

AMHERST PLANNING BOARD
Wednesday, April 18, 2018, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Greg Stutsman, Acting Chair, Robert Crowner, Michael Birtwistle, Jack Jemsek, David Levenstein, and Pari Riahi

ABSENT: Maria Chao, Stephen Schreiber, and Christine Gray-Mullen

STAFF: Christine Brestrup, Planning Director
Steven McCarthy, Administrative Assistant

Mr. Stutsman opened the meeting at 7:05 PM.

I. MINUTES – There were no Minutes available for review.

II. PUBLIC HEARING – DEFINITIVE SUBDIVISION PLAN

SUB2018-01 – Elsie Fetterman – 148 Logtown Road – Echo Woods II Subdivision

Request amendment to Definitive Subdivision Plan to remove an unused land restriction running to the Town (a reservation that was to have provided access to a now-closed landfill on the north side of Belchertown Road) (Map 18D, Parcel 82, R-N zoning district)

Mr. Stutsman read the preamble and opened the public hearing.

Elsie Fetterman, property owner, and David Berson, attorney with Bacon/Wilson, presented the application.

There were no disclosures.

The applicant is requesting an amendment to the Definitive Subdivision Plan to remove an unused land restriction running to the Town, which would have provided access to the landfill. The Town does not need the access road and is comfortable giving up the option. The applicant would like this restriction to be removed so she may build a supplemental detached dwelling unit.

Superintendent of Public Works, Guilford Mooring, and Assistant Town Manager, Dave Ziomek, have confirmed that the Town has no interest in building an access road to the now-closed landfill which is now proposed to be used for a solar array.

Mr. Stutsman reviewed the site visit report, and noted there were no comments on the visit.

Alberto Ortiz, abutter to the north, expressed concern that a supplemental detached dwelling unit would affect his property values. Mr. Stutsman explained that the proposed detached dwelling unit is not the subject of this public hearing. The ZBA will be holding a public hearing on the proposed detached dwelling unit on May 10.

Mr. Berson submitted letters from other neighbors who support Ms. Fetterman's request.

Mr. Crowner **MOVED** to close the public hearing and grant the applicants requests as follows:

1. Remove the Road Reservation from Lot 18.
2. Remove the limitation for Lot 18 on building within 60 feet of the property line between Lot 18 and Lot 24.
3. Amend Condition #11 of the Definitive Subdivision Plan approval to remove the Road Reservation on Lot 18.

4. Approve the plan entitled “Modification of the Definitive Subdivision Plan of Echo Woods II Subdivision” prepared for Elsie Fetterman, dated February 19, 2018, showing removal of the Road Reservation and the note requiring the 60 foot setback.

Mr. Levenstein seconded. The vote was 5-0-1 (Jemsek abstained). The motion passed.

III. PUBLIC HEARINGS – SITE PLAN REVIEW & SPECIAL PERMIT

SPR 2018-11 & SPP 2018-01– U Drive LLC– University Drive – Mixed-use Building

Request Site Plan Review approval to construct a mixed-use building under Section 3.325 of the Zoning Bylaw, with 36 residential units and one office, with associated parking and site improvements and request Special Permit to allow more than 10 dwelling units above the first floor and to modify the height requirement (Map 13B, Parcel 33, B-L zoning district)

Mr. Stutsman read the preamble and opened the public hearing.

Mr. Jemsek recused himself and left the room.

Tom Reidy, Attorney with Bacon/Wilson, Barry Roberts, developer, Charles Roberts, Architect with Kuhn Riddle Architects, Phil Henry, Engineer from The Civil Design Group, and Andy Bohne, Landscape Architect with Place Alliance, presented the application.

Mr. Reidy described the recent work on the site, including the recently approved restaurant and subdivision of the lot. He noted that the applicant wishes to receive a modification of the height requirement under Footnote “a” of Table 3, to receive a waiver of the parking requirement and approval of filling of land under Section 3.1225 of the Zoning Bylaw.

Ms. Brestrup noted that there are two members of the Planning Board who are absent tonight but who plan to invoke the Mullin Rule [MGL Chapter 39, Section 23d] and listen to the recording of tonight’s meeting and be eligible to vote at the continued public hearing.

Mr. Reidy presented a rendering of the entire site and noted that an ANR plan had been endorsed by the Planning Board last fall showing the property divided into two lots, Lot A for the restaurant and Lot B for the mixed-use building. The ZBA has recently approved a 3,000 square foot restaurant on Lot A.

