, MA 01002-2351

AMHERST MUNICIPAL
AFFORDABLE HOUSING TRUST
(413) 259-3040
(413) 259-2410 [Fax]

TO: Amherst Zoning Board of Appeals
FROM: John Hornik, Chair, Amherst Municipal Affordable Housing Trust
DATE: June 17, 2020

RE: Amherst Studio Apartments Comprehensive Permit Application

The Amherst Municipal Affordable Housing Trust, at its meeting on June 11, 2020, heard a presentation from Laura Baker of Valley Community Development on plans for a 28-unit studio apartment at 132 Northampton Road. Following questions and discussion, the Trust voted unanimously to recommend approval of this project to the Amherst Zoning Board of Appeals. This note offers comments on key areas that we hope the ZBA will take into account when reviewing this application for a comprehensive permit.

Regional and Community Need

Although the Town is above the threshold which would require acceptance of new 40B projects, it is nowhere near meeting the need for affordable housing. Most of the land and resources for new residential development have focused on the need for student housing in Town. More than five years ago the Town approved a Housing Production Plan in which the need for residential development for both low income individuals and families was described in detail. Unmet housing needs were identified as follows: 1,970 units for Extremely Low Income households, 505 for Very Low Income households, and 575 for Low Income households, as well as 15 for persons who are homeless. Although the Town was committed to addressing that need, little has been accomplished in the years since. The Valley proposal both cites the older estimates of need and updates these with more current information.

Some people have suggested that the obligation to develop affordable housing of a town or city in the Commonwealth has been met once the threshold of ten percent of housing stock is reached. Nothing can be further from the truth. Crossing that threshold can shield a community from certain less than desirable development, but it does not remove the responsibility to assure appropriate access to affordable housing. Neither the Town Council nor its Boards can hide behind the “safe harbor” provisions of 40B. It must live up to the promises of its own Master Plan.

Valley Community Development has proposed a small project that will address a small part of that need. Going back more than three years, they have been working diligently, first to find property and then to develop an appropriate plan, which is now before you.

It is apparently easy in this Town to get approval for a much larger development intended for students, but there are innumerable, zoning roadblocks thrown up when the population to be served are persons with a low income.

Within recent memory the development of affordable, single family homes in Amherst was held up for many years, mired in both regulatory and legal challenges. The project, known as “Butternut Farm” was eventually built, but only after a decision by the Massachusetts Supreme Judicial Court cleared away the roadblocks. Amherst does not need or want another Butternut Farm in its historical record.

Appropriateness

As Valley’s application points out, the project will be located in an area of Town that has residences of varying size. This will be neither the smallest nor the largest building. It is consistent with the scale of other buildings in the immediate neighborhood. Moreover, the location of the building on the property and the design are both intended to minimize its presence in the neighborhood. Valley has done everything that it could possibly do to create a plan that improves the existing site and offers a new, attractive building. Conscious of environmental considerations, the design calls for a “passive energy-certified” building with triple glazed windows, double thick walls, and photovoltaic panels on the roof.

Quality of developer

Valley Community Development enjoys an excellent reputation as a non-profit developer of affordable housing in Hampshire County and beyond. Within Amherst, they developed the Valley Main Street Apartment, which has stood for over 12 years as a model for affordable family housing. Valley has also had a strong first-time homebuyers program in Amherst, as well as other communities in Hampshire County.

Valley Community Development has made every reasonable effort to meet with and listen to the neighbors and make changes to the project plans to address their concerns. The members of the Housing Trust were uniformly impressed with the quality of the plans that Valley presented at its meeting of June 11. Clearly a great deal of thought has gone into the planning-to-date. Members were also quite impressed with the quality of work that is represented in the renovation of an older property in Northampton (Sergeant House on Bridge Street) that will reopen at the end of this month. It is also largely small, studio apartments designed to serve a population that is similar to the one which will reside at 132 Northampton Road. They have opened this and other properties to inspection to both Amherst Town officials and to Amherst residents with an interest in understanding their commitment to quality affordable housing.

