

GENERAL COMMENTS

1. We need real community engagement process where residents are stakeholders, not observers to decisions. A key Purpose of 40R is to strengthen existing communities and encourage community and stakeholder collaboration in development decisions. This did not happen here. Town residents were not stakeholders in the interview process. Attendees of 2 well-attended downtown were never invited to 40R meetings, even though the downtown was the first candidate for a 40R district. Downtown residents were not contacted after the downtown was selected. Even the Planning Board was barely part of the process with consultants only meeting with the board at its request. Some me questions:

- Why were Amherst residents and small business owners not considered stakeholders in the interview process?
- What were the results of Community Input? Please provide meeting notes, comment sheets, summaries, etc.
- Why weren't downtown residents, neighborhood leaders, small business owners, and the 3 historic districts leaders contacted for the Dec. 19,2020 meeting?
- Was community input actually used? How did comments change the final proposal?

2. BG property owners will not opt for the 40R SGOD process. Now developers can get 5-story buildings, provide no parking or affordable housing, and often get waivers. Why would they want to include parking and 20-25% affordable housing, follow design controls with possible lower building heights?

3. 5-story buildings on both sides of North Pleasant and Triangle Streets will create a canyon-like effect, weaken neighborhoods, and hurt economic development. Residents will lose the 3-story buffer zone created by BL zoning, and setback requirements that have resulted in gardens, trees and seating in front of stores. Downtown's New England style of buildings, diverse building heights, small storefronts and plantings, make Amherst unique and attractive. It's a key reason Amherst is one of the best college towns in the U.S.

4. This SGOD proposal will not help keep small local businesses downtown. One East Pleasant Street left more than 10 small businesses with no space, giving residents fewer reasons to come downtown. Rents at new buildings are too high for the small businesses.

5. SGOD Proposal does not consider the impact of more and more students living downtown, nor address the need for non-student housing. The Master Plan, Amherst Housing Market Study and Housing Production Plan all call for more non-student housing. Expensive apartments filled with college students will keep families and older adults away from downtown apartments and neighborhoods—or just make their lives miserable.

6. Where are the forms in form-based zoning? The promise of form-based zoning is less control over the permit process, in exchange for strict design standards and control over how buildings look. With little direction on architectural styles or photos of characteristic buildings,

the SGOD has vague standards and broad waivers. The SGOD easily be could be a height and density giveaway in exchange for affordable housing (but not always) and little else.

7. There are simpler fixes than adding a 28-page, SGOD 40R overlay district to Amherst’s already complicated 128-page zoning bylaw. Why not simplify and directly solving current zoning problems by: 1) requiring affordable units in all projects throughout Amherst of 9 or more units, 2) creating form-based code (with real community involvement), 3) giving the Design Review Board veto over poorly designed buildings, and 4) fixing problems with Limited Business (BL) zoning, possibly rezoning the BL to the flexible Business Village Center (BVC)?

PROPOSED MAP

The SGOD 40R proposal and map slices and dices Amherst’s small downtown. It adds 3 urban zones or subdistricts to the current General Business (BG) zone, Limited Business (BL) zone, the No Parking and Design Review districts. The SGOD says Amherst has a small urban core—which might to be East Triangle Street across from Kendrick Park. Section 11.3.2T4. What’s missed here is the fact that Amherst is not urban. But SGOD proposal and map want to make it so. The SGOD increases building heights in the BL by 1 or 2 stories, allowing 5-story buildings to face each other on narrow with no setbacks from the sidewalk. It could create a canyon-like effect on North Pleasant and Triangle Streets found nowhere else in the downtown—or any other New England college town I’ve seen. The 40R district overlay especially seems to target renters and low-income residents with extra building height.

SECTION BY SECTION ANALYSIS

Section 1. Purposes This section omits important goals of the state’s 40R statute, **Massachusetts Sustainability Principles and our Master Plan.** 40R has goals of: fostering distinct and attractive communities, strengthen existing communities, encourage community and stakeholder collaboration in development decisions. Sustainability Principles and the Master Plan emphasize protecting historic buildings, historic landscape and Amherst’s small-town community character. Here, there is no language about maintaining the historic, architectural character” of the downtown, in sharp contrast to the 2012 form-based zoning proposal for North Amherst. Add these goals, as well as goals to protect and expand opportunities of small, local businesses and to increase the housing for varying incomes, ages and household sizes.

Section 5. Permitted Uses **Can buildings be built in the SGOD without any affordable housing—yet get the benefits of increased heights and density?** Section 5.3 language appears to allow 3 types of buildings: “As-of-Right for Projects in the SGOD”: 1) residential buildings, 2) mixed-use buildings, and 3) buildings that that “Other Uses”, that is buildings that are not residential and not-mixed use. Do these “Other Uses” buildings, such as offices, get the benefit of increased building heights, smaller setbacks, and “as of right approval” – while providing no affordable housing? If yes, this would to be a disincentive to build residential or mixed-use buildings—with the required affordable units. And a boon for property owners.