Mr. Reidy recounted the history of the project which started in 2014. The Planning Board sponsored a zoning amendment in 2014 and 2016. The zoning district was changed by Town Meeting from OP (Office Park) to B-L (Limited Business) in 2016. This project is a fulfillment of what the Planning Board wanted when it sponsored the zoning amendment.

In addition, Town Meeting voted to authorize the Select Board to remove a restriction to allow a new point of access for Lot B. The Transportation Advisory Committee has been consulted on the design of the entrance drive and the reconfiguration of the bike path. The Public Shade Tree Committee and the Tree Warden have been consulted about the removal of one tree. The property has been removed from Chapter 61A designation and the town will receive \$40,000 in back taxes as a result.

He noted the Town’s tax revenue would go from \$69/annum to approximately \$100,000/annum on this site if the project goes forward.

The developer has made an agreement with the Agricultural Commission to pay \$10,000 upon receipt of a Building Permit to further the cause of agriculture in Amherst.

The project has received approval in the form of an Order of Conditions from the Conservation Commission.

The bike path will be reconfigured to be a single 9 foot wide bike path with two-way traffic on the inside of the line of trees. This reconfiguration was the result of discussions with the Transportation Advisory Committee, the members of which wanted to eliminate potential points of conflict for bicyclists and pedestrians.

Mr. Reidy acknowledged the existence of an open lawsuit for adverse possession of a strip of land on the south side of the property. The applicant proposes to negotiate a settlement with the landowner to the south.

The project will be a mixed-use building since apartment buildings are limited to 24 units. By applying for approval of this project as a mixed-use building the number of units is not limited. It will be an attractive, affordable design with a variety of studios, one-bedroom and two-bedroom apartments, a few three-bedroom apartments and one 200 square foot office space.

There will be 36 units in an approximately 30,000 sq ft of building floor area, as well as an office space. There will be four affordable units included –one studio, two one-bedroom units, and one two-bedroom units. This bedroom mix for affordable units was arrived at through conversations with the Amherst Housing Authority. The overall unit mix will focus on studio apartments, and one and two bedroom apartments. The applicant submitted an email from Amherst Housing Authority in support of the affordable units in the project.

The overall mix of units will be as follows:

- 4 – Studio apartments
- 11 – One-bedroom units
- 18 – Two-bedroom units
- 3 – Three bedroom units

There will be 48 parking spaces; 27 (slightly more than 50% of them) are proposed to be compact and 3 are proposed to be ADA handicapped spaces.

The parking breakdown will be as follows:

- Studios, one and two-bedroom apartments – 1 parking space per unit = 33 spaces
- Three bedroom apartments – 2 parking spaces per unit = 6 spaces
- Office – 1 space
- Total assigned spaces = 40 spaces

Eight (8) unassigned spaces will be designated for ADA handicapped spaces, guests, additional tenant spaces, delivery and ride-sharing (such as Uber and Lift).

The developer is considering installing an electric vehicle charging station.

Ordinarily 73 parking spaces would be required for a project such as this – 2 spaces per dwelling unit ($36 \times 2 = 72$) plus 1 space for the office.

Mr. Reidy presented reasons in support of waiving the parking requirement to allow 48 rather than 73 parking spaces – such as PVRTA service on University Drive, proximity to stores and restaurants, proximity to UMass, proximity to the multi-use path.

Mr. Reidy noted that as part of the negotiation with the abutter to the south, the applicant will convey a portion of the property to her. There will also be a 6 foot high chain link fence installed

around the southeast corner of the property and an Arborvitae hedge all around that corner as well.

Mr. Reidy noted that there will be a hammerhead turnaround area at the end of the driveway for fire trucks. He also described the fenced-in trash area.

Mr. Roberts of Kuhn Riddle Architects detailed the architecture of the building. He noted the many site challenges with setbacks, wetlands, and topography. All floors will be accessible by elevator.

Mr. Roberts showed elevations and floor plans of the proposed buildings and described the layout. He noted that roof drainage will be internal and that all mechanical equipment will sit in the valley on the roof, between the two gables. He described the entryways to the building. The exterior of the building will be clad with fiber-cement clapboards.

Ms. Brestrup asked the applicant to clarify the height of the building. From the average grade to the peak of the roof is 44'-5"; the height to the midpoint of the roof, from the ridge to the eave on street side is 39'-3".

In support of the height modification Mr. Reidy noted that the peak on the Newmarket building is 40' and on the Slobody building it is 39'. The proposed building will appear to be tucked into the hillside because of the significant rise in the land to the east.

The Conservation Commission has approved the project with an Order of Conditions, and the Town Engineer has approved the plan.