Management plan

Valley has developed an extensive and exceptional plan for management of the property, including on-site staffing for a part of each week. This goes well beyond what is expected of developers of affordable housing who generally focus on property maintenance issues. On the one hand, they have assured that residents will have

voluntary access to a variety of social and health services they may need, either on-site or through referrals. On the other hand, they have not lost sight of the fact that each studio apartment is someone's independent home. They do not require that residents accept certain services as a condition of residence anymore than a governmental authority could require that you or I receive specific services in our homes. Access to services and supports is available while assuring that residents receive the respect as individuals to which they are entitled.

Financing

Finding financial support for affordable housing is not an easy process. If a developer wants to do commercial real estate development, it needs to show that there will be sufficient rental income to allow payment of the mortgage, taxes, maintenance, and other expenses, while leaving a healthy profit margin. If the market is there and the numbers add up, a bank will loan the money.

But what if the developer intends to serve people who are not going to be in a position to pay rents that will meet or exceed its expenses? What do they do then? They have to go—hat in hand—to public funding sources that will essentially agree to subsidize the project. Without that the project will never be built. Under those circumstances they are always working very close to the margins, take away a couple of units here, add a few more parking spaces there, and the program quickly becomes unsustainable or “savings” may need to be found in cutting “unnecessary” elements like energy-saving design.

Some people believe that developers will always approach zoning boards with lots of room to give. That may be true of for-profit developers, but for a not-for-profit developer the circumstances are different. The proposal is likely to represent exactly what is needed to work with; otherwise, the plan may need to be scrapped. Objecting neighbors—or in some cases not-so-near neighbors—understand this. Their goal is to bully public zoning and planning boards into adding just enough requirements to make the project fiscally untenable. We see this happening time and time again in communities across the nation. Please don't let this happen here.

In conclusion, both public and private bodies, as well as many individual citizens have sent letters to Town Council supporting this project. While there are some objectors, the vast majority of Amherst citizens who have written or spoken publicly are strongly in support of this project. The Amherst Municipal Affordable Housing Trust recommends your approval of this application without reservation. It is time to see it move forward as expeditiously as possible.



June 15, 2020

Zoning Board of Appeals
Town of Amherst
4 Boltwood Avenue
Amherst MA 01002

Re: Proposed Single Room Occupancy (SRO) Supportive Housing at 132 Northampton Road, Amherst MA

Dear Members of the Zoning Board of Appeals,

The Amherst Town Council recommends approval of Valley Community Development Corporation's (Valley CDC) Comprehensive Permit Application per M.G.L Chapter 40B for the Proposed Single Room Occupancy (SRO) Supportive Housing at 132 Northampton Road, Amherst MA. Over the past 18 months, the Amherst Town Council has closely following Valley CDC's proposed development of approximately 28 units of affordable housing at this location.

Because the Comprehensive Permit allows all local permitting to take place with the Zoning Board of Appeals, this places a significant responsibility to understand and respond to the many challenges a project of this nature faces. Amherst currently has achieved one of the "safe harbors" recognized by the Massachusetts Department of Housing and Community Development, based on having over 10% of the town's total housing stock designated as affordable on the state's Subsidized Housing Inventory (SHI). This gives the ZBA a great deal of latitude in determining the parameters of this proposal and how it can best address legitimate concerns of the town and the nearby neighbors. With the proper conditions and protections incorporated into the permit, the impacts of this development can be adequately addressed while allowing the project to go forward at the density proposed.

The Town Council recognizes that the review and final decision for this development rests with the Zoning Board of Appeals (ZBA), however it is our understanding that it is appropriate for other relevant town boards, committees and staff to send comments and recommendations to the ZBA as part of the Comprehensive Permit (Chapter 40B) process.

As you know, Amherst has a history of using Chapter 40B to allow the development of affordable housing even after the state's 10% minimum threshold had been achieved. The Town defended a prior 2001 ZBA decision approving the 24-unit Butternut Farm development on Longmeadow Drive, resulting in a landmark Massachusetts Supreme Judicial Court (SJC) decision (*Boothroyd and others v. ZBA of Amherst and others*, 449 Mass. 333), establishing the legitimacy of using the Comprehensive Permit statute in communities that had exceeded the 10% minimum:

(page 341)...A municipality's attainment of its minimum affordable housing obligation in many cases does not eliminate the need for affordable housing within the its borders. Local autonomy is not compromised. Once a municipality meets its minimum housing obligation the local board of appeals may exercise its discretion

to apply its local zoning bylaws, and is not required to grant a comprehensive permit. ... Applications of the regional needs test, however, ensures that local boards of appeal will balance the competing considerations involved. ...our conclusion takes in to account that the legislature “has clearly delineated that point where local interests must yield to the general public need for housing”.

