

AMHERST PLANNING BOARD
Wednesday, August 29, 2018, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Stephen Schreiber, Chair, Robert Crowner, Greg Stutsman, Maria Chao, Michael Birtwistle, Jack Jemsek (7:12 PM), Christine Gray-Mullen (7:12 PM), Pari Riahi and David Levenstein

ABSENT: None

STAFF: Christine Brestrup, Planning Director

Mr. Schreiber opened the meeting at 7:00 PM.

I. MINUTES

Mr. Stutsman MOVED to approve the Minutes of August 1, 2018. Mr. Levenstein seconded.

Mr. Birtwistle noted that he had asked that his letter of July 31, 2018, commenting on the proposed 26 Spring Street project, be attached to the Minutes of August 1. He felt that his comments had been repeated incorrectly and taken out of context during the meeting and he wanted his remarks to be included in full.

Mr. Stutsman MOVED to approve the amended Minutes of August 1, 2018, including Mr. Birtwistle's letter as an attachment. Mr. Levenstein seconded. The vote was 4-0-3 (Crowner, Chao and Birtwistle abstained).

II. PLANNING & ZONING

- A. ZSC Report – Mr. Crowner reported that the Zoning Subcommittee was working on a report to the new Town Council. The ZSC is compiling a list of outstanding zoning issues that had been identified by staff and the ZSC. The zoning issues will be put in tiers in the list according to their importance. The ZSC hopes to have a preliminary list to the Planning Board by its next meeting. The full Planning Board will be asked to submit this report to the Town Council. There is no real deadline, but the ZSC would like to submit the report to the Council within the first six months of the Council's work.
- B. Public Comment – none
- C. Other – none

III. OLD BUSINESS

- A. SPR2016-00026 – Archipelago Investments – One East Pleasant Street
Review and approval of submissions regarding Conditions #2, 10 and 17 of Site Plan Review approval in preparation for issuance of Temporary Certificate of Occupancy for mixed-use building (Map 11C/278, B-G zoning district)

Kyle Wilson of Archipelago Investments presented information and documents related to Conditions 2 and 17 of the Decision.

The Management and Security Plan that was originally submitted is still valid, but there is new information on security. Mr. Wilson presented information as follows with regard to Condition #2:

Move-in Logistics Plan – submitted text describing payment, parking and unloading procedures during move-in; a map showing parking spaces to be used during move-in; verbal description that there would be six residents an hour moving in, vehicles will be kept off the street, a police detail has been hired for the weekend of move-in; the entire property management team will be on-site during move-in.

Mr. Jemsek and Ms. Gray-Mullen arrived (7:12 PM)

Mr. Wilson reported that Jersey barriers along the road will be taken down, the sidewalk is finished and the landscaping will be finished in the next few days. There are 135 dwelling units in the building, the majority of which have been rented.

There will be an on-site manager, who will live at One East Pleasant Street. Her name is Alex Laguerra-Sierra. She will be the first point of contact for all tenants and for the community. There will also be another on-site employee. A written job description for the on-site manager was submitted.

With regard to security, there is a key fob system and a system of security cameras. No one can go beyond the lobby without a key fob. There are 20 security cameras tied into a network to observe activity in public areas of the building. There is a trailing system that keeps the camera footage for a week.

Ms. Laguerra-Sierra will be the contact for Kendrick Place as well as One East Pleasant Street. There is another contact, an outside manager, for Olympia Place.

Ms. Brestrup explained that although the agenda lists Conditions 2, 10 and 17 as topics for this evening's meeting, the applicant is here to speak only about Conditions 2 and 17, which relate directly to the issuance of a Certificate of Occupancy. Condition 10 will be addressed at a later date.

With regard to Condition #17, Mr. Wilson reported that Amherst Trucking would take care of the trash for the building. There is a trash compactor in the building. There are trash rooms on each floor with chutes that lead to the trash compactor. He explained the process that is used for recycling. There are two different trucks that come to pick up trash and recycling. Both will come early in the morning. Trucks will not park on East Pleasant Street while picking up trash and recyclables, but will do so on the property itself.

