

Town of Amherst
Zoning Board of Appeals

PROJECT APPLICATION REPORT

Dated: June 23, 2020

Applicant/ Property Owner:	Valley Community Development Corp. 256 Pleasant Street, Suite A Northampton, MA 01060
Nature of request:	Request a Comprehensive Permit under M.G.L. Chapter 40B, to construct a new 2 ½ story residential multifamily building, containing 28 small studio apartments and related common areas, on an approximate 0.88 acre property
Project address:	132 Northampton Road
Map/parcel:	Map 14C/Parcel 8
Zoning:	General Residence (R-G) and Educational (ED) Zoning Districts
Board members:	Steve Judge, Chair, Joan O’Meara; Tammy Parks; Keith Langsdale; and Dillon Maxfield
Staff members:	Rob Morra, Building Commissioner; Christine Brestrup, Planning Director; Nate Malloy, Senior Planner; Maureen Pollock, Planner

The Planning Department has reviewed the application for the above referenced Comprehensive Permit application. This Report is intended to assist you in your initial review of the application, and will likely be updated and amended.

This Project Application Report, Dated June 23, 2020 does not include a review of waiver requests submitted by the applicant which fall under the General Bylaw, May 2020; Other Regulations/Approval/Requirements. A subsequent Project Application Report will include a review of these waiver requests.

SUBMISSIONS

Applicant Submissions:

1. Comprehensive Permit Application ZBA FY2020-39;
2. Check for application fees
3. Project Summary;
4. Development Team Biographies;
5. Abutter List Request Form;
6. Locus Maps;
7. Zoning Map;
8. Table of Community Concerns and Responses;
9. Table of Zoning Waiver Requests;

10. Plan Set, Prepared by Austin Design Inc., Tighe & Bond, Berkshire Design Group, Stevens & Associates, Dated May 8, 2020:
 - a. A0.00 Cover
 - b. A0.10 3d Renders
 - c. A1.10 Code Summary
 - d. A1.15 Street View
 - e. LC 001 Illustrative Site Plan
 - f. LC 100 Existing Conditions Site Plan
 - g. LC 1010 Site Demolition Plan
 - h. LC 111 Site Materials, Plantings & Layout Plan
 - i. LC 121 Grading Drainage Plan
 - j. LC 131 Utility Plan
 - k. LC 141 Photometric Plan
 - l. LC 501 Site Details
 - m. LC 502 Site Details
 - n. LC 503 Site Details
 - o. LC 505 Site Details
 - p. LC 506 Site Details
 - q. LC 601 Cut Fill Analysis
 - r. LC 602 Cut Fill Analysis
 - s. A3.00 Basement Floor Plan
 - t. A3.10 1st Floor Plan
 - u. A3.20 2nd Floor Plan
 - v. A3.30 Roof Plan
 - w. A5.10 Exterior Elevations
 - x. A5.20 Exterior Elevations
 - y. A5.30 Exterior Elevations
 - z. A5.40 Exterior Elevations
 - aa. A6.10 Wall Section
 - bb. A6.12 Building Sections
 - cc. A6.14 Building Sections
 - dd. A6.20 Stair Sections
 - ee. A8.10 Large Scale Plans
 - ff. A8.20 Large Scale Plans
 11. Stormwater Management Report, Prepared by Berkshire Design Group, Dated May 11, 2020;
 12. Management Plan Form & Narrative;
 13. Sample Lease;
 14. Sample Resident Tenant Handbook;
 15. Housing Management Resources Resident Fire Safety;
 16. Household Member Resident (HMR) Mold Prevent Policy;
 17. Bed Bug Policy;
 18. Tenant Charge List;
 19. Parking Study, Prepared by Berkshire Design Group & Valley CDC, Dated May 19, 2020;
 20. Traffic Study, Prepared by Berkshire Design Group, Dated May 19, 2020;
 21. Site Control: Property Deed;
 22. Site Approval Letter - Project Eligibility Letter, Prepared by MA Department of Housing & Community Development (MassDHCD), Dated March 30, 2020;
 23. Finding of “no adverse impact, Prepared by MA Historical Commission, Dated January 2,
- Zoning Board of Appeals Public Hearing Date: June 25, 2020

2020;

24. Letters from Municipal Boards and Staff:

- a. Letter from Town Council President Lynne Griesemer on behalf of the Amherst Town Council, Dated February 24, 2020;
- b. Letter from Amherst Town Manager Paul Bockelman, Dated February 24, 2020;
- c. Letter from Christine Brestrup on behalf of the Amherst Planning Board, Dated February 21, 2020;
- d. Letter from Chair John Hornik on behalf of the Amherst Municipal Affordable Housing Trust (AMAHT), Dated January 23, 2019;
- e. Letter from Chair Michael Burkart on behalf of the Amherst Housing Authority Board of Commissioners, Dated February 27, 2020;
- f. Letter from the Amherst Town Council, Dated June 15, 2020;

Town Staff Submissions:

1. Project Application Report, Dated June 23, 2020;
2. Comments from the Amherst Fire Department, Dated June 9, 2020;
3. Comments from the Amherst Fire Department, Dated June 18, 2020;
4. Letter from Christine Brestrup on behalf of the Amherst Planning Board, Dated June 18, 2020;
5. Comments from the Amherst Municipal Affordable Housing Trust, Dated June 17, 2020;
6. Comments from the Amherst Town Council, Dated June 15, 2020;
7. MA Department of Housing & Community Development (MassDHCD) Chapter 40B Subsidized Housing Inventory for Amherst MA, Dated June 2, 2020;

PUBLIC COMMENTS:

Comments received, as of 3:00PM on Tuesday, June 23, 2020:

1. Amherst College Student, Comment Submitted via Town Website, Dated June 2, 2020;
2. Amherst College Student, Comment Submitted via Town Website, Dated June 2, 2020;
3. Amherst College Student, Comment Submitted via Town Website, Dated June 4, 2020;
4. Anonymous, Comment Submitted via Town Website, Dated June 8, 2020;
5. Amherst Resident Maura Keene, Comment Submitted via Town Website, Dated June 9, 2020;
6. Amherst Resident Connie Kruger, Comment Submitted via Town Website, Dated June 10, 2020;
7. Adrienne Terizzi on behalf of League of Women Voters of Amherst, Comment Submitted via Town Website, Dated June 15, 2020;
8. Amherst Resident Walt Kohler, Comment Submitted via Town Website, Dated June 15, 2020;
9. Amherst Resident Priscilla White, Comment Submitted via Town Website, Dated June 17, 2020;
10. Amherst Resident Lee Edwards, Comment Submitted via Town Website, Dated June 17, 2020;
11. Rebecca Fricke, Comment Submitted via Town Website, Dated June 17, 2020;
12. Amherst Resident Mike Giles, Comment Submitted via Town Website, Dated June 18, 2020;
13. Executive Director Kevin Noonan of Craig's Doors, Comment and Letter Submitted via Town Website, Dated June 18, 2020;
14. Adrienne Terizzi on behalf of League of Women Voters of Amherst, Comment Submitted via Town Website, Dated June 21, 2020;

15. Amherst Resident Rebecca Lindsey, Comment Submitted via Town Website, Dated June 22, 2020;
16. Amherst Resident Audrey Smith, Comment Submitted via Town Website, Dated June 22, 2020;
17. Amherst Resident Yanik Nichols, Comment and Letter Submitted via Town Website, Dated June 22, 2020;
18. Amherst Resident Nicola Usher, Email Correspondence, Dated June 14, 2020;
19. Executive Director Lev Ben-Ezra on behalf of the Amherst Survivor Center Board of Directors, Email Correspondence, Dated June 15, 2020;
20. Founder & Executive Director Hwei-Ling Greeney of Amherst Community Connections, Email and Memo, Dated June 15, 2020;
21. Amherst Resident Charles Fuller III, Email Correspondence, Dated June 15, 2020;
22. Amherst Resident Gazit Chaya, Email Correspondence, Dated June 16, 2020;
23. Amherst Resident Nancy Schroeder, Email Correspondence, Dated June 16, 2020;
24. Amherst Resident Pippa Comfort, Email Correspondence, Dated June 16, 2020;
25. Amherst Housing Authority Board of Commissioners, Email Correspondence, Dated June 16, 2020;
26. Anonymous Amherst Resident, Phone call, Dated June 17, 2020;
27. Amherst Resident Jeff Mazur, Email Correspondence, Dated June 17, 2020;
28. Amherst Resident Michael Chernoff, Email Correspondence, June 17, 2020;
29. President of the Board of Directors Demetria Shabazz of Amherst Media, Memo, Dated June 20, 2020;
30. Hillary Wilbur Ferro, Email Correspondence, Dated June 23, 2020;
31. Shirley (Thompson) Kurtulus, Memo, Dated June 23, 2020;

LIST OF REQUESTED WAIVERS FROM PLAN REQUIREMENTS:

The Applicant is seeking waivers from the following plan requirements.

1. Sign Plan;
2. Soil Erosion Plan;

SITE VISIT

ZBA members and project representatives conducted a site visit of the property at 5:30PM on Tuesday, June 23, 2020.

TIMELINE OF THE ZBA PROCESS FOR REVIEWING THE COMPREHENSIVE PERMIT APPLICATION:

1. **Within 7 days of the receipt of the Comprehensive Permit application, the ZBA needs to distribute copies of the Comprehensive Permit application to all Local Boards, departments, and committees.**

The Town of Amherst received the application on Tuesday, May 26, 2020. On May 29, 2020, the following Boards, Committees, and Town Officials were notified of the application and were given a copy of the list of Waivers required by *on760 CMR 56.0S(2)(h)*.

