

AMHERST, MASSACHUSETTS

CLUSTER DEVELOPMENT

The town of Amherst, Massachusetts has worked diligently over the last 30 years to protect the natural and cultural landscape surrounding their community. The unintentional result of the town's aggressive land protection strategy was an increase in land prices because much of what would have been buildable now was protected. Amherst became a highly desirable community with expensive residential land. Affordable housing was a community goal but an unachievable one without public intervention.

- ✓ Cluster development
- ✓ Inclusionary zoning
- ✓ State incentives to local governments to encourage affordable housing development

The genesis of the environmental protection policies occurred in the late 1970s and early 1980s, when it became clear that development could jeopardize the quality of the community's water supply and soil. At that time, the town began purchasing land and easements to support conservation. Eventually, agricultural easements were also used to ensure the pastoral landscape of the community was preserved and a revised zoning code was adopted to require cluster developments in aquifer recharge and watershed protection areas.

To meet the community's goal of providing housing for individuals of varying income levels while simultaneously pursuing the larger goals of conservation and sustainability, the town integrated affordable housing goals into its conservation-oriented ordinances through the use of density bonuses and inclusionary zoning.

Cluster development is Amherst's primary land use tool for encouraging affordable housing

The cluster development bylaw is one of the primary ways affordable housing is encouraged within Amherst's development regulations. Cluster developments are a sophisticated form of subdivision that cluster buildings into groups on reduced lot sizes in order to aggregate open space and permanently preserve it from development. The stated goals of the Cluster Development ordinance are:

- ❖ to develop in harmony with the natural features;
- ❖ to compatibly develop in line with the surrounding residential areas;
- ❖ to efficiently use land to increase the options for affordable housing;
- ❖ to protect natural resources, including aquifers, wetlands, and farmland; and
- ❖ to economically and efficiently install, construct, and maintain street, utility, and public facilities.⁴⁴

All of these goals are accomplished by the unique design of the cluster developments, which group homes in developable areas and set aside the remaining undevelopable areas as permanent open space. Since this land generally would be undevelopable anyway, given the properties' location over the aquifer or in the watershed, the ordinance allows for creative treatment of the land to reach community goals. Affordable housing is encouraged by the Town of Amherst in all cluster development subdivisions through its provision of density bonuses for all developments that include affordable units.



Each cluster development must be a minimum of five acres, and at least 40 percent of the dwelling units must be single-family units. The level of density allowed is similar to what would be allowed in a conventional subdivision. The exception to this is “affordable clusters.” If 10 percent of units in a development are affordable (to households earning less than 120 percent of area median income), the Planning Board may authorize an increase in the number of lots allowed up to 120 percent of the standard number of building lots allowable.

Inclusionary zoning

Amherst has also included an inclusionary zoning provision in its ordinance. The number of affordable units to be built is calculated used the following guidelines:

- ❖ Less than 10 units in a development 0 affordable units

- ❖ 10-14 units in development 1 affordable unit
- ❖ 15-20 units in development 2 affordable units
- ❖ 21+ units in development 12 percent of total unit count

Results

There were some early successful projects developed in Amherst when the ordinances were first put in place in the late 1980s and early 1990s. The first was Misty Meadows (1987), a 137-acre farm that was purchased by local developers (for \$750,000) to build housing. Before the housing was built, the town bought 97 of the original 137 acres (for \$310,000) for open space/conservation. The remaining 40



acres were developed under the town's Cluster Development Bylaw, with 41 units on 18 acres and 22 acres of permanently preserved open space. To receive the density bonus, the developers developed 15 affordable units (37 percent of total).⁴⁵

The second successful project was Canterbury Farms (1990). Canterbury Farms was a 26-acre parcel including 23 acres located within the Aquifer Recharge Protection overlay district and three acres within the Watershed

Protection overlay district. Under the conventional subdivision ordinance, development would have been prohibited, so the local developer sought to develop under the Cluster Development Bylaw, as well. The affordable housing density bonus allowed the developer to include two more lots than would have otherwise been allowed under the bylaw. In total, 15 single-family units were built, four of which were affordable (27 percent). Affordable housing agreements were created in both examples to ensure affordability in perpetuity.⁴⁶

Since these early successes, the cluster development ordinance has been used many times, and developers have included affordable units in a quarter of the

developments. In total, about 35 affordable units have been developed under the ordinance through 2007.⁴⁷

The effectiveness of the inclusionary zoning requirements has been limited by the size of projects being built (four to eight units). Since the requirement is triggered when ten or more units are built, most projects are exempt from the requirement. This trend is likely to continue because land constraints and market preference for single-family units are driving the number of units in each development.

“...those few have been fought with unremitting ferocity by neighbors.”

-Jonathan Tucker

Jonathan Tucker, planning director for Amherst, believes that neighborhood opposition is a major obstacle to developing more affordable units. “Our varied regulatory affordable housing incentives have been real, but fairly tepid and few and far between. And those few have been fought with unremitting ferocity by neighbors,” he said.

Tucker and his colleague Roy Rosenblat, community services director for Amherst, emphasized the fact that citizen’s objections have stalled most projects.⁴⁸ Locally, there has been strong support for the idea of affordable housing; when it comes to approving the actual citing of units, though, there is consistent and significant opposition from abutters. The consensus of Rosenblat and Tucker was that neighborhood objection can derail the best ordinances and regulatory provisions. Additionally, they both agree that the private market isn’t demanding affordable housing and that the incentives available are not sufficient to change developer behavior or make the units more cost effective.

Community Preservation Act provides important resources for developing and preserving affordable housing

The town continues to encourage developers to take advantage of the affordable housing incentives available. However, to date, the Town has had the most success getting affordable units on the ground using resources available under the Massachusetts Community Preservation Act (CPA). Under the CPA, towns and cities in Massachusetts can choose to adopt the act, levying up to a 3 percent surcharge on taxable property.⁴⁹ The local tax revenue is then placed into a fund that the state matches at 100 percent. Activities related to open space, historic

preservation, and community housing initiatives must each receive at least 10 percent of a community's CPA funds; the remaining 70 percent of revenues may be spent on any of these purposes, plus recreation.⁵⁰

Amherst adopted a 1.5 percent surcharge and revenues total about \$600,000 per year. Resources are allocated evenly between affordable housing, historic preservation, and open space projects. The local Housing Authority administers the dedicated affordable housing funds. Funds have been used to support affordable units in planned market subdivisions through the provision of infrastructure and financing and have been used to save affordable units whose affordability requirements were expiring. About 18 affordable units have been developed or preserved using CPA revenues.

Amherst's cluster development bylaws are a work in progress

Amherst has been experimenting with cluster development and inclusionary zoning for over 20 years. During this time, they have learned that public support often is best focused on "buying down the cost" of a project through donating or purchasing land, particularly when land prices are high. Both Misty Meadows and Canterbury Farms received public support through land purchase or donation.

The other lesson Amherst learned was that cluster development should be allowed "by right" in the zoning code rather than require a zoning change. Rezoning generally requires the approval of the Zoning Board of Appeals, which is relatively easy for citizens to control because of its small size. Allowing the use as of right, through the special permit process (which requires approval by the planning board, a much larger body), provides the developer more surety that some form of the development will be approved and allows the town to maintain influence over project design.

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