

**AMHERST PLANNING BOARD**  
**Wednesday, November 7, 2018, 7:00 PM**  
**First Floor Meeting Room, Town Hall**  
**MINUTES**

**PRESENT:** Stephen Schreiber, Chair, Robert Crowner, Greg Stutsman, Maria Chao, Michael Birtwistle, Christine Gray-Mullen, Jack Jemsek and David Levenstein

**ABSENT:** Pari Riahi

**STAFF:** Christine Brestrup, Planning Director

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

**I. MINUTES**

Mr. Crowner MOVED to approve the Minutes of October 3, 2018. Mr. Stutsman seconded.

Mr. Crowner noted that Cathy Schoen's name had been misspelled on page 3, under Public Comment.

The vote was 7-0-2 to approve the Minutes as amended. Riahi and Jemsek abstained.

It was time for the first public hearing so the Board went ahead to the public hearings and postponed the ZSC report until later in the meeting.

**III. PUBLIC HEARINGS – SCENIC ROADS**

**Scenic Road stone wall removal – 294 Leverett Road**

Stone wall impacted by this project includes about 15 linear feet of stone wall, to be removed for the purpose of constructing a driveway (M.G.L. Chapter 40, Section 15C, Scenic Roads)

Alison Saylor and Mike Saylor presented the application to remove a section of stone wall at 294 Leverett Road. The Saylor's own two properties, 294 and 304 Leverett Road. They would like to construct a separate driveway for 294 Leverett Road. The driveway will fit between two existing trees. The Saylor's plan to move the stones and fill in sections of the existing wall on either side of the driveway.

There had been a site visit that day, attended by Mr. Crowner, Mr. Levenstein and Mr. Birtwistle. Mr. Birtwistle reported that the Board members had seen the existing wall and the area proposed to be removed. There is a steep drop-off from the road to the cottage. The stonework is proposed to be moved. This will result in an interruption of the running stone wall.

It was noted that there are 100's of yards of stone wall along Leverett Road. There are several interruptions already.

The Board discussed the removal.

Mr. Birtwistle noted that the purpose of the Scenic Roads Bylaw is to protect the scenic character of the local roads. He opposed the removal of 15 feet of historic wall, since it would change the character of the road.

Ms. Saylor noted that any lot has the right to have a driveway, one per lot.

Ms. Gray-Mullen noted that there is a stone wall across the street and that it was built recently. She asked if the stone wall at 294 Leverett Road is historic or built recently.

Mr. Schreiber observed that most stone walls change over time.

Ms. Saylor stated that this wall doesn't have much moss, indicating to her that it looks recent.

Others noted that the wall seems to be randomly arranged, but that it does contribute to the scenic character of the area.

Mr. Crowner asked "what is the point of the Bylaw if we don't pay attention to it?" He noted that this was the third time recently that the Board was asked to approve the removal of a portion of scenic wall.

The Board discussed the problematic and difficult aspects of the Scenic Roads Bylaw, and asked about the easement for the conservation trailhead. The wall goes right up to the easement and stops. There was discussion about moving the stones to define the north side of the driveway at the trailhead. Mr. Saylor remarked that the trailhead is sharp and deep and that there are grading issues there.

Ms. Gray-Mullen stated that Leverett Road is a scenic road and that it is a pretty stone wall. This project involves cutting a driveway into a long run of stone wall, just removing part of it and not the whole thing.

Mr. Schreiber noted that in Massachusetts, if you have frontage you can create a lot. The ANR process is more of a threat to scenic roads.

Mr. Birtwistle commented on his ambivalence about the law, but noted that the Planning Board is charged with implementing the law. There is a driveway. There is a common water supply. There is one owner, even though there are two separate tenants.

The Saylor's stated that where the driveway is proposed there are no trees. They are trying to create two separate lots. They plan to dig a new well, so that each property can have its own water supply.

Mr. Levenstein stated that this was once a scenic road. Before work can be done, the removal of the wall needs to be approved. The work is consistent with development in this part of town. He supported approval of the request to remove the portion of stone wall.

Mr. Jemsek agreed, noting that a 15-foot section is dwarfed by the 300-foot section that remains untouched.

Mr. Birtwistle observed that there are two breaks in the wall already. This is one more break in a series.