Phil Henry of the Civil Design Group detailed the stormwater management system. There were challenges with the site, including high groundwater. The site uses two stormwater basins to handle runoff and is designed to contain a 100 year storm. He described the roof drainage and pavement drainage systems. He noted that all of the water eventually crosses University Drive in an existing storm drainage pipe. The stormwater management system will result in a decreased peak volume and decreased peak rate of flow. The new project will not adversely affect the existing drainage pipe across University Drive. The overflow from the westernmost storm drainage basin will be controlled by a weir and the overflow will drain into the wetland area. Stormwater is pre-treated before it enters the drainage basin. The basins are designed to infiltrate within 72 hours.

Mr. Stutsman noted that the Town Engineer had reviewed the stormwater management plan, the abutter's engineer had reviewed it and it had also been reviewed by a third party hired by the Conservation Commission.

In response to a question about the 500 year storm, Mr. Henry stated that the water will flow to the low points on the site and pond there.

Mr. Birtwistle asked about the separation between the stormwater basin and the wetland. The stormwater basin is graded down and will be vegetated with appropriate plantings. If the basin were overwhelmed, the water would overflow in a controlled manner into the wetlands.

Mr. Levenstein asked for details about the driveway drainage and more detailed dimensions of the westerly stormwater basin and the area surrounding it.

Mr. Bohne, of Place Alliance, presented the landscape plan. He noted the site was currently being used extensively for agricultural purposes, with some intrusion into existing wetlands areas and buffers. There will be intensive revegetation, wetland reclamation, and mitigation efforts undertaken as part of this project. There will be significant reforestation and the building will appear to be nestled into a forest within 15-20 years.

All plants will be native species. The landscape will be of a traditional style near the buildings and there will be a mown strip around the parking areas.

Mr. Bohne described the lighting plan. All fixtures will be downcast LEDs with full cutoffs.

Mr. Reidy described the traffic analysis; the traffic engineers determined the project is not expected to result in a significant increase in vehicle travel on the nearby roadways. It is also not expected to affect the access lane on the other side of University Drive. The increase will be on the order of 23 new trips in the morning and 49 new trips in the afternoon.

Mr. Reidy noted the office will not be regularly open to the public but it will also not be strictly a management office for this property alone. The site will be managed by Mr. Roberts. The management will be strict, and parking will be managed with decals. It will be a no smoking and no pet site, and there will be a live-in manager.

Mr. Henry noted the site will be raised between 2-3 feet; approximately 7,500 cubic yards of fill will be brought into the site. The first foot of existing organic soil will need to be removed and will be reused elsewhere.

The SWCA hydro-geologic report concludes the site development will not affect the groundwater of the area.

Mr. Stutsman reviewed the site visit report, and noted that a public shade tree will be removed – its removal was reviewed by the Tree Warden and Public Shade Tree Committee, and was agreed to by the Tree Warden. Mr. Stutsman reviewed the Development Application Report and noted that there were several issues identified – the parking waiver, the proposed height of the building, the lack of a Construction Logistics Plan, and the need for a Sign Plan.

Mr. Crowner expressed concern about the size of the office and the possibility of setting a precedent that a ‘mixed use building’ can have a de minimis commercial space. He asked if the office would be available to rent to the public. Mr. Reidy said that was the intention, and the applicant would accept a condition to that effect.

Mr. Reidy submitted a revised Management Plan and Parking Management Plan showing the number of parking spaces reduced to 48.

Mr. Crowner noted that the new Inclusionary Zoning bylaw amendment coming before Town Meeting this spring will require that affordable units be comparable to the market rate units with respect to size and bedroom count, but there is a provision for modification of this requirement by the Planning Board or ZBA.

Mr. Stutsman requested a written statement from the Amherst Housing Authority with respect to the size and bedroom count of the affordable units.

Ms. Brestrup requested a written report from the Fire Department. Mr. Roberts noted that the building will be sprinklered.

Mr. Crowner MOVED to continue the public hearing to April 25th, 2018, at 8:15 PM. Mr. Birtwistle seconded and the vote was 5-0.

SPR-C 2018-12 – Apple Brook LLC – 1194 West Street

Request amendment to Site Plan Review for Cluster (SPR-C 2017-00014) decision, Condition #1, to modify the condition requiring installation of a crosswalk across West Street (Formerly Map 25B, Parcel 29; currently Map 25B, Parcels 29, 68, 69, 70, 71, 72, 73, 74, 75, & 76, R-O & R-LD zoning district)

Mr. Stutsman read the preamble and opened the public hearing.

There were no disclosures. Mr. Jemsek returned to the meeting.