In addition, the Amherst Select Board voted 5-0 on December 5, 2016, to recommend approval of the 130 unit North Square at the Mill District, an affordable housing development that includes 26 units of affordable housing for low and middle-income households earning at or below 50% of the Area Median Income (AMI) as defined by the U.S. Department of Housing and Urban Development.

With respect to the topic of housing for low-income and homeless people, we include the following:

- The Town of Amherst has long recognized the need for housing for low income and homeless people. This is identified in the community’s Master Plan (2010), Housing Production Plan (2013) and the Comprehensive Housing Market Study (2015).
- Craig’s Doors at the First Baptist Church opened 9 years ago as a seasonal behavior-based overnight shelter for homeless people in housing individuals during the winter months. The need for this shelter and other extended services for the homeless has become more acute since the COVID-19 pandemic.
- In July of 2016, the town held a public forum on homelessness that was attended by over 100 people. Representatives of several service providers spoke about the region-wide need for shelter and housing for low-income people. Residents came together to address issues related to housing for low-income and homeless people. Similar Amherst housing forums including these topics have been held annually by a variety of groups.

Specifically, the Amherst Town Council, following the June 24, 2019, 4-hour Meeting of Residents called by the Town Council, on July 1, 2019, voted 11 in favor; 1 abstain; and 1 absent to authorize \$500,000 of Community Preservation Act monies in support of the Valley CDC’s application for a Comprehensive Permit Application for the Proposed Single Room Occupancy (SRO) Supportive Housing at 132 Northampton Road, Amherst MA.

On January 6, 2020, Valley CDC provided an update to the Town Council and on January 20, 2020, they submitted their [eligibility letter for the Chapter 40B Comprehensive Permit to the Department of Housing and Community Development](#). The Town Council submitted a letter to DHCD demonstrating support of the development, after an extensive public comment process. This letter is attached for your information. A history and next steps associated with Valley CDC’s supportive housing project is available on the Town Website at <https://www.amherstma.gov/3520/Valley-CDC-132-Northampton-Road>.

The primary reasons for support are:

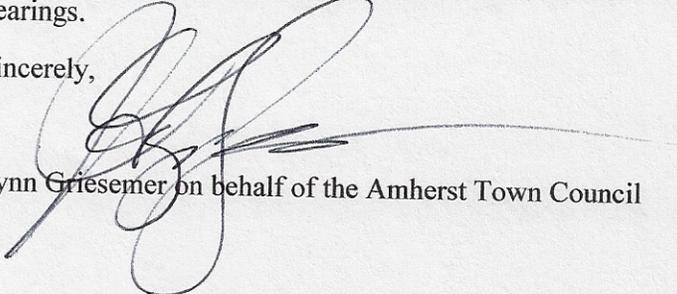
- 132 Northampton Road provides 28 much needed affordable rental housing.
- This increased housing production and its location in close proximity to downtown is consistent with the 2010 Master Plan. The site is conveniently located near public transportation, retail services, and the library.
- The location provides positive social and economic features.

- The project is in response to the local need for small affordable rental units for extremely low- and low-income individuals.
- The project would be one building that includes 28 small studio apartments as well as a multi-purpose common room, a laundry room, and office space for the Resident Services Coordinator and the Property Management.
- The project also includes the provision of support services for tenants.
- The overall re-design of the buildings and site are suitable for the project. We recognize that there may be additional improvements and changes reasonably imposed by the ZBA during the permit process. In general, the developer, Valley CDC, has been responsive to the requests and comments made by town staff, boards and committees.

Thank you for the opportunity to provide comments in advance of initiating your review of the Valley Community Development Corporation's (Valley CDC) Comprehensive Permit Application per M.G.L Chapter 40B for the Proposed Single Room Occupancy (SRO) Supportive Housing at 132 Northampton Road, Amherst MA.