Mr. Schreiber noted that an easement would allow one property to have access over the other property [limiting the need for a new driveway].

Board members acknowledged that the Saylor's own the property that is used as a parking lot for the trailhead.

There was discussion about using the stones elsewhere in the wall to reinforce it. Ms. Saylor noted that she is a Master Gardener and will place the stones very carefully and thoughtfully.

Mr. Stutsman MOVED to approve the request to remove the portion of stone wall with a condition that the stones be repurposed to augment existing sections of the wall that need reinforcing. Ms. Riahi seconded. After further discussion the Board members agreed to a condition that "The stones to be removed shall be reused to restore other sections of the existing stone wall." The vote was 7-1-0 (Birtwistle opposed; Crowner abstained)

**IV. OLD BUSINESS**

- A.** SPR2017-00013/M40202 – Craig’s Doors – 434 North Pleasant Street (Office Trailer behind First Baptist Church) – Gerry Gates – discussion about conditions – Jerry Gates, a member of First Baptist Church and Chair of the Craig’s Doors Board of Directors presented information about the site. A condition of the Site Plan Review approval (SPR2017-00013) for use of the trailer as an office, required the following:

“The applicant shall return to the Board by March 1, 2019, if the trailer is still in place, and submit a Landscape Plan, including screening of the west side of the trailer, for review and approval at a public meeting. Plantings shown on the approved Landscape Plan shall be installed and continually maintained.”

Mr. Gates appeared before the Board to discuss this matter, in preparation for coming back in March. He noted that there are items stored in the area behind the trailer, such as a snow plow used to plow the church parking lot, and storage units. The trailer is on church property and it is used as an office and resource center for Craig’s Doors. The church needs to expand and is working on plans to do so. John Kennedy, Vice Chancellor at the University, has not mentioned the conditions behind the trailer, when Mr. Gates has met with him. Mr. Gates characterized this issue as a church property problem rather than a Craig’s Doors problem.

The staff at Craig’s Doors is strongly against a fence for screening the area. It would provide a place for people to congregate. He suggested planting 6 trees instead of a fence.

Mr. Crouner stated that the Board had conducted a site visit. Four members attended. The situation behind the trailer had been discussed a year or so ago. It is now more tidy than it had been then, but still looks like the back of a building. Mr. Crouner prefers small trees or large shrubs for screening. He noted that when one stands in the UMass parking lot one’s eye is drawn to the 10 gallon white buckets and the snow plow.

Ms. Gray-Mullen stated that the rear of the trailer looks like the DPW yard, not attractive. She was in favor of a fence. She also suggested using a motion sensor light that would come on when someone entered the area.

Mr. Gates reported that there are two downlights on the back of the trailer, but they don’t flood the area. The church has a problem in the area between the church building and Gordon Hall, with people sleeping in the corner. Mr. Gates offered to remove the buckets from behind the trailer. There are also smaller trailers that are used for carrying Food Bank cans and bottles from the Landfill. The golf cart is used by the BID workers who clean the town center. He suggested planting trees for screening.

Mr. Crouner stated that the buckets are the problem and he did not object to the trailers, the BID cart or the snow plow, but did object to the orange cones. He suggested removing the buckets and cones and moving the snow plow next to the building. That would solve the problem.

Ms. Chao suggested planting evergreen shrubs in the ground.

Ms. Gray-Mullen asked for a plan to delineate where the shrubs will go. UMass may be constructing a P3 development on the adjacent parking lots. She encouraged the installation of a fence or arborvitae for screening.

Mr. Levenstein noted that the Landscape Plan required by the condition had not been submitted.

Mr. Levenstein MOVED that the Landscape Plan be submitted by March 2019. Ms. Gray-Mullen seconded. The vote was 9-0-0.

- B. Topics not reasonably anticipated 48 hours prior to the meeting – none  
The Board returned to Planning & Zoning, ZSC Report.

## II. PLANNING & ZONING

- A. ZSC Report – Mr. Crowner reported that the Zoning Subcommittee was proceeding with a summary of zoning issues to present to the Town Council. There will be an Executive Summary with a focus on downtown issues, such as form-based code and parking. The ZSC has also been informed that the Bylaw Review Committee has developed a list of specific items to be changed in the Zoning Bylaw so that it will conform to the new Charter form of government. There is discussion about whether the Planning Board needs to hold a public hearing, as soon as possible, or if direction needs to come from the Town Council.