Board & Committees

Town Council

Planning Board

Conservation Commission

Zoning Board of Appeals

Staff/Chair

Athena O'Keeffe, Clerk of the Council

Christine Brestrup, Planning Director

Erin Jacques, Wetlands Administrator

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<i>Redevelopment Authority</i>	<i>Christine Brestrup, Planning Director</i>
<i>Finance Committee</i>	<i>Andy Steinberg, Chair</i>
<i>Transportation Advisory Committee</i>	<i>Guilford Mooring, DPW Superintendent</i>
<i>Board of Health</i>	<i>Julie Fetterman, Health Director</i>
<i>Historical Commission</i>	<i>Nate Malloy, Senior Planner</i>
<i>Disability Access Advisory Committee</i>	<i>Maureen Pollock, Planner</i>
<i>Amherst Municipal Affordable Housing Trust</i>	<i>Nate Malloy, Senior Planner</i>
<i>Public Shade Tree Committee</i>	<i>Alan Snow, Tree Warden</i>

Town officials/ staff

1. *Town Manager, Paul Bockelman*
2. *Assistant Town Manager, David Ziomek*
3. *Planning Director, Christine Brestrup*
4. *Building Commissioner, Rob Morra*
5. *Superintendent of Public Works, Guilford Mooring*
6. *Town Engineer, Jason Skeels*
7. *Health Director, Julie Federman*
8. *Health Inspector, Ed Smith*
9. *Sanitarian, Susan Malone*
10. *Fire Chief, Tim Nelson*
11. *Fire Inspector, Mike Roy*
12. *Police Chief, Scott Livingstone*
13. *Senior Planner, Nate Malloy*
14. *Planner, Maureen Pollock*
15. *Permit Administrator, Jennifer Mullins*
16. *Assessor, Elizabeth Duffy*
17. *Wetland Administrator, Erin Jacque*
18. *Tree Warden, Alan Snow*

2. Within 14 days from receipt of the application the initial public hearing must be advertised with proper legal notice and proper notice to abutters

Notice of the June 25, 2020 public hearing has been published twice, one being two weeks in advance of the hearing, and the second one week in advance of the hearing in the Daily Hampshire Gazette Newspaper. The public notice was published on Wednesday, June 10, 2020 and Wednesday, June 17, 2020.

Notice of public hearings was filed with the Town Clerk and publicly posted in accordance with the requirements of the Open Meeting Law, and not less than fourteen (14) days prior to the hearing. The notice of public hearing was posted on the Town calendar, located on the Town of Amherst website on Friday, May 29, 2020.

Planning Staff sent by standard mail, postmarked at least 14 days prior to the date of the hearing, said notice to property owners of land within 300 feet of the property line as well as every abutting City or Town, and MA Department of Housing and Community Development (MassDHCD). The notices were mailed on June 5, 2020.

Additionally, the applicant notified the tenants currently occupying the residential building, located at 132 Northampton Road of the application request, with the date, time and location of the public hearing.

3. Within 30 days from receipt of the application The ZBA must open the initial public hearing.

The Zoning Board of Appeals is normally required to open a hearing within 30 days of its receipt of a complete application, pursuant to 760 CMR 56.05 (3).

However, pursuant to Chapter 53 of the Acts of 2020, “An Act to Address Challenged Faced by Municipalities and State Authorities Resulting from COVID-19” (Act) temporarily extends certain statutory deadlines for action by “Permit Granting Authorities” due to the current State of Emergency. It applies to the conduct of public meetings, public hearings, or other actions taken by local boards and commissions serving in a quasi-judicial (i.e., adjudicatory) capacity.

Chapter 53, Section 17 (b) (ii) of Acts of 2020 states:

A requirement of a statute, ordinance, bylaw, rule or regulation that a hearing commence within a specific period of time after the filing of an application or request for approval of a permit shall be suspended as of March 10, 2020; provided, however, that the applicable period shall resume 45 days after the termination of the state of emergency, or by a date otherwise prescribed by law, whichever is later.

The application was received by the Town of Amherst on Tuesday, May 26, 2020. The public hearing is scheduled at 6:00pm on Thursday, June 25, 2020. Time of the public hearing is scheduled after the close of the business day on the 30th day from receiving the application. Therefore, the applicant submitted a letter to the Zoning Board of Appeals stating:

Valley Community Development acknowledges that the public hearing for the above referenced permit application [40B Comprehensive Permit Application for Amherst Studio Apartments at 132 Northampton Road] need not open within 30 days of receipt of the application on May 26, 2020, but will take place on or before June 26, 2020.

This letter was filed by the Amherst Town Clerk on May 29, 2020.

- 4. Within 15 days from the opening of the public hearing, the ZBA may choose to invoke any safe harbor or other claim that the municipality is consistent with local needs pursuant to the statute.**
- 5. Within 15 days from ZBA action the applicant must file its written response (challenge) with the Massachusetts Department of Housing and Community Development (DHCD).**
- 6. Within 30 days from filing of an applicant’s challenge DHCD must issue its decision re: the applicant’s appeal.**
- 7. Within 180 days from initial public hearing the ZBA must close the public hearing (Except with the written consent of the applicant for an extension).**

- 8. Within 40 days from closing of the public hearing the ZBA must “render a decision”**

(Denial, Approval, or Approval with Conditions), based on a majority vote.

9. Within 14 days of its decision, the ZBA must file a copy with Town Clerk.

10. Within 20 days from date the ZBA decision is filed with the Town Clerk the application or public can appeal the ZBA's decision.

Defining Chapter 40B, Comprehensive Permit

The Massachusetts General Law (M.G.L.) 40B process was enacted to help communities provide affordable housing to low and moderate income households. This law is meant to encourage developers to provide this housing by reducing obstacles that might be created by local Zoning Bylaws. This process allows the ZBA to approve a housing development with waivers of specific requirements when a minimum of 20-25% of the units are proposed to have affordable restrictions for the long term. The Goal of affordable housing for each community within the Commonwealth is 10% of year round housing. If a community does not meet this percentage it is obligated to review a project under the 40B criteria if a Comprehensive Permit application is submitted. However, if a community satisfies the 10% threshold, it can deny the Comprehensive Permit application, and instead review the project under the local Zoning Bylaw requirements only.

The Town of Amherst currently has 12.59% of the housing stock dedicated to affordable housing. Affordable housing is affordable to those who make 80% or less of the medium income of a community. According to the US Department of Housing and Urban Development (HUD), 80% of the area medium income for Amherst is \$47,850 for an individual and \$68,300 for a family of four.

An applicant who desires to receive a 40B, Comprehensive Permit, must first receive approval from the Subsidizing Agency and provide a Project Eligibility letter to the municipality. The Developer may also request a list of waivers from specific requirements. Both the developer, in the application process, and the reviewing body, must follow all applicable guidelines as defined in the Code of Massachusetts Regulations (760 CMR 56). The applicant, Valley CDC has already received its Project Eligibility letter and provided the document to Town staff. A copy of this letter may be found in the attachments of this report.

PROJECT SCOPE

Existing Conditions:

The site is located at 132 Northampton Road (aka State Highway Route 9) in Amherst. It is parcel 14C-8 and is predominantly located in the R-G zoning district. The parcel is just under an acre in size (.88 acres). It slopes gradually east to west and most of the parcel is cleared. Soil tests reveal sandy loam soil conditions absent large rock or ledge. Ground-water is relatively high. There are no wetlands on or adjacent to the site.

The site is not within a floodplain nor within an endangered species or critical habitat zone.

It is improved by a one 4-bedroom single-family house, which is currently occupied by tenants. The house is situated to the far rear of the parcel and is served by an existing driveway / curb cut from Northampton Road. The structural engineer who evaluated the building estimates it was constructed in the 1930s.

Town assessor records date its construction to 1946. It is not an individually significant nor a Zoning Board of Appeals

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contributing historic structure. It is not located in an historic district. The house is considerably smaller than neighboring buildings and is believed to have originated as an outbuilding (carriage house or small barn) of the much larger and older neighboring house located at 126 Northampton Road. It is presumed that this out-building was then improved into a habitable dwelling. It may be that the conversion to single family residential use is reflected in the assessor records date of 1946.

Utilities available at the site include public water, sewer, and electricity. Hydrant flow tests performed on Orchard Street and Northampton Road demonstrate sufficient water supply and pressure for the domestic and fire protection needs of the proposed development. The existing sewer line from the house to the Town sewer main is a 6" line, which is sufficient for the proposed use. A camera run through the line provided video footage showing the 6" sewer line is in good condition, with no cracks or root incursions. Current plans are to connect the proposed new development to this existing sewer line.

There is no natural gas serving this location. The existing house is heated by oil. The applicant hopes to avoid the use of fossil fuels at the proposed development. Current plans rely entirely upon electricity (including potential for PV solar electric production) for heating, cooling, and domestic hot water.

This site abuts a state highway that is managed by the MA Department of Transportation (MassDOT). MassDOT typically does not permit stormwater from private property to enter its storm-sewer system. Therefore, the project civil engineer designed a stormwater management system to contain stormwater on site, to filter and treat run-off, and to balance the pre- and post-construction storm flow conditions. This system is shown on Plan LC-121. A Stormwater Management Report is attached to this application.

Proposed Development:

The applicant, Valley Community Development ("Valley") proposes to demolish the existing house and construct a single new building. This building (as presented on accompanying plans) will have 2 ½ stories, with 3 levels of living area (including the basement level). It will contain 28 small, studio rental apartments suitable for single-person occupancy. These are considered 0- bedroom units. The property is expected to house a total of 28 adult tenants.

The property will not be owner-occupied. It will have part-time on-site property management, approximately 20 hours per week. Because this housing incorporates supportive services, it will also have a Resident Services Coordinator on site for 27.5 – 30 hours per week. Valley provided a draft Supportive Services Plan within its PEL application and this is posted on the Town website. All units will meet the Town's definition of "affordable"—which means they will be reserved for households earning at or below 80% of the Area Median Income and rents will be restricted so as to be affordable to low and moderate income households.