David Berson, Attorney with Bacon/Wilson, presented the application. This application is focusing on Condition #1 of the Site Plan Review decision for SPR-C 2017-00014 relating to the installation of a sidewalk across West Street near the site. A crosswalk would require review and/or approval from several independent Town boards and departments; such a condition jeopardizes the entire Site Plan Review approval if one of those Town entities does not support the crosswalk.

The applicant is also concerned about the cost if a fully signaled crosswalk is requested by the Transportation Advisory Committee.

There was discussion between the applicant, the Board, and staff about appropriate language for the condition.

Ms. Brestrup and Mr. Levenstein noted the many dangers on the road there, and emphasized the necessity for expert advice as to what an appropriate crosswalk, if any, would be on the site.

Mr. Crowner suggested new language and there was further discussion.

Mr. Birtwistle and Mr. Levenstein expressed concern that the motivations of the applicant were financial, and stated their belief that the crosswalk had been agreed upon as a common good.

Mr. Berson stated the motivation for this resubmittal was to protect against the case that the crosswalk is not wanted or not feasible.

Mr. Crowner MOVED to amend Condition 1 to read as follows:

“In the event that the Town of Amherst determines that a crosswalk is appropriate in this location [crossing West Street from the Apple Brook Cluster Subdivision] the applicant shall work with the town to have a crosswalk approved and installed within two years of the issuance of a Certificate of Occupancy. The applicant has offered to contribute up to \$2,500 towards the construction of a crosswalk.”

Mr. Jemsek seconded. The vote was 6-0-0.

IV. PLANNING & ZONING

A. ZSC Report

The ZSC is not planning to meet until after Town Meeting. The ZSC plans to compile a list of issues discussed over the last few years in the form of a report to pass on to the new Town Council for use in providing the Planning Board with direction.

Ms. Brestrup noted that Town Counsel [the Town Attorney] has advised that Article 34 is not essential, and that Town Meeting should only take an advisory vote if it wishes to do so for the future Town Council's consideration. The Select Board has the final say on whether an article will be considered by Town Meeting, and the Select Board is continuing to discuss the issue.

Planning Board reports to Town Meeting have been submitted.

Ms. Brestrup noted the positive response to the TMCC Zoning Forum held the previous night; about 30 people attended.

V. OLD BUSINESS

Topics not reasonably anticipated 48 hours prior to the meeting - none

VI. NEW BUSINESS

Topics not reasonably anticipated 48 hours prior to the meeting - none

VII. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VIII. UPCOMING ZBA APPLICATIONS

There is an application pending from the owners of 148 Logtown Road for a detached supplemental dwelling unit.

IX. UPCOMING SPP/SPR/SUB APPLICATIONS

All About Learning, a preschool, will be bringing forward an application related to a change of location.

X. PLANNING BOARD COMMITTEE AND LIAISON REPORTS

Pioneer Valley Planning Commission – Jack Jemsek and Christine Gray-Mullen – Mr. Jemsek was unable to attend the last meeting. He had recently received a presentation on the Housing Choice Initiative; he recommended that other Board members view it. Many communities in the Valley are struggling with housing issues similar to those that Amherst is dealing with. He mentioned the Housing Choice Initiative program that is being promoted by the state. Amherst has applied for designation as a Housing Choice Initiative community. The designation brings with it some potential benefits to the town.

Community Preservation Act Committee – Pari Riahi – Ms. Riahi attended the CPAC meeting last week. Everything is ready for Town Meeting – there will be no CPAC meeting until the next Town Meeting cycle in the fall.

Agricultural Commission – Stephen Schreiber – No update

Design Review Board – Michael Birtwistle – The DRB has not met since the last Planning Board meeting.

Amherst Municipal Affordable Housing Trust – Greg Stutsman – The AMAHT has not met since the last Planning Board meeting.

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman and Christine Gray-Mullen – UTAC has not met since the last Planning Board meeting.

Downtown Parking Working Group – Christine Gray-Mullen – No update.

XI. REPORT OF THE CHAIR – none

XII. REPORT OF STAFF

Ms. Brestrup expressed surprise at the amount of work that four Planning Board meetings in one month required. She thanked the Board for their diligence. She noted that the next Planning Board meeting, after the April 25 meeting, will be on May 2 at 5:00 p.m. in order to allow Town Meeting members to attend Town Meeting.

XIII. ADJOURNMENT

The meeting was adjourned at 8:56 PM.

Respectfully submitted Approved:

Steven McCarthy
Administrative Assistant

Greg Stutsman
Acting Chair

DATE: _____