Consistent with the previous actions of various governing and advisory bodies of the Town of Amherst, the Amherst Town Council, through its own actions, continues to strongly support the proposed Single Room Occupancy (SRO) Supportive Housing at 132 Northampton Road, Amherst MA, submitted by Valley Community Development Corporation (Valley CDC). We continue to encourage residents to share their support and concerns during the Zoning Board of Appeals hearings.

Sincerely,



Lynn Griesemer on behalf of the Amherst Town Council



TOWN OF
AMHERST
MASSACHUSETTS

Town Council
4 Boltwood Avenue
Amherst, MA 01002
(413) 259-3002
towncouncil@amherstma.gov

February 24, 2020

Rebecca Frawley Wachtel, Director
Low Income Housing Tax Credit Program
Department of Housing and Community Development
100 Cambridge Street, 3rd Floor
Boston, MA 02114

Re: Proposed Single Room Occupancy (SRO) Supportive Housing at 132 Northampton Road,
Amherst MA

Dear Ms. Wachtel,

Thank you for the opportunity to provide comments on the application for Project Eligibility for the Proposed Single Room Occupancy (SRO) Supportive Housing at 132 Northampton Road, Amherst MA, submitted by Valley Community Development Corporation (Valley CDC). Valley CDC is proposing to develop approximately 28 units of affordable housing at 132 Northampton Road. The project is seeking a Comprehensive Permit per M.G.L Chapter 40B for the development of affordable housing. The Comprehensive Permit allows all local permitting to take place with the Zoning Board of Appeals.

Valley CDC is a local non-profit corporation formed in 1988 that addresses the growing needs of low and moderate income people through developing and preserving affordable rental and ownership housing and providing economic opportunities through small business assistance (summarized from Valley CDC's website: (<http://valleycdc.com/about-us/>)).

The project on Northampton Road is in response to the local need for small affordable rental units for extremely low- and low-income individuals. The Town of Amherst Master Plan (2010) and Housing Production Plan (2013) identify the severe lack of this type of housing, and recommend the creation of these types of units. The project would be one building that includes 28 small studio apartments as well as a multi-purpose common room, a laundry room, and office space for the part-time Resident Services Coordinator and part-time Property Management. The project also includes the provision of support services for tenants.

Prior to Valley CDC's neighbor meeting on April 24, 2019, discussion of Valley CDC's Supportive Housing Project had taken place mainly at three board/committee venues—the Community Development Block Grant (CDBG) Advisory Committee, Amherst Municipal Affordable Housing Trust (AMAHT), and the Community Preservation Act Committee (CPAC). At the 2017 Annual Town Meeting the Planning Board also supported, and Representative Town Meeting passed, a

zoning change to allow an affordable project with the same unit type, such as small studio apartments.

As background on the topic of housing for low-income and homeless people, we include the following:

- The Town of Amherst has long recognized the need for housing for low income and homeless people. This is identified in the community's Master Plan (2010), Housing Production Plan (2013) and the Comprehensive Housing Market Study (2015).
- Craig's Doors at the First Baptist Church opened 8 years ago as a seasonal behavior-based overnight shelter for homeless people; in 2018, it housed 172 individuals during the months of December through April.
- In July of 2016, the town held a public forum on homelessness that was attended by over 100 people. Representatives of several service providers spoke about the region-wide need for shelter and housing for low-income people. Residents came together to address issues related to housing for low-income and homeless people. Similar Amherst housing forums including these topics have been held annually by a variety of groups.

The timeline below indicates when Valley CDC's supportive housing project was discussed at a public meeting or hearing, and when there was local media coverage of the project. *Please note that the Town of Amherst adopted the Town Council/Manager form of government, which became effective on December 3, 2018.*

January 2017

- Valley CDC submits a request for \$51,000 in CDBG funds for site assessments and feasibility studies to help identify a site for a supportive enhanced small studio apartment development.
- Valley CDC discusses small studio apartments with Planning Board's Zoning Subcommittee to February 2017 □ CDBG Advisory Committee holds public hearing and votes to recommend funding for Valley CDC.

March 2017

- Planning Board holds a public hearing to discuss the zoning amendment related to allowing the same size units if all affordable, and votes to recommend the zoning amendment to Town Meeting.

April 2017

- Daily Hampshire Gazette article describing Valley CDCs efforts to find a site for supportive housing project.