Valley has owned and managed affordable rental housing since 1990, including 11 affordable family rental units in Amherst since 2008. Since 2015, Valley has contracted with Housing Management Resources (HMR) to provide professional property management services to Valley's portfolio of almost 100 rental apartments. HMR is a multi-state property management company, established in 2001, with a service portfolio of over 8,000 rental units, many of them affordable rentals. In order to effectively manage Valley's local units, HMR established a property management office in Florence, MA. The development proposed at 132 Northampton Road includes a dedicated office for property management staff, who will use this as their home-base to

manage units at 132 Northampton Road as well as 11 units located on Main Street.

HMR maintains a 24 hour / 7 day per week call service for property emergencies.

Of the total 28 small studio apartments proposed, each of the 26 studio apartments will have an average size of 230 square feet; and each of the two (2) handicapped units will have an average size of 393 square feet. Each studio apartment includes a kitchenette and bathroom.

The original impetus for this development was the Town's desire to provide suitable housing for homeless individuals in Amherst. For this reason, 10 of the 28 units have a priority for homeless persons. The Town also articulated its preference that homeless persons not be housed in a segregated environment. For this reason, the proposed development includes a mix of income tiers, as outlined below, that will result in a variety of tenants including persons who are working, retired, and disabled.

Income Restrictions by Unit Type:

# of Units	Unit Size	Income Restriction	Unit/Tenant Type	Proposed Rent	Project Based Subsidy
10	Studio	30% AMI	Homeless Preference	\$737	MRVP
2	Studio	30% AMI	FCF (clients of the Dept. of Mental Health)	\$737	MRVP
8	Studio	50% AMI	Low Income	\$740	None
8	Studio	80% AMI	Moderate Income	\$795	None

Proposed Rents: Rents include all standard utilities (heat, central air conditioning, hot water, all electricity including stove). Tenants will pay for phone, internet, and cable service separately. Proposed MRVP rents are subject to annual adjustment in keeping with HUD Fair Market Rents. Non-subsidized rents are subject to annual adjustment in keeping with cost of living, HUD Income Limits, LIHTC rent limits, and future Market Study findings.

Income Restriction	Current Income Max 1 person HH*	Max. Income available for housing (32% gross income)	Affordability Range
30% AMI	\$17,950	\$478	0% -30% AMI (with project based rental subsidy)
50% AMI	\$29,900	\$797	46% -50% AMI
80% AMI	\$47,850	\$1,196	51% - 81%

**FY 20 HUD Income Limits, effective April 1, 2020*

This building will be secured via locks and a camera system. Entry by guests will require use of an intercom mounted by the main entry. The main entry will be equipped with push panel for persons with disabilities. The entry lobby will include resident mailboxes. This lobby is adjacent to the

property management office, with an interior viewing window connecting the lobby and the office. The main entry is located at grade and the building includes an elevator for full vertical access. (All units and common areas are visit-able by a person using a wheelchair.) Two units will be fully handicapped accessible and one additional unit will be equipped for a tenant with a sensory impairment.

Interior common areas include:

1. Multi-purpose Common Room;
2. Accessible public bathroom;
3. Laundry Room;

Other interior uses are:

1. Office for use by Resident Services Coordinator (adjacent to Common Room);
2. Office for use by on-site Property Management staff (adjacent to lobby entry);

Exterior features include:

1. Outdoor patio for common use, including:
 - a. moveable tables and chairs, quantity of 5;
2. Designated areas for gardening;
3. Designated, outdoor smoking area (5,' 8" X 8' smoking pavilion), including a bench and ash urn for smoking;
4. Features related to parking/driveway/walkways:
 - a. 16 parking spaces, including 2 ADA accessible space;
 - b. plans show (8) parking spaces with blacktop surface and (8) with Grasscrete pavers;
 - c. Covered Bike Rack, to accommodate up to 8 bicycles for storage;
 - d. Turn-around area for trash hauling truck and other emergency vehicles;
 - e. New 4-foot wide stone dust path with organic binder;
 - f. New 5-foot cast in place concrete sidewalk with pathway lighting;
 - g. ADA accessible detectable warning strips at sidewalk intersection with driveway;
 - h. New asphalt driveway;
 - i. New striped crosswalk with granite curbing in the Northampton Road/Rout 9 right-of-way;
 - j. Pedestrian walkways connecting the building to the sidewalk along Northampton Road and connecting to the patio;
5. Storage shed for gardening supplies and / or property management use (8' X 8')
6. New cedar dumpster enclosure with cast in place concrete slab and storage structure;
7. Transformer pad with bollards (5' X 5');
8. Site Trash receptacle, quantity of 1;
9. HVAC units on thickened concrete pad;
10. Cast in place concrete retaining wall;
11. Cedar wood guardrail;
12. New 8-foot tall cedar screening fence along the north-easterly property line.
13. Exterior Light fixtures, including:
 - a. Downcast light in overhang;
 - b. Pole mounted site light;
 - c. Exterior light wall pack for storage shed;
 - d. Downcast light under new covered bike rack shed;
14. Plantings, including
 - a. Evergreen trees and shrubs;

- b. Shade and flowering trees; and
- c. Flowering shrubs;
- d. Loam and seed;

The applicant is proposing this project under a 40B Comprehensive permit application, which requires the Zoning Board of Appeals to review and approval.

MANAGEMENT PLAN:

Trash and recycling, including storage location, enclosure or screening, with frequency of pickup and name of hauling company, and responsible party to contact in case of complaint:

Valley expects at least weekly pick-up of trash and recycling. As per plan, a dumpster area with a full cedar fence enclosure is proposed. The dumpster area is sized to include space for a trash bin and a single-stream recycling bin. The site plan provides turning area for the dumpster truck, so that it can enter the driveway, turn, pick up trash, and exit front ways onto Northampton Road. HMR will be responsible for procuring and contracting with a local trash hauler and will be the responsible party to contact in case of complaint. Typically trash pickup contracts are bid every year or every few years in order to obtain competitive pricing for this service.

Parking, including size and number of spaces, location, screening, provision for handicapped spaces:

Based upon historic demand for parking spaces at similar properties, Valley's goal for parking at this development was between .25 and .5 spaces / unit, or between 7-14 spaces for the proposed 28 units. (16) parking spaces (.57 spaces / unit) are currently proposed. There are two handicapped spaces located near the main walkway to the building as shown on the site plan.

Screening for parking is provided by a variety of trees and shrubs. See landscaping plan for details. Because it is possible that not all of the provided parking will be needed on a daily basis, approximately half of the parking area is proposed to be grass-crete, a pervious parking material that creates more green space on site, and reduces the amount of pavement. Pathways are also proposed to be made of a pervious material. Please also see the attached Parking Study for more information about the adequacy of proposed on-site parking. This application also includes a Traffic Report that calculates the anticipated trip generation for the proposed development and quantifies impact on surrounding traffic conditions.

Lighting, including hours of illumination by location, types and wattage of fixtures:

The Applicant provides exterior lighting fixtures to the parking area, walkways, building entrances, shed/dumpster location, and at the covered bike area. The applicant's goal for site lighting is to provide warm, low levels of light. Color temperature of fixtures shall be 3,000K or less (warmer color range). All lighting fixtures will be full cut-off and dark sky compliant. All fixtures will be low energy LED lighting. Wherever feasible, fixtures will solar powered (pathway lights). The attached photometric plan demonstrates zero light spill onto abutting properties, as well as a relatively low foot candle lighting average over the site, with no particular "hot spots."

Pathway lights are dimmable and motion sensitive, so they will only illuminate when someone is using the pathway. Care has been taken to light the pathway from the building to the designated smoking area.

Signage, including location, size, materials, and any illumination:

The applicant proposes standard street signage (street number) at the junction of the driveway and Northampton Road for public safety purposes. We do not propose any illuminated or free standing signage.

- **Staff Response:** The Board may wish to include a condition that requires a reflective street address sign to be installed at the street in a manner ensuring their visibility for public safety personnel from any approach.

Landscape Maintenance, including annual schedule of watering, fertilizing, mowing, pruning, leaf pick-up, and so forth, and maintenance and replacement schedule of site furnishings:

As with trash hauling, HMR will procure, contract with, and manage a third party landscape company. Their scope of work will include a spring clean-up (pick up vegetative debris, pruning, fertilizing); mowing weekly during the growing season; and a fall-clean (leaf removal, etc.).

HMR will also coordinate any other landscaping needs, for example, removing a dead tree or dropped limbs.

Use of native, non-invasive, and drought tolerant plantings will reduce the need for watering. Except in extremely dry conditions, the applicant does not expect to water the landscaping. Should tenants plant garden areas, water will be provided through a hose from a nearby exterior hose bib. Organic and / or environmentally sensitive fertilizers and pest / weed control methods will be used, as needed.

Snow Removal, including name of contractor:

HMR will procure, contract with, and manage a third party snow removal contractor. Scope of work will include plowing the driveway, vehicle turn-around, and parking areas; clearing snow from walkways on the property, as well as the sidewalk along Northampton Road (in keeping with local rules and regulations); applying sand and de-icer, as needed, to keep vehicular ways and walkways safe.

Given the size of the parcel and amount of green space, the applicant expects that cleared snow can be managed on site. If this is not possible, in the event of a major storm, surplus snow that cannot be stored on site will be trucked off-site.

Small items for use by property maintenance staff (snow shovel and bucket of sand for occasional use) will be stored in a small shed adjacent to the dumpster enclosure.

On-Site Recreational Facilities:

In addition to indoor common areas, the property will incorporate an outdoor patio for resident use. A covered bicycle rack will be provided. Potential gardening areas are designated on the site plan; their development and use will be dependent upon the level of resident interest in gardening.

Designated Smoking Area:

All indoor areas at this property will be smoke-free, as will the majority of the site. The applicant is proposing a designated smoking area on site because it is to their understanding that some tenants will smoke. Designating the entire property as non-smoking can result in tenants smoking at the nearest location to the property—the front sidewalk—creating an undesirable situation for pedestrians using the sidewalk.

The applicant in no way encourages tenants to smoke and will offer smoking cessation support to those tenants who wish to reduce or quit smoking.