Mr. Wilson reported that the "revised" aspect of the Management Plan mentioned in Condition #2 referred to the fact that certain information about security was not available at the time of the application.

Mr. Wilson reported that the postal service will have access to the lobby for delivering packages. He is in the process of working with UPS, Fed Ex and other delivery services on the process of delivering to the building.

The Certificate of Occupancy that is being requested now is just for the residential portion of the building. The commercial portion will require separate Certificates of Occupancy since they will require a separate permitting process. At that time information on signs, trash, management, etc. for the commercial spaces will be submitted.

Mr. Crouner MOVED to approve and accept the submissions for Conditions 2 and 17 for the residential portion of the building. Mr. Stutsman seconded and the vote was 9-0-0.

B. SUB2018-01 – Elsie Fetterman – 148 Logtown Road – Echo Woods II Subdivision – resign Amended Definitive Subdivision Plan – Ms. Brestrup explained that the Amended Definitive Subdivision Plan was required to have a note to the effect that “That such modification, amendment or rescission does not affect any lot or rights appurtenant thereto in such subdivision which lot was conveyed or mortgaged in good faith and for valuable consideration subsequent to the approval of the subdivision plan” in order to be accepted for recording at the Registry of Deeds. The Board members endorsed the Amended Definitive Subdivision Plan, with the note as quoted.

C. Signing of Decisions

Board members signed the following Site Plan Review and Special Permit decisions:
SPR2018-16 & SPP2018-04 – Archipelago Investments LLC – 26 Spring Street

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

1. SUB98-0002 – Sunwood Pastures Definitive Subdivision – Eveningstar Drive – developed by Shaul Perry in the 1990’s. The Town Engineer has said that all of the infrastructure work was done by the early 2000’s. All of the other lots have been released, except for Lot #1. A neighbor would like to purchase Lot #1 to keep it from being developed. Ms. Brestrup circulated a plan of the subdivision.

Mr. Birtwistle MOVED to release Lot #1. Mr. Stutsman seconded and the vote was 9-0-0.

2. Mr. Birtwistle brought up another topic. He expressed concern about the interpretation of Site Plan Review as outlined on page 3, in the Minutes of August 1, 2018. He specifically referred to the statement by Mr. Schreiber that “the normal Site Plan Review process is that the Planning Board works with the applicant to come up with a project that is acceptable and that denial is not in the spirit of Site Plan Review.”

Mr. Birtwistle noted that Sections 11.2500 and 11.2501 of the Zoning Bylaw allow the Planning Board to approve a site plan if it meets all the requirements of Section 11.2 or to deny a project based on a determination that either “a) insufficient information was submitted with the application in order for the Board to adequately review the proposal, or; b) a determination that the project does not meet the requirements of Section 11.2” or to approve a “site plan subject to conditions, modifications and reasonable restrictions necessary to ensure compliance with the requirements of Section 11.2.”

There was a lengthy discussion about this topic, with references to a recently approved project, including the following comments:

- One of the options is to deny the project;
- The Planning Board may be overly deferential to developers;
- Denial should be part of the arsenal that the Board uses;
- Site Plan Review falls into a “by-right” category in zoning;
- Mass General Law does not define Site Plan Review;
- If conditions are placed on the project that developers cannot abide they will not proceed with the project;
- A lot of projects have started long before the Planning Board reviews them;
- Section 11.2420 authorizes the Planning Board to review a project based on the Design Review Board’s criteria;
- The DRB Guidelines have illustrations that provide a degree of objectivity;

