

AMHERST PLANNING BOARD
Wednesday, March 20, 2019, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Maria Chao, Christine Gray-Mullen, Jack Jemsek, David Levenstein,
Greg Stutsman, Chair

ABSENT: Michael Birtwistle, Pari Riahi

STAFF: Christine Brestrup, Planning Director
Pamela Field-Sadler, Administrative Assistant

7:00 pm: Mr. Stutsman opened the meeting.

I. MINUTES

Mr. Jemsek moved to approve the Minutes of March 6, 2019 as written. Ms. Gray-Mullen seconded.

VOTE: 5-0-0 to approve

II. PUBLIC COMMENT PERIOD - None

While waiting to open the scheduled public hearing, the Planning Board (Board) took up items as follows:

V. OLD BUSINESS

A. SPR2005-00001 – CRES Development Company (Big Y Plaza) -
175 University Drive

Ms. Chao recused herself from this item.

In accordance with Condition #2 of the SPR2005-00001 Decision, the Board reviewed new signs proposed for Omi Omy Vietnamese Eatery at Big Y Plaza. Ms. Brestrup explained the proposed signs conform with relative inspections and the Amherst Zoning Bylaw.

Mr. Levenstein moved, in accordance with Condition #2 of the SPR2005-00001 Decision, to approve the new signs as proposed for Omi Omy Vietnamese Eatery at Big Y Plaza as presented. Ms. Gray-Mullen seconded.

VOTE: 4-0-1 to approve **ABSTAIN:** Chao

III. PUBLIC HEARINGS – SITE PLAN REVIEW
SPR 2019-04 – Amherst Community Television,
d/b/a Amherst Media – Corner of Gray Street and Main Street

Request Site Plan Review approval to construct a new building and associated site improvements, for Amherst Media, a 501(c)(3) Educational Institution, under Section 3.330.0 of the Zoning Bylaw, (B-N Zoning District, Map 14B, Parcels 250 & 251)

7:05 pm: Mr. Stutsman read the preamble and opened the public hearing.

There were no Board disclosures.

Mr. Jim Lescault, Amherst Media Executive Director, introduced himself and summarized Amherst Media's history and provided an overview of the educational programs offered by Amherst Media, as well as the historical and cultural contributions and resources they provide the community.

Amherst Media, a 501(c)(3) nonprofit organization, has been evicted from their current location at 246 College St. Mr. Lescault described the re-zoning process and procurement of their property at the corner of Gray St. and Main St. Since learning of their eviction, Amherst Media has considered a myriad of locations and determined constructing a new building on their property at the corner of Gray St. and Main St. is most viable within the bounds of their site criteria.

Mr. Bucky Sparkle, PE, The Zengineer, explained he has been involved with this project since 2017, and he is responsible for presenting the Site Plan Review (SPR) application and site plan. The application includes a waiver request under Section 11.222 of the Zoning Bylaw and Article II Section 2 of the Planning Board Rules and Regulations (PBRR) for a Traffic Impact Report/Statement requirement found under Section 11.2436 of the Zoning Bylaw, and Article II Section 3B additional information #6 the PBRR.

The approximately 24,000 SF property consists of two parcels and is located on a main route into downtown Amherst; is within the Dickinson National Register Historic District and the Dickinson Local Historic District; falls under the jurisdiction of the Local Historic District Commission (LHDC) rules and regulations. Mr. Sparkle said over 12 concept designs were considered prior to settling on the proposed site plan. He shared several of these designs and pointed out constraints such as the need to build a 10' retention wall against the sidewalk or the inability to manage stormwater adequately.

The property's physical features and stormwater characteristics were determinates in the proposed building placement. The proposal includes locating the building on the higher west end of the property and the stormwater management system on the east end where the site's water drains, as well as water from properties to the north. Mr. Sparkle explained the stormwater management plan and on-site infiltration system were designed to adhere to rules and regulations within the Wetlands Protection and Clean Water Acts. Town Engineer Jason Skeels has reviewed the proposed stormwater management plan and drainage system; Mr. Skeels has reported the proposed system appears to satisfy the town's requirements.

Mr. Sparkle pointed out the site plan provides for 14 parking spaces, one of which is designated handicap accessible. Accommodations have been made to include a sanitary sewer line, water line, overhead utility and communication lines, and a gas connection should the gas moratorium in Amherst be lifted. A bike rack and a small concrete pad for a generator will be located in the back of the building. A Goshen stone wall, up to 48", will be located at the end of the parking area, and a driveway area will be widened to accommodate the largest fire vehicle and allow for passing traffic. The town will need a sidewalk easement that was approved at Town Meeting last year.