Originally, designed as a simple bench, the designated smoking area has been enhanced to include a covered structure as result from community feedback to provide cover or shelter for this area.

Outdoor HVAC Equipment:

Preliminary HVAC plans call for air source heat pump (aka “mini split”) or Variable Refrigerant Flow (VRF) heating and cooling. Both systems rely upon air condensers which must be located outside. Due to the small size of the proposed units, the applicant anticipates that multiple apartments will be served by a single condenser. The site plan shows proposed locations for these condensers. Other mechanical equipment is expected to be located in the building interior (including Energy Recovery Ventilation equipment, hot water heating equipment, fire safety equipment, electrical equipment, etc.). The applicant plans to include as many PV solar roof panels as will be efficient given the building design and orientation and as budget will permit. These PV solar roof panels are shown in estimated locations on the plan elevations, but final designs have not yet been developed.

Standard Lease:

Please see a copy of a sample standard lease as well as House Rules and Regulations. These documents address issues related to noise management. Other sample lease addenda are also provided.

Material, equipment, and large household goods storage:

With the exception of outdoor bicycle storage, tenant storage will be limited to closets and cabinets within each apartment.

Property management will have interior storage for attic stock, cleaning, and general maintenance supplies. As mentioned above, they will also have some space within a small outdoor storage shed adjacent to the dumpster enclosure. Should tenants become active in gardening, this shed is sized to accommodate the needs of both property management and gardening equipment.

There will be no large equipment or household goods storage allowed on site. Because most maintenance functions (trash hauling, landscaping, plowing) will be performed by 3rd party contractors, there is no need for large maintenance equipment to be stored on site.

STORMWATER MANAGEMENT SYSTEM

The project civil engineer designed a stormwater management system to contain stormwater on site, to filter and treat run-off, and to balance the pre- and post-construction storm flow conditions. This system is shown on Plan LC-121. A Stormwater Management Report with calculations and an Operation & Maintenance Plan for the stormwater management system is included with this application.

- **Staff Response:** A copy of the stormwater management system plan, stormwater management report, and operations & maintenance plan has been submitted to the Town Engineer for comment.

**LIST OF REQUESTED WAIVERS FROM THE AMHERST ZONING BYLAW,
GENERAL BYLAWS; AND OTHER REGULATIONS, APPROVALS, REQUIREMENTS**

Chapter 40B allows applicants to request and ZBAs to grant waivers from local bylaws or ordinances and regulations. The Applicant is seeking waivers from applicable Amherst Zoning Bylaw Sections, the Amherst General Bylaw; and other regulations, approvals, and requirements.

For a complete listing of submitted waiver requests from the Applicant, please refer to the submitted application packet.

ZONING BYLAW REVIEW:

ARTICLE 2 ZONING DISTRICTS

2.04 Special Districts

ED Educational - *ED zoning allows any use of land and buildings which may legally be carried on by, or under the auspices of, the college or university which owns or manages the property. It is intended that the Educational District only include land which is owned or managed by Amherst College, Hampshire College, or the University of Massachusetts.*

- **Staff Response:** The applicant is requesting a waiver from Section 2.04 under this Comprehensive Permit application. The applicant states that due to a minor mapping discrepancy, the current Zoning District line dividing the Education (ED) Zoning District from the General Residence (R-G) Zoning District crosses the extreme rear of the project site, located at 132 Northampton Road (Map 14C, Parcel 8). When these Zoning Districts were adopted by the Town, the Zoning District line and property line were identical and the intent of the ED Zoning District is to only apply to land owned by Amherst College, Hampshire College, or the University of Massachusetts. None of these entities owns or manages, or has in the past owned or managed, 132 Northampton Road (Map 14C, Parcel 8)

Further, under Section 2.22 Boundary Interpretation states:

For purposes of interpretation, it shall be assumed that:

2.22 - *Boundaries which appear to follow public or institutional property lines shall coincide with such property lines.*

The primary Zoning District for parcel 132 Northampton Road (Map 14C, Parcel 8) is the R-G Zoning District. For these reasons, the applicant requests a waiver from the educational use requirements in Sections 2.04 and 3.21 to any extent that the ZBA deems ED uses are applicable to this parcel, under this Comprehensive Permit application.

ARTICLE 3 USE REGULATIONS

SECTION 3.2 SPECIAL DISTRICTS

3.21 Educational District (ED)

3.211 - *In an Educational District any use of land and buildings is permitted which may legally be carried on by, or under the auspices of the College or University which owns or manages the property in said District provided that the appropriate officials shall file with the Planning Board, Zoning Board of Appeals*

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for its information, plans of any new construction, significant site alterations, or significant change in use prior to initiation of said construction or change.

3.212 - *It is intended that the Zoning Map shall include in Educational Districts only land which is in fact owned or managed by Amherst College, Hampshire College, or the University of Massachusetts (but not all such land will necessarily be so zoned).*

3.213 - *All setbacks, side and rear yards and heights within 50 feet of the boundary of an Educational District shall conform to the dimensional regulations applicable to the adjacent zoning district.*

3.214 - *Within an Educational District, adequate off street parking shall be provided so that neither curb parking on public streets nor parking on property outside the Educational District shall be needed in connection with uses within the Educational District.*

3.215 - *For wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.*

- **Staff Response:** The applicant is requesting a waiver from Section 3.21 under this Comprehensive Permit application. The applicant states that due to a minor mapping discrepancy, the current Zoning District line dividing the Education (ED) Zoning District from the General Residence (R-G) Zoning District crosses the extreme rear of the project site, located at 132 Northampton Road (Map 14C, Parcel 8). When these Zoning Districts were adopted by the Town, the Zoning District line and property line were identical and the intent of the ED Zoning District is to only apply to land owned by Amherst College, Hampshire College, or the University of Massachusetts. None of these entities owns or manages, or has in the past owned or managed, 132 Northampton Road (Map 14C, Parcel 8)

Further, under Section 2.22 Boundary Interpretation states:

For purposes of interpretation, it shall be assumed that:

2.22 - *Boundaries which appear to follow public or institutional property lines shall coincide with such property lines.*

The primary Zoning District for parcel 132 Northampton Road (Map 14C, Parcel 8) is the R-G Zoning District. For these reasons, the applicant requests a waiver from the educational use requirements in Sections 2.04 and 3.21 to any extent that the ZBA deems ED uses are applicable to this parcel, under this Comprehensive Permit application.

ARTICLE 3 USE REGULATIONS:

3.323 – Apartments: *The site or lot upon which one or more apartment buildings are proposed shall be located: 1) close to a heavily traveled street or streets, 2) close to a business, commercial or educational district, or 3) in an area already developed for multi-family use.*

Each building shall have no fewer than 3, nor more than 24 dwelling units. Each building shall be connected to the public sewer system prior to occupancy. In addition, the following requirements shall apply:

<u>District</u>	<u>Additional Side/Rear Yard per Floor</u>
R-G	2-feet

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 units under this section.

- **Staff Response:** The applicant is requesting the following waivers from Section 3.323 under this Comprehensive Permit application:
1. To grant a waiver to allow the project site location (132 Northampton Road) where the apartment building is proposed shall be located: 1) close to a heavily traveled street or streets, 2) close to a business, commercial or educational district, or 3) in an area already developed for multi-family use.
 2. To grant a waiver to allow the total number of proposed residential units of 28 which exceeds the maximum number allowed for an apartment building (24 units total allowed) by 4 units.
 3. To grant a waiver to allow all proposed units to be the same size (# of bedrooms), as the development meets the Town's definition of affordable (reserved for tenants whose income is at or below 80% AMI, pursuant to Section 12.25 of the Amherst Zoning Bylaw.
 4. To grant a waiver to require a review by the Amherst Design Review Board.

The project site, located at 132 Northampton Road is located along Northampton Road/Route 9, which is a heavily traveled street. The project site is in close proximity to business and commercial zoning districts; and it abuts an educational zoning district. There is mix of housing types, including single-family homes and multifamily homes, located in the neighborhood surrounding the project site.

The applicant is required to provide additional 2-feet to the side and rear yard setback per floor for this proposed Development which is located within the R-G Zoning District, as required under Section 3.323 of the Zoning Bylaw. Article 6, Table 3 Dimensional Regulations states that the basic minimum side and rear yard setback within the R-G Zoning District is 10 feet. The proposed apartment building (principal building) is 2 ½ floors. Therefore, the total side and yard setback required for this application is 15 feet for the principal building. The applicant meets this requirement.

Direct abutting properties to 132 Northampton Road include:

- Amherst College's Conway Field House and Pratt Field (an athletic field), located at 150 Northampton Rd, Parcel 14C-14;
- A large single family owner-occupied home that formerly served as an Inn / Bed & Breakfast, located at 126 Northampton Rd, Parcel 14A-173;

- Duplex tenant-occupied rental owned by Amherst College, located at 23 & 25 Orchard Street, Parcel 14C-9;

On the opposite side of Northampton Road are:

- Two-family owner-occupied house, located at 143 Northampton Rd, Parcel 14A-140;
- 6-unit condominium in which all units are rentals; this building contains 14 bedrooms with projected occupancy between 14 – 20 persons; the owner resides out of state, located at 115A, 115B, 115C, 115D, 115E, 117 Northampton Road, 14A-171;
- a single-family home that is for sale, located at 155 Northampton Rd, 14A-139;

The building will be connected to the public sewer system prior to occupancy.

The proposal includes 28 small studio apartments and related common areas at 132 Northampton Road, located within the General Residence (R-G) and Educational (ED) Zoning Districts. The Zoning Bylaw allows each building to have a maximum of 24 dwelling units within the R-G Zoning District.

