

AMHERST PLANNING BOARD
Wednesday, January 17, 2018, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Greg Stutsman, Acting Chair, Robert Crowner, Michael Birtwistle, Jack Jemsek, Christine Gray-Mullen and Pari Riahi
ABSENT: Stephen Schreiber and Maria Chao
STAFF: Christine Brestrup, Planning Director

Mr. Stutsman opened the meeting at 7:02 PM.

I. MINUTES – January 3, 2017

Mr. Birtwistle MOVED to approve the minutes of January 3, 2018. Mr. Crowner seconded and the vote was 5-0-1 (Riahi abstained).

II. PLANNING & ZONING

A. ZSC Report

Mr. Crowner reported that the Zoning Subcommittee had been approached by citizens who would like to amend the Inclusionary Zoning Bylaw to include projects that request Special Permits for reasons of use or dimensional modifications.

The ZSC was not persuaded but members believe that something needs to be done. The ZSC noted that there seems to be some interest on the part of citizens to take a look at prior efforts to amend the Inclusionary Zoning Bylaw. The ZSC will consider whether to pursue this at its next meeting.

Mr. Crowner reported that it is likely that citizens will bring a petition to fix the Inclusionary Zoning Bylaw.

The ZSC is continuing to explore issues related to the town center. It is exploring how a 40R Overlay district might look and operate in the town center and its effect on the allowed density in the middle of downtown. But this proposal will not be put forth for spring Town Meeting.

There may be some “infill” amendments that will be ready for spring, including one on the Supplemental Dwelling Unit and one to allow the creation of lots that don’t have a standard amount of frontage. The frontage amendment would allow a waiver of the required frontage provided that another lot exists in the neighborhood that already has the frontage proposed for the new lot. The Supplemental Dwelling Unit proposal would allow larger units to be built as Supplemental Detached Dwelling Units, up to 1,000 SF or 1,100 if fully ADA accessible.

Staff is working to adjust the recreational marijuana zoning bylaw, based on the new regulations that are being drafted by the state. There is a list of additional uses associated with recreational marijuana that needs to be considered for inclusion in the Bylaw.

B. Public Comment – none

C. Other – none

III. OLD BUSINESS

A. Amherst Public Art Commission – Proposed Town of Amherst Policy – Art Installations by Private Developers on Public Land

Eric Broudy, a member of the Amherst Public Arts Commission presented the proposed policy. He noted that the topic had been introduced to the Planning Board in the fall. Now that we have a “half-percent for art” we should consider art associated with private developments. There are 100 municipalities that mandate public art as part of private development. The APAC wants to encourage art as part of private development. Mr. Broudy described a supervisory role for the APAC. He reported that the DRB is supportive of this initiative. The APAC is working to refine the document and determine if it should be a policy, a guideline or an ordinance. They are leaning against proposing it as an ordinance.

The Board members discussed various aspects of this proposal such as the permanence of the art work, which Board or Committee would have jurisdiction over the art work, would the art be “public art” or would the developer own the art and make it available for “public viewing”.

Ms. Gray-Mullen expressed concerns about maintenance of the art work as it starts to age and fade over time. There was discussion about repainting, replacing light bulbs, etc. Mr. Broudy stated that there would be an agreement about a maintenance schedule and it would be the owner’s responsibility to replace the art if it were damaged or needed upkeep.

There was discussion about the word “significant” to describe the art work. Does this refer to size and scale or cost or its impact on the streetscape?

Mr. Crowner stated that the Planning Board does not need the exact language to make a statement in support of such a policy.

The Planning Board expressed general support for a policy such as that outlined by Mr. Broudy.

B. Topics not reasonably anticipated 48 hours prior to the meeting – none

IV. NEW BUSINESS

A. UDrive LLC – proposed alternative plan for residential development on Map 13B, Parcel 33 – review and recommendations to Zoning Board of Appeals

Attorney Tom Reidy of Bacon Wilson presented a conceptual redesign of the residential portion of the project. He gave the history of the site, including a zone change to B-L (from OP) which was supported by the Planning Board. The current proposal includes a Class II restaurant, a building with 6 units and an apartment building. The project has been submitted to the Conservation Commission and the ZBA. The current proposal would eliminate Building 3 and would propose more density and units in Building 2. There might be an office or commercial space as part of the building.

The project would include about 53 parking spaces, 3 of which would be handicapped spaces. The project is on a public transit route and abuts the bike path. There will be screening and fencing along the southern property line.

Mr. Reidy described a potential lawsuit involving claims of adverse possession or a prescriptive easement. He noted that the property owner to the south has concerns about stormwater management. The redesign is generated by efforts to address the concerns of the property owner to the south.

Mr. Reidy described the setback requirements from wetlands. He also noted that the applicant is considering proposing a mixed-use building. He described Building 1 as having 6 units and 3 stories and Building 2 as having 24 units and 4 stories. He asked the Zoning Subcommittee to look at and consider changing the 24 unit limitation for apartment buildings. He noted that there is no such limitation for a mixed-use building.

John Kuhn, Architect from Kuhn Riddle Architects, described the proposed 4 story building, noting that it would require a Special Permit to modify the height requirement from 35 to 45 feet. The materials would be the same as Building 1. It would be 140 long and there would be 6 units per floor.

Ms. Brestrup asked the applicants to talk about other buildings in the area that are similar in height. Mr. Reidy mentioned the Slobody building across the street and the University buildings at the north end of University Drive. The new 4 story building will fit into the context of the surrounding area, he asserted. He asked the Planning Board to make a recommendation to the ZBA for the new plan and building configuration.