Are any uses prohibited in the downtown SGOD? Both sections 5.2 and 5.3 allow “any of the following non-residential uses” as-of-right. These uses are broadly stated as: “commercial, office, cultural, civic, institutional or other non-residential uses.” There appears to be no limit on the uses allowed downtown, in sharp contrast to our current zoning. Uses now allowed in our zoning bylaw range from farm stands to ceramic studios, to apartment houses to lumber yards to fraternities to poultry farms to fuel storage plants to radioactive waste storage & disposal to truck terminals. But no zoning district allows all these uses. Does the SGOD?

Section 6. Affordability Section 6.1 contains vague and potentially broad waiver language exempting rental units from the 25% affordable housing requirement “on the basis that the Project is not otherwise financially feasible.” More specifics are needed on this term.

All projects should be subject to the 25% requirement. Downtown condos and rentals are the most expensive in Amherst and produce rents for decades. Most BL property owners bought property years ago for less for than their current value—and their values will greatly increase if building heights and densities increase.

Section 6.1 exempts buildings with 12 or fewer residential units from the affordability requirement. Will they also be exempt from Plan Approval process (and design review) under Section 7.1? But then will they benefit from increased heights, smaller setbacks, etc.?

Require the building of middle-income units will meet the goal of creating “a range of housing opportunities.” Add requirements for a mix of ages, middle-income housing units and mixed-sized units. Otherwise, the downtown will have only high and low-income residents.

Require that new apartments not be rented to undergraduates and keep the downtown open for families and older adults. This will address the critical issue of student rentals dominating neighborhoods and the rental market—and keep visitors coming downtown.

Section 7. Plan Approval Does Section 7.1 exempt residential buildings with 12 or fewer dwelling units from plan approval, design review and design guidelines, even as they get increased heights, reduced setback requirements, etc.?

Section 9. Plan Approval Decisions Sections 9.12 and 9.22 have confusing language the level of unfavorable impacts to nearby properties, how much mitigation is needed and what section of the bylaw to follow (“Section [x]”). Section 9.3 opens a wide door to waivers, allowing the Planning Board to waive “dimensional and other requirements, including Design Standards, in the interest of design flexibility and overall project quality and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD...” If this language wasn’t broad enough to cover almost any waiver request, there is more flexibility. The Planning Board can grant a waiver if it “finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section [x].” (Affordability cannot be waived.) Vague, flexible design requirements and broad waivers,

undercut the fundamental trade off of form-based zoning – stricter control over look and dimension, in exchange for less control over permit approval.

Section 11: Design Standards Section **These Design Standards can be very specific, vague, unclear and/or waivable.** The Design Standards claim to: 1) set “careful and coherent controls on building disposition and form,” 2) provide “flexible parameters,” 3) “reinforce a “legible and economically sustainable New England building and street pattern that reinforces that already existing in Downtown Amherst,” *and not to* 4) “dictate specific styles, details or materials.” One contradicts the next.

Section 11.1 This section drops the earlier goal of creating a range of housing types, now it’s limited to creating “high quality affordable and market rate residential development.” Perhaps a tacit acknowledgement no middle-income housing will be built downtown. No mention of historic buildings, the historic look of downtown, or adaptive re-use or remediation—all important goals of the state 40R statute, the Commonwealth’s 10 Sustainability Principles and our Master Plan.

The Design Standards is they decide the building size, scale and look of downtown Amherst – well in advance of any community discussion and agreement on these critical issues. Section 11.B. says it will “Recognize and Reinforce the Legible Patterns of Development,” but, in fact, the SDOG will allow developers to take much of it apart. Section 11.B cherry-picks and decides the look of Amherst’s downtown is “the scale of the historic structures at the corner of North Pleasant and Main Street.” Why pick this one corner and ignore the rest of downtown? And then even ignore this corner? Buildings at this corner are 3 stories, not 4 or 5. They face a green common, not a row of 5-story buildings.

Near this corner are 2, 3 and occasionally 4-story buildings, with a mix of architectural styles and set-backs. Buildings are brick, Victorians, Colonials, and cottages. They house small businesses like the Red Door, Formosa Restaurant, Share Coffee, Black Sheep and Indian restaurant, as well as barber shops, a bakery, flower shop, violin maker, etc. Many have gardens, trees and benches in the front. Loss of Amherst’s diversity of heights, setbacks, building styles, trees, plants, etc. will be boring and destroy Amherst’s character—and what people like. But the SGOD misses all this.