April - May 2017

- Planning Board presents Article 35 Report to Select Board, Town Meeting Coordinating Committee and League of Women Voters.
- Annual Spring Town Meeting approves Article 35: Zoning – Apartment Bedroom Mix (Planning Board) VOTED Yes 145, No 25 with 10 abstaining to amend the Standards and Conditions of Section 3.323, Apartments, by adding the language in bold italics, as follows:

“... No more than 50% of the total number of dwelling units shall be of any one size (i.e., # of bedrooms). For projects in which all dwelling units provided, other than those occupied by resident manager(s), are Affordable (see Article 12, Definitions), the Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for this use may waive or modify this requirement. “

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Board or Special Permit Granting Authority shall be included as an integral part of any application under this section. In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling unit under this section. Action taken 5/15/17.

November 2017

- The Town of Amherst and Valley CDC enters into a CDBG contract for site selection. The initial contract ended in September 2018 and was extended through February 2019.

June 2018

- The CDBG Advisory Committee holds a Public Hearing on current activities, including an update on the Valley CDC site selection process.

November 2018

- The Amherst Municipal Affordable Housing Trust sponsors a public forum with Valley CDC that discusses the need for small affordable units, including SRO housing.
- Valley CDC discusses their planned CPA proposal for the project with the Housing Trust.

December 2018

- The Housing Trust votes to support Valley CDC's planned CPA proposal.
- Valley CDC submits CDBG proposal for \$200,000 to fund architectural fees and energy consulting for the supportive housing project.
- Valley CDC submits CPA proposal for \$500,000 for general costs of the project.
- Daily Hampshire Gazette Article describing Valley CDC's CDBG proposal.

January 2019

- CDBG Advisory Committee recommends funding Valley CDC's proposal.
- Daily Hampshire Gazette article about Valley CDC's project moving forward.
- Valley CDC purchases property at 132 Northampton Road.
- Location and number of units made public.

February—March 2019

- CPA Committee discusses Valley CDC's \$500,000 CPA proposal.
- The Housing Trust discussed progress and process of Valley CDC's project.
- The Town submits CDBG application to State, including Valley CDC's request for \$200,000.

April 2019

- Daily Hampshire Gazette Article about Valley CDC's FY20 CPA Proposal for \$500,000 for the project.

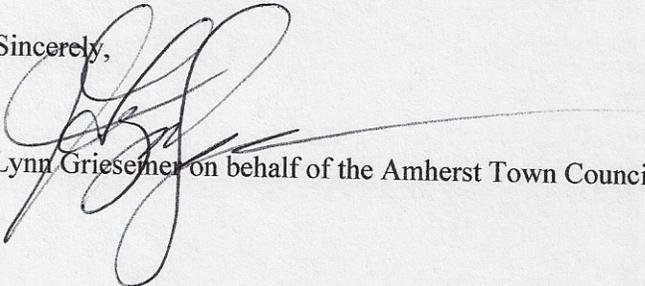
- Valley CDC holds a community meeting at the Bangs Center to hear comments from neighbors.

May-June 2019

- Town Council reviews and discusses Valley CDC's project and their CPA proposal.
- The Town receives comments from the community, including neighbors with questions and concerns about the project
- Town Council Community Resources Committee reviews CPAC request.
- June 24th – Town Council holds Open Meeting of the Residents
- June 25 – Finance Committee review of CPAC request
- July 1 – Town Council votes on CPAC request, approving it by a vote of 11 in favor with 1 abstention. One Councilor was absent from the meeting.
- January-February 2020
- January 6 – Valley CDC provides an update and answers questions at the Town Council
- January 31 – DHCD review period for comments opens
- February 10 – DHCD site visit attended by three Town Councilors

Consistent with the previous actions of various governing and advisory bodies of the Town of Amherst, the Amherst Town Council, expresses its strong support for the proposed Single Room Occupancy (SRO) Supportive Housing at 132 Northampton Road, Amherst MA, submitted by Valley Community Development Corporation (Valley CDC). We continue to encourage residents to share their views during the DHCD review period as well as at future Zoning Board of Appeals hearings.

Sincerely,



Lynn Griesemer on behalf of the Amherst Town Council