The Planning Board members expressed reluctance to state their support without knowing more about the exact proposal. They asked the applicants to return once a decision had been made about what is being proposed.

Board members also discussed the proposed color scheme, with some members expressing support for the colors and some questioning the proposed colors.

There was discussion about which Board would need to approve the Special Permit for a mixed-use building with more than 10 units above the first floor.

There was discussion about how many of the units would be affordable and whether some of the units from Building 2 could be moved into Building 1.

B. Southpoint Apartments – East Hadley Road – proposed new apartment building and site improvements – review and recommendations to Zoning Board of Appeals

Attorney Tom Reidy of Bacon Wilson presented the proposal. He was accompanied by Carlos Nieto-Mattei of The Berkshire Design Group and David O’Sullivan, architect, and Byron Gelden, representing the landowner, Ronex Corporation. The site has apartment buildings that exceed the limitation of 24 units per building, does not comply with the requirement that no more than 50% of the units may be of one type, and the site also exceeds maximum lot coverage requirements. Therefore the site is a pre-existing non-conforming site. The proposed building and site improvements would require a Special Permit from the

ZBZ under Section 9.22 of the Zoning Bylaw and also a Special Permit to modify the previous Special Permit.

Mr. Nieto-Mattei presented the site plan. The proposed building would contain 47 units. The parking lot would be expanded. A play area and open patio area containing a picnic barbeque area would be constructed. A property line separates Southpoint from The Boulders. The new 47 unit apartment building would have 43 parking spaces adjacent to the building and another 30 parking spaces would be added to the north of the building. One row of existing parking would be eliminated to provide a place for the new building. A trash area would be attached to the building. There would be 3 ADA parking spaces included. Bike racks would also be included.

David O'Sullivan, architect for the project, described the new building. He noted that the ZBA had recently approved renovating the facades of all of the buildings, taking off the Mansard roofs. The new building would match the facades that the ZBA had recently approved. The new building will be handicapped accessible, with 5% of the units fully accessible. There will be an elevator. The main entry will be at the corner where the two parts of the building meet. All 47 units are accessible to visitors and adaptable if they need to be fully accessible in the future. The units will be mostly 2-bedroom units, with a few 1-bedroom and 3-bedroom units.

The materials of the building will be brick on the lower portion of the façade and composite clapboard on the upper portion, with composite trim.

There will be 6 affordable units included.

The northern parking lot will be used by tenants of Southpoint, but the project will stay in the vicinity of 1.61 to 1 parking spaces per dwelling unit.

There was discussion about building and lot coverage. The building coverage will be about 12.5% (20% is allowed). The lot coverage will go from 31% to 35% (30% is allowed.)

The Board discussed the project, noting that it is near public transportation.

Mr. Birtwistle MOVED to recommend the project to the ZBA. Ms. Riahi seconded. Mr. Crowner noted reasons why the project is a good one, including that it is in keeping with the Master Plan because it satisfies the goal of infilling already developed areas. It seems appropriate to the site, he said. The vote was 6-0-0.

C. Topics not reasonably anticipated 48 hours prior to the meeting

- V. **FORM A (ANR) SUBDIVISION APPLICATIONS** – Ms. Brestrup presented ANR2018-11, a plan for Debra Edelman's property at 217 Shutesbury Road. The Town Engineer had not commented on or signed the application and so the Planning Board would not be asked to sign the plan this evening. The ANR was prepared in order to carve off a small piece of land for Ms. Edelman from her neighbor's property (W.D. Cows) because Ms. Edelman's well is located on the neighbor's property. The ANR is being submitted to change the property line to include the well in Ms. Edelman's

property. Mr. Schreiber will be asked to come in to endorse the plan once the Town Engineer has responded. The parcel on which the well is located is in Chapter 61, Forestry. So the small piece of land will need to be taken out of Chapter 61 in order for the transaction to take place.

VI. UPCOMING ZBA APPLICATIONS – ZBA applications were already described.

VII. UPCOMING SPP/SPR/SUB APPLICATIONS – none

VIII. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Jack Jemsek and Christine Gray-Mullen – no report

Community Preservation Act Committee – Pari Riahi reported that CPAC had met last week and they were reviewing the questions and answers for proposed projects.

Agricultural Commission – Stephen Schreiber – no report

Design Review Board – Michael Birtwistle reported that the Mr. McCarthy had produced a good summary of the DRB comments on the items that had come before them at their last meeting. The topic was the public art.

Amherst Municipal Affordable Housing Trust – Greg Stutsman reported that the AMAHT had met last week and were targeting housing projects, including CPA proposals, for affordable housing.

Zoning Subcommittee – Rob Crowner, Greg Stutsman and Maria Chao

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman and Christine Gray-Mullen has not met

Downtown Parking Working Group – Christine Gray-Mullen reported that the DPWG met yesterday and is working on employer, employee parking survey for the downtown. The next meeting is February 7. Ms. Brestrup reported that one DPWG member and one staff person from the Planning Department would be presenting to the Mass Municipal Association on the work that has been done over the past year.

IX. REPORT OF THE CHAIR – no report

X. REPORT OF STAFF – Ms. Brestrup expressed her happiness in having a new planner, Maureen Pollock, working on the Planning Department staff. She has already been given assignments.

XI. ADJOURNMENT

The meeting was adjourned at 8:30 PM.

Respectfully submitted:

Approved:

Christine Brestrup
Planning Director

Greg Stutsman, Acting Chair

DATE: _____