- The Planning Board does review criteria and works through a project, following a process before the vote;
- The DRB report in the case of a recent project may have been based on things that are outside of the purview of the DRB;
- The original design for a recent project, although too big and inappropriate for the site, provided a type of apartment that was appropriate to the site;
- The latest DRB recommendation was focused on design issues;
- The Municipal Parking District does not require the provision of on-site parking;
- The Planning Board can negotiate with a developer during the review process;
- There hadn't been development in Amherst in 25 years until the latest string of developments;
- Denial would need to be justified;
- The B-G (General Business) zone is very limited in size;
- Can the Planning Board deny a project based on the DRB criteria (Section 3.204 of the Zoning Bylaw, DRB Principles and Standards)?
- Site Plan Review assumes that all dimensions are met [except for those for which a Special Permit is requested];
- The Planning Board does look at proportions, shape and scale;
- The downtown needs wider sidewalks;
- There may be cases where denial is appropriate.

IV. NEW BUSINESS

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

V. FORM A (ANR) SUBDIVISION APPLICATIONS – ANR2019-03, Julius & Edith Fabos – Canton Avenue

Ms. Brestrup described ANR application ANR2019-03. The ANR application was submitted to the Planning Department on August 28, but had not been filed with the Town Clerk or sent to the Town Engineer for comment and therefore was not ready for Planning Board signature. Mr. and Mrs. Fabos propose to subdivide their property in accordance with a recent ZBA Special Permit for two flag lots. Statutorily the Planning Board has 21 days to act on the plan. However, the Planning Board was not scheduled to meet again until October 3, which is more than 21 days after receipt of the ANR application. Ms. Brestrup asked if the Planning Board would authorize the Chair to sign the plan after comments were received from the Town Engineer. After an explanation of the plan, the Board members agreed by consensus to authorize the Chair to sign the ANR plan.

VI. UPCOMING ZBA APPLICATIONS – none

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 meetings have not started for this year.

Agricultural Commission – Stephen Schreiber reported that the AG Com has not met.

Design Review Board – Michael Birtwistle – no report

Amherst Municipal Affordable Housing Trust – Greg Stutsman reported that the AMAHT hadn't met recently but there was news regarding housing. The town has received a Mass Housing grant to engage a consultant to study possible locations for a Smart Growth/40R District along with associated guidelines for development and to study possible locations for affordable housing projects. The consultant will be completing her work in an 11-month period. The AMAHT has engaged Kuhn Riddle to do a study of the East Street School and the possibility of using the site for housing.

Zoning Subcommittee – Rob Crouner, Greg Stutsman and Maria Chao – report previously given

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman and Christine Gray-Mullen reported that UTAC has been on hiatus.

Downtown Parking Working Group – Christine Gray-Mullen reported that an RFP has gone out to find a consultant to do a further study of downtown parking issues. There is also \$40,000 available for Downtown and Gateway zoning. Mr. Stutsman suggested that the money for hiring a parking consultant could be coupled with the money to study zoning. So far, the recommendations of the DPWG have been separated from zoning. A consultant could help to tie these topics together. Ms. Gray-Mullen noted that the parking study was to have been done in 3 phases. Only the first phase was done by Nelson\Nygaard. Perhaps this is the time to look at zoning and parking and the Municipal Parking District.

- IX. REPORT OF THE CHAIR** – Mr. Schreiber reported briefly on the ongoing design process for the North Common and Main Street Parking Lot project. There is about \$1 million available to renovate the North Common and Main Street parking lot. Three schemes are being studied. The schemes will be presented to the Downtown Parking Working Group for comment.

Mr. Schreiber also reported that Ms. Riahi would have an exhibit of her work in the Design Building during the month of September, with a reception on September 5. Mr. Schreiber is having an exhibit of his work, along with two others, at the Porter Phelps Huntington Museum in Hadley, with a reception on September 16.

- X. REPORT OF STAFF** – none

- XI. ADJOURNMENT**

The meeting was adjourned at 9:04 PM.

Respectfully submitted: Approved:

Christine Brestrup
Planning Director

Stephen Schreiber, Chair

DATE: _____