Keying off of the two of the most unpopular buildings in downtown—One East Pleasant Street and Kendrick Place, the clear losers in a Planning Department survey, the SGOD allows 4-5 story buildings, with no setbacks from the sidewalk. Future buildings will overwhelm beautiful historic buildings like the Catholic Church, Post Office, Unitarian Church, and the Colonial, Victorian and cottage buildings. Instead of requiring adaptive re-use (like the Amherst Works Building) and expansion, the Design Standard do not protect facades or architectural styles. Nothing prevents buildings from being torn down.

Section 11.D. Confusingly for a form-based code, the proposed bylaw states that “[t]hese Standards are not intended to dictate specific styles, details or materials.” But isn’t that the main point of form-based code? And wasn’t maintaining downtown’s New England look a goal?

Section 11. F. While “Provide Adequate Parking” is the title of this section, there are no parking requirements. And parking can be reduced for 6 reasons, including any “(f) other factors as may be considered by the PAA.” More overbroad waiver language.

Section 11.2 Form-based Code. Where are the forms in the form-based code? What will be the look of new buildings and streets? Unlike the 2012 proposed North Amherst Form-based code or Somerville’s new form-based code, there are no pictures or specificity of the look or forms of new buildings. Isn’t this the goal of form-based zoning? But here there is no look. The SDOG doesn’t require matching existing architectural styles, preserving historic buildings or facades, or using “elements derived from area’s historic architecture.” Nothing in the SGOD addresses street pattern. These are part of Massachusetts Sustainable Development Principles. (“1. ...protects historic resources and integrates uses. Encourage remediation and reuse of existing sites, structures and infrastructure....” “4. Protect and restore.... cultural and historic landscapes.”) How will Amherst keep its “New England building and street pattern?”

Add requirements for adaptive re-use, saving facades, keeping historic building styles—integrating these styles into building expansion. Buildings can get bigger but retain historic look and styles. Amherst College did this on North Pleasant Street, restoring the white church in front and adding an attractive orange, modern extension to the back. The Valley CDC just did a beautiful rehabilitation and expansion of a building on Route 9 in downtown Northampton. New construction can fit in and add to the community, creating unique and lively streets.

Add requirement for small commercial spaces on 1st floor for small, local businesses. Small businesses, like Antonio’s, Henion Bakery, etc. draw people downtown and are part of downtown’s community character—but they can’t afford rents in larger new spaces. Loss of small businesses will hurt economy vitality.

Section 11.3.1 T5 and 11.3.2T4 Dimensional Requirements do not protect and strengthen downtown neighborhoods. Now buffered by 3-story, a 20’ setback and lot coverage requirements of the BL, under the SGOD renters and homeowners living in small apartment buildings and houses will stare up at 4-5 story buildings on North Pleasant, Triangle and Kellogg Streets. Buildings without front and side setbacks or requirements to soften or breakup rear facades. 5-story buildings will rise next to the high school playing fields and across from the cemetery, already overwhelmed by the mass of One East Pleasant Street.

No one walking by One East Pleasant Street or Kendrick Place lingers to look and shop—these buildings dwarf every nearby building and green space. Contrast these buildings with the beautifully landscaped Peoples Bank building, fitting in with South Prospect Street houses and the Jones Library. The SDOG only increases the number of 5 story buildings and does little to mitigate their negative impact.

Sections 11.3.1.1 and 11.3.2.1 have no setback requirement, so buildings would replace existing trees, plantings and benches. Section 11.3.2.1 (T5) allows a 5' setback for pedestrian uses but is too small for outdoor dining. Section 11.3.2.4 require a small 5' step back for 65', 5 story buildings, which will do little to mitigate their size and height – and then only from sides facing a public way, not those facing residential buildings. Similarly, Section 11.3.2.2.4 (T4) only requires walls to have “substantial architectural articulation” when adjacent to open space or public way, not residential buildings. In both T5 and T4 and T3, blank walls are allowed on back walls facing residential buildings.

The sections on materials, site design, landscaping and outdoor environment in the T5, T4 and T3 districts are repetitive and could be condensed.

Esoteric language is hard to understand. Previous form-based zoning bylaw proposals for North Amherst and Atkins Corner were clear, using photos, illustrations and common language. Here we have: “transect-based Form Based code” in Section 11.2 and 3 sub-districts (T3 sub-urban, T-4 General Urban and T-5 Urban Center) that are “keyed to standard T1 through T6 Transect definitions.” One suspects this proposal pulled off the shelf from another city, especially when Section 13.2(3) says “...and other community features traditionally found in densely settled areas of the [City/Town] or on the region of the [City/Town.]” Also, confusingly the following section numbers are repeated twice: 11.3.1.2.5, 11.3.2.25 and 11.3.3.2.5. And it can be hard to simply understand what the zoning bylaw is describing, as in Section 11.3.1.2.5.