All proposed units will be the same size (# of bedrooms). All units meet the Town's definition of affordable (reserved for tenants whose income is at or below 80% AMI, pursuant to Section 12.25 of the Amherst Zoning Bylaw, which states:

- **12.25 Housing, Affordable:** *Affordable housing units are units which may only be rented or purchased by families or households whose annual incomes, adjusted for family size, do not exceed the limits for the maximum annual income for low-income families or households (80% of the median income for Amherst, as calculated by the U. S. Department of Housing and Urban Development or any successor agency), and are eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor.*

5.00 General (Accessory Uses): *Any use which is, in Hampshire County, customarily accessory and incidental to a permitted Principal Use shall be permitted on the same lot with said Principal Use, or on a lot adjacent thereto in the same ownership, subject to the general limitation that it shall not be detrimental to the neighborhood or the property in the vicinity, and subject further to the following provision: Wherever a Principal Use is allowed by Special Permit from the Board of Appeals then Accessory Uses to the Principal Use shall be subject to a Special Permit, unless otherwise provided in this Article.*

- **Staff Response:** The proposal includes two accessory uses to the proposed Principal Use, the Apartment Building, including an office for use by Resident Services Coordinator and an office for use by on-site Property Management staff. The two accessory uses will occur solely inside the building. See Sheet A3.00 for the proposed location of the Office for use by Resident Services Coordinator (adjacent to Common Room). See Sheet A3.10 for the proposed location of the Office for use by on-site Property Management staff (adjacent to lobby entry). The applicant is requesting a waiver from Section 5.00 under this Comprehensive Permit application, in order to allow these two accessory uses to the proposed Principal Use, the Apartment Building. Given that all activities associated with the proposed accessory uses will occur solely inside the building, Planning Staff do not believe

that the proposed accessory uses will be detrimental to the neighborhood or the property in the vicinity.

ARTICLE 4 DEVELOPMENT METHODS:

4.0 - Overview: *This Bylaw permits four (4) methods which may be utilized to develop land for residential purposes where such Uses are permitted in Section 3.3. The four methods are:*

1. *Conventional Residential Subdivision Development;*
2. *Cluster Development;*
3. *Planned Unit Residential Development (PURD); and*
4. *Open Space Community Development (OSCD)*

4.1 - General Development Standards: *The four Development Methods listed in Section 4.0, Overview, shall be undertaken in accordance with the following General Standards:*

4.10 - *All Developments in the Town shall conform to the Design Standards and Required Improvements set forth in the Rules and Regulations Governing the Subdivision of Land, the Street and Site Work Construction Standards of the Town, and all other applicable Town roadway and utility policies and regulations, as amended.*

4.11 - *Where building lots are required or proposed, lot frontage shall be on existing or proposed minor or secondary streets, whether public or private statutory ways, as such streets are defined by the Amherst Planning Board's Rules and Regulations Governing the Subdivision of Land.*

4.12 - *If the calculation of maximum density of lots or units for any development method referencing this section results in a figure including a fraction equal to 0.5 or greater, then the figure shall be rounded up to the nearest whole number. If the fraction is less than 0.5, the figure shall be rounded down to the nearest whole number. Dimensional requirements established for building lots in the applicable zoning district(s) and under the applicable development*

- **Staff Response:** *The Applicant is requesting a waiver from the development methods set forth in Article 4, under this Comprehensive Permit application.*

ARTICLE 5 ACCESSORY USES:

5.10 - Filling of Land (See Sections 3.121 & 3.122): *Any filling of land accessory to the development of property, which raises the existing grade of any portion of a property 5,000 square feet or more in area by an average of two (2) feet or more, or any such filling which raises the existing grade of any portion of a property 2,000 square feet or more in an area by an average of five (5) feet or more shall require a Special Permit from the Special Permit Granting Authority authorized to act under the applicable section of the bylaw. Where no other permit is required under this bylaw for the proposed or existing principal use(s) of the property, such filling shall require a Special Permit from the Zoning Board of Appeals. In all cases, such filling shall be subject to the following conditions:*

5.100 - *No slope created by the filling operation shall be finished at a grade in excess of the natural angle of repose of the materials.*

5.101 - *All filled areas which are not to be built upon within one (1) year shall, upon completion of the operation, be covered with not less than four (4) inches of loam, brought*

to the finish grade, seeded and mulched in a satisfactory manner.

5.102 - *No permit for the filling of land shall be issued if such filling will: 1) endanger public health or safety; 2) constitute a nuisance; 3) result in a detriment to the normal use of the adjacent property; 4) cause significant erosion or sedimentation due to improper drainage design or management; or 5) result in traffic hazards in residential areas or excessive congestion, or physical damage on public ways.*

5.103 - *In granting a permit for such an accessory use, Special Permit Granting Authority may impose reasonable requirements on grading, seeding and planting, barriers needed for public safety, control of erosion and drainage and other appropriate aspects of the use.*

5.104 - *The Special Permit Granting Authority may require a suitable performance bond or other security adequate to ensure satisfactory compliance with provisions of this section.*

- **Staff Response:** The applicant has submitted a cut/fill analysis, as shown on Sheet LC-602, Cut Fill Analysis. The applicant is requesting a waiver from Section 5.10 of the Zoning Bylaw, in order to allow quantities of cut / fill as shown on Sheet LC-602, Cut Fill Analysis, without a need to file a separate Special Permit. The applicant states the necessary cut and fill is partly a function of storm-water management and partly a function of making the building and outdoor areas handicapped accessible.

The Board may wish to consider including conditions related to filling of land, based from Sections 5.100 to 5.104 of the Zoning Bylaw. See sheets LC-601 & LC-602 for the applicant’s cut fill analysis.

ARTICLE 6 DIMENSIONAL REGULATIONS:

Dimensional Regulation Article 6, Table 3 General Residence (R-G) and Educational (ED) Zoning Districts			
Standard	Required (R-G)	Provided	Comply
Basic Minimum Lot Area (One Dwelling Unit)	12,000 FT ^{2m}	38,253 FT ² or ±0.88 acres	Yes, the existing use (single family dwelling unit) complies with this requirement
Additional Lot Area/Family (28 Dwelling Units)	4,000 FT ^{2am} 12,000 FT ² + (4,000 FT ² X 27 units) = 120,000 FT ² or ±2.75 acres	38,253 FT ² or ±0.88 acres	No, the applicant is requesting a waiver under this Comprehensive Permit application
Minimum lot frontage	100 feet	138.9 Feet	Yes
Front Setback	15 Feet	100 Feet , 11 inches	Yes
Rear and Side Setback	10 feet + (*2 feet x 2.5 floors) = 15 FT *Pursuant to Section	South-West (Side Yard): 31.5 FT South-East (Rear)	Yes

	3.323 of the Zoning Bylaw, additional side/rear yard setback of 2 feet is required per floor.	Yard): 27.5 FT East (Side Yard): 68.33 FT	
Building Coverage	25% ^a	12.55%	Yes
Lot Coverage	40%	45%	No, the applicant is requesting a waiver under this Comprehensive Permit application
Maximum floors	3 floors	2.5 floors	Yes
Maximum Height	40 feet	44 feet, 11 5/8 inches to ridge; and 38 feet, 4 inches AV height at street side	Yes

- **Staff Response:** The majority of the project site is located within the General Residence (R-G) Zoning District. A minor slice of land along the south-easterly property line is located within the Educational (ED) Zoning District. Pursuant to Section 3.213 of the Zoning Bylaw, *All setbacks, side and rear yards and heights within 50 feet of the boundary of an Educational District shall conform to the dimensional regulations applicable to the adjacent zoning district, which is the General Residence (R-G) Zoning District.* The submitted building and lot coverage coverages should only account for portions of land within the R-G Zoning District. It appears the submitted building and lot coverage calculations account for the portions of land for the entire property, which includes land within the R-G and ED Zoning Districts. Therefore, the applicant needs to update the site plan to show the Zoning District boundary lines and adjust the building and lot coverage that only account for portions of land within the R-G Zoning District. There is no building or lot coverage requirements for the ED Zoning District. Based on the adjusted building and lot coverages, the applicant will need to adjust the waiver requests, as needed, under this Comprehensive Permit application.

The Applicant is requesting the following waivers from Article 6, Table 3, footnote "m" of the Zoning Bylaw:

Lot Area –

Table 3 – Dimensional Regulations Footnote m - *In addition to the areas required by this table for any existing dwelling units on the lot, the density for new town houses (Section 3.322) and apartments (Section 3.323) shall not exceed one dwelling unit per 4,000 sq. ft. of the remaining lot area, or in the case where there are no existing dwelling units, 4,000 sq. ft. for each new dwelling unit beyond the first unit.*

The Applicant is requesting a waiver from requiring additional lot area per family, pursuant to Article 6, Table 3, footnote "m" of the Zoning Bylaw, in order to allow 28 studio units on

a 38,253 square feet lot (0.88 acres), under this Comprehensive Permit application. Under the Zoning Bylaw, 28 residential units would require a lot area of 120,000 square feet (± 2.75 acres).

Maximum Lot Coverage - The Applicant is requesting a waiver to allow an increase of lot coverage that exceeds the maximum lot coverage allowed within the R-G Zoning District pursuant to Article 6, Table 3 of the Zoning Bylaw, under this Comprehensive Permit application. The maximum lot coverage allowed within the R-G Zoning District is 40%. The applicant is proposing lot coverage of 45%. For the purpose of the Zoning Bylaw, maximum lot coverage includes the percentage of a lot covered in the manner described in Section 6.17, Maximum Building Coverage, plus that portion of a lot covered by driveways, parking areas, walkways, or other similar surfaces. All such surfaces, whether constructed of impermeable materials (i.e., concrete, bituminous asphalt, oil and stone and the like) or constructed of permeable materials (i.e., gravel, pea stone and the like) shall be included in the calculation of maximum lot coverage.

6.13 - Minimum Side Yard

Note: The majority of the project site is located within the General Residence (R-G) Zoning District. A minor slice of land along the south-easterly property line is located within the Educational (ED) Zoning District. While the applicant is requesting waivers from Section 2.04 and 3.21 of the Zoning Bylaw, it should be noted that pursuant to Section 3.213 of the Zoning Bylaw, *All setbacks, side and rear yards and heights within 50 feet of the boundary of an Educational District shall conform to the dimensional regulations applicable to the adjacent zoning district*, which is General Residence (R-G) Zoning District.