Mr. Schreiber noted that there were several items of which he was aware that needed to be changed. Mr. Crowner expressed concern about characterizing some of the proposed changes as “non-substantive” since they involved transferring authority over certain issues from one body to another. He used as an example the jurisdiction over the town’s right of ways, specifically with regard to Section 8.42, about non-conforming temporary signs and whether public ways should be under the jurisdiction of the Town Council, the Town Manager or the Board of License Commissioners. He had concerns about substituting an elected authority with an appointed authority.

Mr. Crowner prefers to have the Select Board’s jurisdiction over public ways replaced with the Town Council’s authority. He also noted that the recommended change to Section 7.106, regarding entrance and exit driveways, to bring the Bylaw in line with the state fire code, should not be called out as “clarifying”. There was further discussion about these changes.

The Board acknowledged that the Planning Board’s Rules and Regulations would also need to be changed to conform to the new Charter.

Mr. Stutsman MOVED to change the recommended language in Section 8.42 from “Town Manager” to “Town Council”. Mr. Crowner seconded. The vote was 9-0-0.

The Board agreed to meet, if needed, on November 28<sup>th</sup>, to hold a public hearing on the recommendations of the Bylaw Review Committee.

- B. Public Comment – none
- C. Other

## V. NEW BUSINESS

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

## VI. FORM A (ANR) SUBDIVISION APPLICATIONS

The Board endorsed ANR2019-04 – 825 East Pleasant Street – Jennifer Potyrala – to divide the property into two lots.

## VII. UPCOMING ZBA APPLICATIONS

Porta Italian Restaurant is applying for a Special Permit to operate a Class II restaurant in the building formerly occupied by Bertucci’s on East Pleasant Street.

**VIII. UPCOMING SPP/SPR/SUB APPLICATIONS**

236 North Pleasant Street/12 Hallock Street – to renew Special Permit and obtain Site Plan Review approval

133-134 East Pleasant Street – to build a mixed-use building with 68 apartments

**IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS**

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

Community Preservation Act Committee – vacant – The Board nominated Michael Birtwistle to be the Planning Board’s representative to CPAC, by unanimous consent.

Agricultural Commission – Stephen Schreiber – no report

Design Review Board – Michael Birtwistle reported that the DRB had recently approved several signs and sent one back for re-design.

Amherst Municipal Affordable Housing Trust – Greg Stutsman reported that the Trust had held a forum at the end of October which he was not able to attend. Their work is focused on proposals for the East Street School property. They will meet again on November 8<sup>th</sup>.

Zoning Subcommittee – Rob Crowner, 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 dormant. There is a P3 project that is being considered – a 1,000 bed housing development on Massachusetts Avenue with retail and a parking garage and redevelopment of North Village. The Board would like UMass to give a presentation to the Planning Board on the proposed projects.

Downtown Parking Working Group – Christine Gray-Mullen reported that the DPWG met today. The town has awarded a contract to a consultant to do further work on downtown parking. They would like to recommend to the Planning Board that they consider reviewing the MPD (Municipal Parking District) requirements. The consultant will do additional parking counts, but they need to fit them into a window of time when students are in town. Curb side management is something that the DWPG is dealing with. Mr. Schreiber expressed concern that Amherst does not go back to the old ways of dealing with parking. He values the MPD as a progressive regulation that allows the downtown to develop without a lot of surface parking lots. He noted the number of Ubers that are driving around town.

**X. REPORT OF THE CHAIR** – Mr. Schreiber, who was recently elected to the Town Council, stated that it has been an honor to be part of the Planning Board for almost ten years. Planning Board members applauded Mr. Schreiber for his service.

**XI. REPORT OF STAFF** – Ms. Brestrup stated that she was glad that Mr. Schreiber would be able to represent the Planning Board to the Town Council and explain the complexities of zoning and planning to them. She thanked him for all of his years of service.

**XII. ADJOURNMENT**

The meeting was adjourned at 8:40 PM.

Respectfully submitted:                      Approved:

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Christine Brestrup  
Planning Director

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Greg Stutsman, Vice Chair

DATE: \_\_\_\_\_