6.131 - *An accessory structure having a height of six feet or less shall be set back a minimum of three feet from the side lot line. An accessory structure over six feet in height shall be setback a distance equal to its height.*

- **Staff Response:** The applicant is requesting a waiver to allow a bike storage shed to be located within the side yard, as shown in the submitted (see LC-111), without a separate Special Permit, under this Comprehensive Permit application. It appears the bike storage shed is ± 4 feet from the side yard line. Based on reviewing Plan Sheet LC-111 and Plan Sheet L-506, Detail 06, it is unclear what is the height of the proposed bike storage shed is. The Board may wish to ask the Applicant the bike storage shed dimensions, including height. The Applicant's list of waiver request does state the bike storage shed will be single-story and will be shielded from the neighboring property by a proposed 8-foot tall screening fence.

6.132 - *In the General Business (B-G), Neighborhood Business (B-N), and Light Industrial (LI) districts, minimum side yards shall be at least 20 feet when adjoining a residence district. Otherwise, side yards are not required, but if provided, shall be at least 10 feet.*

- **Staff Response:** The applicant lists Section 6.132 as part of their waiver requests. However, the project site is not located within the B-G, B-N, or LI Zoning District, so this Section is not applicable to this Comprehensive Permit application. The Board does not need to grant a waiver to this request, as it is not applicable. The Board may wish to clarify this with the Applicant.

6.134 - *In the General Residence (R-G) District, a single-story garage, tool shed, gazebo or*

similar accessory structure may, under a Special Permit, be located within the side yard behind the frontline of the principal building if such use, location, and proposed dimensions are consistent with the prevailing pattern of existing development for such structures in the neighborhood.

- **Staff Response:** The applicant is proposing a single-story bike storage shed to be located within the side yard behind the frontline of the principal building, as shown in the submitted (see LC-111). Based on reviewing Plan Sheet LC-111 and Plan Sheet L-506, Detail 06, it is unclear what is the height of the proposed bike storage shed is. The Board may wish to ask the Applicant the bike storage shed dimensions, including height. The applicant did not include Section 6.134 as a waiver request. The applicant may wish to request a waiver request, as the current location would require a Special Permit application filing with the Board. The Board may wish to clarify this with the Applicant.

Pending the applicant's clarification of the bike storage shed dimensions, Planning Staff believe that the use, location, and proposed dimensions for the bike storage shed are consistent with the prevailing pattern of existing development for such a structure in the neighborhood. The project site is in close proximity to existing bike lanes and Norwottuck Rail Trail, an 11-mile combination bicycle/pedestrian paved right-of-way running from Northampton, through Hadley and Amherst, to Belchertown. Additionally, MassDOT is scheduled to construct bike lanes on both sides of Northampton Road (Route 9) from the intersection of Northampton Road (Route 9)/University Drive to Northampton Road (Route 9)/ North & South Pleasant Street, starting in 2021.

6.14 - Minimum Rear Yard

6.140 - *The minimum rear yard shall be a similar unbroken area along the rear lot line, subject to the same provision regarding accessory buildings and structures as the rear portion of the required side yard. No part of the body of any building or accessory structure, except eaves, gutters, architectural elements, and uncovered steps, shall be placed within or protrude into the area between the side lot line and the side yard setback line.*

- **Staff Response:** The applicant is requesting a waiver to allow the new cedar enclosure dumpster area with cast in place concrete slab and storage structure; 8-foot by 8-foot storage shed with exterior light wall pack; and covered bike storage shed to be located within the rear yard, as shown in Plan Sheet LC-111, under this Comprehensive Permit application. It appears each of the three accessory structures are \pm 3-feet from the rear property line. The Board may wish to ask the applicant whether sufficient screening of these accessory structures from the abutting properties to the southeast and northeast. The Board may wish to ask the applicant what is the proposed height of the following:
 - new cedar enclosure dumpster area with cast in place concrete slab and storage structure;
 - 8-foot by 8-foot storage shed with exterior light wall pack; and
 - covered bike storage shed.

SECTION 6.2 FENCES

6.24 - *Fences and walls shall not exceed four (4) feet in height along the front lot line and that*
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portion of the side lot lines between the front lot line and the minimum front setback line. Fences and walls shall not exceed six (6) feet in height along that portion of side lot lines between the minimum front setback line and rear lot line, and along the rear lot line.

- **Staff Response:** The applicant is proposing a new 8-foot tall cedar screening fence along the easterly property line to provide ample screening from the abutting properties, as shown on Plan Sheets LC-001 & LC-111, with construction detail (see Sheet LC-505, Detail 02: Typical Wood Screen Fence). The proposed fence height was at the request of the abutting property owner. Therefore, the applicant is requesting a waiver from Section 6.24 of the Zoning Bylaw, in order to allow a 8-foot fence to run along that portion of side lot lines between the minimum front setback line and rear lot line, and along the rear lot line, under this Comprehensive Permit application.

6.25 - *Fences located within the side or rear yards and exceeding six feet in height shall be set back a distance equal to their height.*

- **Staff Response:** The applicant is proposing a new 8-foot tall cedar screening fence along the easterly property line to provide ample screening from the abutting properties, as shown on Plan Sheets LC-001 & LC-111, with construction detail (see Sheet LC-505, Detail 02: Typical Wood Screen Fence). The proposed 8-foot fence will be located within the rear and side yard setback, at the request of the abutting property owner. Therefore, the applicant is requesting a waiver from Section 6.25 of the Zoning Bylaw, in order to allow a 8-foot fence to be located within the rear and side yard setbacks, along the easterly property line, under this Comprehensive Permit application.

ARTICLE 7 PARKING & ACCESS REGULATIONS:

7.00 - *In all districts except Educational Districts, off-street parking spaces shall be provided and maintained in connection with the construction, conversion or increase in dwelling units or dimensions of buildings, structures or use. The provisions of this section shall apply to parking spaces for cars, vans, light trucks, and similar vehicles used predominantly for personal transportation. Parking for commercial vehicles or vehicles used for private or public transit shall be governed under the provisions of Sections 7.1, 7.3 and 7.5. Except as may be required otherwise by the Permit Granting Board or Special Permit Granting Authority, as applicable, parking spaces shall be provided in at least the following minimum amounts.*

7.000 - *For dwellings, including apartments:*

7.0000 - *Two (2) parking spaces for each dwelling unit.*

- **Staff Response:** Pursuant to Section 7.0000 of the Zoning Bylaw, 56 parking spaces for the 28 dwelling units are required. The applicant is proposing 16 parking spaces, including 2 ADA accessible parking spaces. The applicant is requesting a waiver from this Section in order to allow the number of parking spaces be reduced from the required 56 parking spaces to a total of 16 parking spaces, under this Comprehensive Permit application.

Planning Staff believes the proposed number of parking spaces for this affordable housing development is adequate given that 12 of the 28 residents will be extremely low income and unlikely to be able to afford a car. The remaining residents will also have limited income and a proportion of these will not own a car. The location, with services, amenities, bus stops, a bike trail, and more within walking distance is well suited for those travelling by

foot, bike, or bus. The times of highest demand for staff parking (weekdays) correlate with times of lowest demand for tenant parking, as a proportion of tenants with cars will drive to work on weekdays. The inverse is also true. The peak time for tenant parking (overnight and weekends) correlates with times when there will be little or no demand for staff parking. A Parking Study included in this application provides data from comparable housing developments and from various 3rd party parking studies to support the adequacy of the proposed number of parking spaces.

The Board may wish to ask the applicant to submit a Parking Management Plan for the proposed Development which accounts for parking needs for tenants, guests, staff, and service provider(s). The Board may wish to ask the applicant to update the submitted Lease to state which units will have designated parking.

SECTION 7 PARKING

SECTION 7.1 DESIGN STANDARDS AND LANDSCAPE STANDARDS

7.101 - Paving: *For the purposes of this bylaw, a paved parking surface shall be considered to be one which has a prepared subgrade and compacted gravel base with a minimum total 12 inch depth, appropriate grading and drainage, and which is surfaced with a minimum 2 inch top coat of concrete, asphalt, masonry pavers, oil and stone, gravel, trap rock, or similar material, as approved or modified by the Town Engineer. To the extent feasible, permeable or porous paving shall be employed in new construction or site renovations or improvements.*

- **Staff Response:** The applicant is proposing an asphalt driveway and for the surface of a 8 parking spaces, including 2 ADA accessible parking spaces. The applicant is proposing Grasscrete pavers for the turn-around area and for surface area of the remainder 8 parking spaces. The applications meets this section requirement.

7.102 - Slope: *Parking areas used for parking and vehicle maneuvering shall have grades not to exceed five percent slope. Driveways used exclusively for ingress or egress or interior parking lot circulation shall have slopes not exceeding 12 percent except within 30 feet of the road, in which case the slope shall not exceed 5 percent.*

- **Staff Response:** The applications meets this section requirement.

7.103 - Set back from buildings: *except for parking within an enclosed structure, no parking space shall be located within eight feet of a building wall. No access aisle, entrance or exit driveway shall be located within five feet of a building. Loading docks are exempt from this requirement.*

- **Staff Response:** The applications meets this section requirement.

7.104 - Dimensions, Marking & Delineation: *The area of all parking areas shall be included in the calculation of maximum lot coverage.*

Parking areas shall be clearly delineated and shall be provided with a permanent dust-free surface and adequate drainage. Each parking space shall be at least 9 feet x 18 feet in size, and all parking areas must have adequate access and maneuvering areas. The Zoning Board of Appeals (SP) may allow, upon application, small car parking spaces (8 feet x 16 feet) to be substituted for up to 50% percent of the standard parking spaces. Compact parking spaces shall be designated by clearly visible signs.

In all parking areas of five (5) or more parking spaces, individual spaces shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces.

Curb radii, driveway width, and other such dimensions shall comply with the "Street and Site Work Construction Standards", adopted by the Town Council, as such standards may be amended, unless otherwise specified in Section 7.1, Design Standards and Landscape Standards.

Ramps between parking areas of different elevations shall not exceed 12 percent slope, with a maximum 5 % transition slope for a minimum length of 20 feet at the upper and lower end of the ramp slope. All parking plans involving ramps shall be accompanied by profiles showing the ramp, ramp transitions, and overhead and wall clearances.

- **Staff Response:** The 8 proposed parking spaces located on the asphalt pavement, including the 2 ADA accessible parking spaces are 9 feet x 20 feet in size. The 8 proposed parking spaces located on the Grasscrete pavers are 8.5 feet x 20 feet in size. The applicant is requesting a waiver from this section in order to allow 50% of the proposed parking spaces (8 of 16 parking spaces) to be designed and designated for small vehicles. The Board may wish to ask the applicant whether signage for the compact parking spaces will be provided.

7.105 Lighting: *adequate lighting shall be provided for all parking areas of 5 spaces or more if these areas are to be used at night. All exterior site lighting associated with parking areas shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see.*

Adjacent properties shall be protected from light intrusion through the use of cut-off luminaries, light shields, lowered height of light poles, screening or similar solutions. All exterior site lighting shall be kept extinguished outside of normal hours of use, except for lighting necessary for site security and the safety of employees and visitors, which lighting shall be activated and controlled through motion sensors or similar technology.

- **Staff Response:** The Applicant provides exterior lighting fixtures to the parking area, walkways, building entrances, shed/dumpster location, and at the covered bike area. The applicant's goal for site lighting is to provide warm, low levels of light. Color temperature of fixtures shall be 3,000K or less (warmer color range). All lighting fixtures will be full cut-off and dark sky compliant. All fixtures will be low energy LED lighting. Wherever feasible, fixtures will solar powered (pathway lights). The attached photometric plan demonstrates zero light spill onto abutting properties, as well as a relatively low foot candle lighting average over the site, with no particular "hot spots."

Pathway lights are dimmable and motion sensitive, so they will only illuminate when someone is using the pathway. Care has been taken to light the pathway from the building to the designated smoking area.

7.106 Entrance and exit driveways: *the minimum width of entrance and exit drives shall be 10 feet wide for one-way use and 18 feet wide for two-way use. The minimum curb radius shall be 15 feet. The maximum width of such driveways at the property line shall be 24 feet. The permit granting board may modify these width and radius limitations to facilitate traffic flow and safety.*

Driveways shall be located and designed so as to minimize conflict with traffic and provide clear visibility and sight distances for the observation of approaching pedestrian and vehicular traffic.

The design and layout of driveways and circulation serving parking areas of 5 or more spaces shall prevent vehicles from backing into a street in order to exit the site. Circulation design, layout, and signs associated with nonresidential uses shall direct exiting vehicles in a safe and convenient manner toward main thoroughfares and away from secondary streets passing through adjacent residential neighborhoods. No portion of the driveway at the edge of the street pavement shall be closer than 75 feet from an intersection, unless allowed by the Special Permit Granting Authority or Permit Granting Board.

- **Staff Response:** The width of the two-way entrance/exit drive is 22-feet wide. The curb radius is 15 feet. The applicant proposes ADA detectable warning strips at the sidewalk intersection with driveway. The layout of the proposed driveway is located and designed to minimize conflict with traffic and provides clear visibility and sight distances for the observation of approaching pedestrian and vehicular traffic.

7.11 Landscape Standards

7.110 - *Parking areas of 10 or more spaces shall provide a minimum of 10% of the total parking area as landscaped open space (this may be included in the calculation of open space area under Table 3: Dimensional Regulation: Maximum Lot Coverage).*

- **Staff Response:** The applicant proposes new planting along the perimeter of the parking area and drive. The applicant requests a waiver, as needed, to allow parking area landscaping as shown on plan (see sheet LC-111), which includes: 183 square feet for a landscaped tree island, 1,694 square feet of asphalt paving for parking and ADA spaces, and 1,371 square feet of dedicated grass paved parking.

7.111 - *Parking areas of 25 or more spaces shall provide landscaped islands of a minimum width of four feet, with raised curbs, throughout the parking area for the purposes of: a) defining parking lot entrances, b) defining the ends of a portion of the parking aisles, c) defining the location and pattern of primary internal access drives, d) separating parking spaces within long rows of spaces, and e) separating some of the rows of parking spaces from other rows.*

- **Staff Response:** The Applicant is not proposing a parking area of 25 or more spaces. The applicant is proposing 16 parking spaces. Therefore, this section is not applicable to this application.

7.112 - *Screening: parking areas with 5 or more spaces shall provide effective screening of the parking area from adjacent streets or properties. Such screening may be accomplished by: depressions in grade 3 feet or more; a hedge or wall; or any type of appropriate natural or artificial permanent division. Any required screening barrier shall not be less than 3 feet high. Screening shall not be located to obstruct driver visions so as to impair safety at intersections or driveway entrances or exits.*

- **Staff Response:** In keeping with neighbor preference, the applicant proposes to remove the row of spruce trees along the driveway, which are located on the northeasterly property line. In their place, an 8' cedar privacy fence is proposed, along with screening vegetation. Screening vegetation is also provided along the rear and west lot lines (to provide separation from Pratt Field), around the parking area, the patio, and the smoking area. See Plan LC-111 for planting plan.

SECTION 7.2 SHARED OR LEASED PARKING

7.20 - *Parking spaces required for one use shall not be considered as providing the required facilities for any other use, except as hereinafter provided. Any existing parking above 120% of*
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parking otherwise required for all uses on a property may be shared or leased by right. Where existing parking spaces are more than 100% but less than 120% of parking otherwise required for all on-site uses, applicants for a Site Plan Review approval or Special Permit may request to share and/or lease the parking spaces, based on the following conditions:

7.200 - Shared Parking: *Where it has been demonstrated to the satisfaction of the permit granting authority that one or more of the following conditions is met:*

7.2000 - *Parking spaces to be shared represent the difference between peak parking needs generated by on-site uses occurring at different times. This may include reductions in parking use resulting from employees, tenants, patrons or other parking users of the site being common to and shared by more than one different use on the site, and/or;*

7.2001 - *Parking spaces to be shared represent the difference between current levels of peak parking utilization and anticipated lower future levels of peak parking utilization, said difference to be generated in whole or in part by a parking management plan approved by the permit granting authority. Said plan shall include and implement measures such as car and van pooling, bicycling and public transit. The permit granting authority may require periodic documentation of reductions in parking utilization realized as a result of the parking management plan.*

- **Staff Response:** Given that 12 of the 28 residents will be extremely low income and unlikely to be able to afford a car, it is unlikely that these 12 tenants will need a parking space. The remaining residents will also have limited income and a proportion of these will not own a car. The location, with services, amenities, bus stops, a bike trail, and more within walking distance is well suited for those travelling by foot, bike, or bus. The times of highest demand for staff parking (weekdays) correlate with times of lowest demand for tenant parking, as a proportion of tenants with cars will drive to work on weekdays. The inverse is also true. The peak time for tenant parking (overnight and weekends) correlates with times when there will be little or no demand for staff parking. A Parking Study included in this application provides data from comparable housing developments and from various 3rd party parking studies to support the adequacy of the proposed number of parking spaces

The applicant is requesting a waiver from Section 7.200 of the Zoning Bylaw, in order to allow shared parking for tenants and guests, as well as accessory parking uses (staff, service provider). The Board may wish to ask the applicant whether staff and service providers offer services to tenants, exclusively, at this location, and not to the general public. The Board may wish to ask the applicant whether the staff and service providers will offer services to tenants, exclusively, at this location. The Board may wish to include this as a Condition.

SECTION 7.7 ACCESS REQUIREMENTS & DRIVEWAYS

7.718 - *There shall be a turnaround located at the end of the common driveway adequate for fire and other emergency vehicles.*

- **Staff Response:** The applicant proposes a drive that terminates to a hammerhead which also provides storage for dumpsters on site and services as an emergency vehicle turn around space. The Board should refer to the Amherst Fire Department's memo to the ZBA, dated June 9 & 18, 2020 regarding the driveway length and turnaround. According to the Amherst

Fire Department's memo to the ZBA, dated June 18, 2020, "The design should take in consideration the 25' inside turning radius needed for a cab over designed fire apparatus. This design will be smaller to the needs of a dumpster truck."

7.721 - *The Planning Board may require engineered plans for the driveways and drainage if it deems such plans necessary.*

Staff Response: The applicant requests a waiver to allow the proposed Development as shown on the submitted Plans without requirement for separate engineered plans. Plans for the driveway, site improvements, and drainage are provided in this application and are stamped by a licensed civil engineer. A copy of submitted plans has been submitted to the Town Engineer for comment. The Board may wish to hear comments from the Town Engineer before making a motion on this request.

ARTICLE 8 SIGN REGULATIONS

SECTION 8.1 RESIDENTIAL DISTRICTS

In all Residence Districts, the following exterior signs are permitted on private property, and no others:

8.101 - *In the case of a permitted or authorized use other than a dwelling or use accessory thereto, or in the case of sale or lease of the premises – two (2) signs pertaining to such use, sale or lease provided that the combined total area of such signs clearly visible from any point off the premises shall exceed twelve (12) square feet only under a Special Permit issued by the Special Permit Granting Authority.*

- **Staff Response:** The applicant requests a waiver to allow a temporary project sign to be erected on the property during the construction period of a size not to exceed 3' x 5' (15 square feet size area). To allow funders and contractors to install temporary signs during the construction period. To waive the requirement for separate Special Permit, as might be applicable, for temporary construction signs. A Comprehensive Permit may provide all local permits and approvals per M.G.L. c. 40B.

The Board may wish to ask the applicant how many temporary signs total are proposed.

ARTICLE 10 SPECIAL PERMIT GRANTING AUTHORITY

SECTION 10.3 SPECIAL PERMITS

10.387 - *The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw.*

- **Staff Response:** The applicant requests the Board to deem the submitted Traffic Report submitted as part of the Comprehensive Permit applicant to be sufficient and, given minimal traffic impact from the proposed development, to not require additional preparation of a Traffic Impact Report.

A copy of the Traffic Report has been submitted to the Town Engineer for comment. The Board may wish to hear comments from the Town Engineer before making a motion on this request.

ARTICLE 11 ADMINISTRATION AND ENFORCEMENT

SECTION 11.2 SITE PLAN REVIEW

- **Staff Response:** The applicant is requesting a waiver from the requirement for Site Plan Review by the Planning Board and to allow the proposed Development as shown on the Plans, including the proposed uses. A Comprehensive Permit may provide all local permits and approvals per M.G.L. c. 40B.

The applicant did provide an overview presentation of the proposed Development, including the plans to the Planning Board on June 17, 2020. After hearing the applicant's presentation, discussion by the Board members and receiving public comment, the Planning Board voted 7-0 to recommend the ZBA to approve the project as designed. Additionally, Planning Board members and staff at the meeting provided comments and recommendations, including:

- Consider raising the white band on the facade that separates the stone and siding so that it is closer to the bottom of the window, 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 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.

The Planning Board submitted a memo to the ZBA, dated June 18, 2020.

ARTICLE 13 DEMOLITION DELAY FOR STRUCTURES OF HISTORICAL OR ARCHITECTURAL SIGNIFICANCE

- **Staff Response:** To the extent that the existing structure proposed for demolition is subject to Article 13, the applicant is requesting a waiver from the requirement for demolition delay and to allow the demolition of the designated structure.

This application includes a written finding from the MA Historical Commission that states the demolition of the designated structure is "unlikely to affect significant historic or archeological resources." A Comprehensive Permit may provide all local permits and approvals per M.G.L. c. 40B.

ARTICLE 15 INCLUSIONARY ZONING

SECTION 15.0 INTENT & PURPOSE

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable and accessible housing in the Town of Amherst. This purpose includes:

15.00 -Ensuring that new residential development generates affordable housing as defined in Zoning Board of Appeals

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Article 12.

15.01 - *Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs.*

15.02 - *Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.*

15.03 - *To the extent allowed by law, ensuring that preference for new affordable housing is given to eligible persons who live or work in Amherst.*

SECTION 15.1 REGULATIONS

To ensure the purposes of this section, the following regulations shall apply to residential development in Amherst:

15.10 - *All residential development resulting in a net increase in dwelling units above the number already existing on the site, and requiring a Special Permit for the use itself or for modification of one or more certain dimensions as described below shall provide affordable housing units at the following minimum rates:*

<u>Net Increase in Required Affordable</u>	<u>Unit Count Unit Provision</u>
1-9 units	None*
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21 units	Minimum 12% of total unit count

While provision of affordable units is not required for developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections 4.33 and 4.55.

*Special Permit-modified dimensions triggering this bylaw:
 Building Coverage greater than standard maximum; or
 Lot Coverage greater than standard maximum; or
 Additional Floor(s) beyond the standard maximum; or
 Height more than 2 feet greater than standard maximum*

Calculation of the number of total affordable units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.

- **Staff Response:** The existing building is a single family home, with 4 bedrooms. The applicant proposes to demolish the existing building and construct 2 ½ story building with 28 studio apartments. All 28 studios meet the Town’s definition of affordable (reserved for tenants whose income is at or below 80% AMI, pursuant to Section 12.25 of the Amherst Zoning Bylaw, which states:

- **12.25 Housing, Affordable:** Affordable housing units are units which may only be rented or purchased by families or households whose annual incomes, adjusted for family size, do not exceed the limits for the maximum annual income for low-

income families or households (80% of the median income for Amherst, as calculated by the U. S. Department of Housing and Urban Development or any successor agency), and are eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor.

15.11 - *Affordable and accessible dwelling units provided under Section 15.10 shall be counted as meeting the requirements for density bonuses under the provisions of Section 4.55, Density Bonuses, of this Bylaw.*

- **Staff Response:** This section requirement is not applicable to this application.

15.12 - *The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be available for purchase or rental by eligible buyers and tenants, in perpetuity or to the extent allowable under law.*

- **Staff Response:** The applicant requests a waiver from Section 15.12 and acknowledges the application of Section 15.13 that assistance programs used for construction of the project will govern affordability.

According to the application, the Applicant expects that this housing Development will include an affordable housing restriction placed by the Town of Amherst, as well as one or more from funding agencies. Alternatively, the Town may elect to enter into a joint affordable housing restriction with other funders. The period of affordability is expected to be 99 years (or "in perpetuity").

The Board may wish to ask the applicant clarifying questions regarding who will be the holder(s) of the affordable housing restriction. The Board may wish to include a condition regarding the affordable housing restriction to be placed on this proposed Development at this location, under this Comprehensive Permit.

15.13 - *Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purpose of these regulations are met.*

- **Staff Response:** According to the application, the Applicant expects that this housing Development will include an affordable housing restriction placed by the Town of Amherst, as well as one or more from funding agencies. Alternatively, the Town may elect to enter into a joint affordable housing restriction with other funders. The period of affordability is expected to be 99 years (or "in perpetuity").

The Board may wish to ask the applicant clarifying questions regarding who will be the holder(s) of the affordable housing restriction. The Board may wish to include a condition regarding the affordable housing restriction to be placed on this proposed Development at this location, under this Comprehensive Permit.

15.14 - *In any residential development, affordable housing units provided shall be dispersed throughout the development, and shall be comparable to market rate units in terms of the quality of their design, materials, and general appearance of their architecture and landscape. Affordable units shall be comparable to market rate units in terms of size and bedroom count except as otherwise allowed by the Permit Granting Board or Special Permit Granting Authority.*

- **Staff Response:** The applicant requests a waiver requirement that affordable units be comparable to market rate units as all units will be affordable.

15.15 - *The Permit Granting Board or Special Permit Granting Authority may grant a Special Permit for modifications as provided below, except that when four (4) or more affordable units are required under the provisions of Article 15 of this Bylaw, a minimum of 50% must be provided on-site.*

15.150 - *Off-site affordable units may be allowed for projects principally located in the B-G, B-VC, B-N, and those B-L districts abutting the B-G district. Off-site units shall be located within the same zoning district or within 500 feet of the premises of the development and shall comply with Section 15.14.*

15.151 - *Payment of fees-in-lieu of affordable units may be allowed, payable prior to the granting of a Certificate of Occupancy for any dwelling units associated with the development, to the Town of Amherst Municipal Affordable Housing Trust. The fee-in-lieu value for each affordable unit not provided shall be three (3) times the current Median Family Income for Amherst as determined by the U.S. Department of Housing and Urban Development (HUD) or successor agency.*

- **Staff Response:** This section is not applicable to this application.

Compiled List of Questions/Requests for the Board to consider asking the Applicant:

1. The submitted building and lot coverage coverages should only account for portions of land within the R-G Zoning District. It appears the submitted building and lot coverage calculations account for the portions of land for the entire property, which includes land within the R-G and ED Zoning Districts. Therefore, the applicant needs to update the site plan to show the Zoning District boundary line and adjust the building and lot coverage that only account for portions of land within the R-G Zoning District. There is no building or lot coverage requirements for the ED Zoning District. Based on the adjusted building and lot coverages, the applicant will need to adjust the waiver requests, as needed, under this Comprehensive Permit application.
2. The applicant is requesting a waiver to allow a bike storage shed to be located within the side yard, as shown in the submitted (see LC-111), without a separate Special Permit, under this Comprehensive Permit application. It appears the bike storage shed is \pm 4 feet from the side yard line. Based on reviewing Plan Sheet LC-111 and Plan Sheet L-506, Detail 06, it is unclear what is the height of the proposed bike storage shed is. The Board may wish to ask the Applicant the bike storage shed dimensions, include height.
3. The applicant lists Section 6.132 as part of their waiver requests. However, the project site is not located within the B-G, B-N, or LI Zoning District, so this Section is not applicable to this Comprehensive Permit application. The Board does not need to grant a waiver to this request, as it is not applicable. The Board may wish to clarify this with the Applicant.
4. The applicant is proposing a single-story bike storage shed to be located within the side yard behind the frontline of the principal building, as shown in the submitted (see LC-111). Based on reviewing Plan Sheet LC-111 and Plan Sheet L-506, Detail 06, it is unclear what is the height of the proposed bike storage shed is. The Board may wish to ask the Applicant the bike storage shed dimensions, including height. The applicant did not include Section 6.134 as a waiver request. The applicant may wish to request a waiver request, as the current location would require a Special Permit application filing with the Board. The Board may wish to clarify this with the Applicant.

5. The applicant is requesting a waiver to allow the new cedar enclosure dumpster area with cast in place concrete slab and storage structure; 8-foot by 8-foot storage shed with exterior light wall pack; and covered bike storage shed to be located within the rear yard, as shown in Plan Sheet LC-111, under this Comprehensive Permit application. It appears each of the three accessory structures are \pm 3-feet from the rear property line. The Board may wish to ask the applicant whether sufficient screening of these accessory structures from the abutting properties to the southeast and northeast. The Board may wish to ask the applicant what is the proposed height of the following:
 - a. new cedar enclosure dumpster area with cast in place concrete slab and storage structure;
 - b. 8-foot by 8-foot storage shed with exterior light wall pack; and
 - c. covered bike storage shed.
6. The Board may wish to ask the applicant what is the height of the proposed smoking pavilion;
7. The Board may wish to ask the applicant to submit a Parking Management Plan for the proposed Development, which accounts for parking needs for tenants, guests, staff, and service provider(s). The Board may wish to ask the applicant to update the submitted Lease to state which units will have designated parking.
8. The Board may wish to ask the applicant whether the staff and service providers will offer services to tenants, exclusively, at this location. The Board may wish to include this as a Condition.