Mr. Sparkle added any development on this property will interrupt the view of the historic and cultural landscape. The Amherst Media building as proposed will reduce the visibility of the historical buildings located behind it by about 1/3. Amherst Media has offered to create a public viewing station equipped with an audio history presentation for visitors.

Great Country Timber Frames designed the building which is a 4,140 s.f. post and beam design chosen for the demonstrated efficacy in providing for a high ceiling needed for the television studio and the elevator necessary for moving heavy equipment to and from the attic storage space. A 3' X 6' sign lit from above by lamps will hang above the main entrance. Mr. Sparkle noted, at this point, the intention is to garner an architect experienced with historical buildings and neighborhoods to assist with a revision of the building and site plan as the Local Historic District Commission (LHDC) has strongly advised.

The landscape plan has been developed in conjunction with Taylor Davis Landscaping Co. and continues to be refined. The challenge of the landscape is maintaining the best view of the historical buildings while shielding the new building from neighbors. Vegetation has been specifically selected to meet the requirements of the Zoning Bylaw for screening between commercial development and residences, support stormwater management needs and aesthetics. The expectation is to utilize a variety of plantings including 9' to 14' trees, emerald green arborvitae, ornamental grasses and shorter vegetation. In order to meet the Zoning Bylaw requirements, the plan includes an island in the parking area with a tree planting. The landscape, including mowing and snow removal, will be maintained professionally.

Mr. Sparkle shared the proposed light fixtures are historically appropriate. The plan includes eight 10' pole lamps and nine 8' mounted wall lamps; the lamps will be placed to constrain light leakage off the property. To avoid being on all night, the lights will be set by photo-electric timers, and some closer to the building will be equipped with motion detectors.

Mr. Sparkle explained the installation of a sediment control perimeter is planned consisting of silt fence and/or sediment logs. Two catch basins will protect the municipal drainage system, and a sediment basin will be installed if necessary. A

construction entrance will be established utilizing large rocks as ground cover to enable dirt build-up to be knocked off the equipment. Calculations show 66 cu. yd. of fill will be necessary to bring on site.

Mr. Sparkle confirmed this is a low traffic generating site and the applicant has requested a waiver from the Traffic Impact Report/Statement required under Section 11.2436 of the Zoning Bylaw, and Article II Section 3B additional information #6 of the PBRR. The building will serve a small professional staff and Board with an entrance from Gray St. Mr. Sparkle noted Gray St. is a popular route to/from the local high school. However, Amherst Media operating hours are to be 10:00 am to 6:00 pm and will not significantly influence the peak traffic times generated by the high school.

In closing the presentation, Mr. Sparkle stated all aspects of the Zoning Bylaw requirements have been addressed; however, the applicant is aware there are issues to be resolved. The next step includes revising the architectural design of the building and returning to the LHDC for review. With this in mind, Mr. Sparkle requested the public and the Board be provided the opportunity to speak, but that the public hearing be continued to provide time to incorporate suggestions and update the project plans.

Mr. Stutsman provided an overview of the standard SPR public hearing process. The rules and regulations pertaining to voting require five out of seven affirmative votes from the Board in order to pass. Five Board members are present tonight; however, if the public hearing continues, under MA General Law, the two absent members can vote if they certify they have reviewed all the materials presented at this meeting. Mr. Stutsman explained the LHDC process is a parallel process to the Planning Board process; the applicant needs approval from both. Additionally, Mr. Stutsman pointed out that because the project is in the National Historic Registry District, the Board may consider the Design Review Board Standards found in Section 3.2 of the Zoning Bylaw.

Mr. Stutsman explained two site visits occurred earlier in the day. In reviewing the site visit report, Mr. Stutsman called attention to three items not brought up during the applicant's presentation:

1. There are encroachments on the property from the town's public sidewalk along Main St., and from site improvements associated with the two-family house near the corner of Gray St. and Main St. The property owner, the town and the abutters are in the process of rectifying these encroachments.
2. Amherst Media has arranged with the VFW across the street to use their parking area for overflow parking if needed.
3. Several old Beech trees were removed from the site; Board members asked about planting new street trees along Main St.

There were no additional questions or comments from the Board regarding the site visit report.

While answering general questions from the Board, Mr. Sparkle shared the following:

- The proposed site as measured by the surveyor is 24,010 s.f. including the sidewalk easement.
- The height of the television studio is 14'. The additional storage space above makes the overall structure 32' to the roofline.
- The development of the preliminary building design came prior to determining how to fit the building on the property as driven by the site conditions. The building design has been refined in the process. Additionally, when considering a reduced building footprint, another story would have been necessary to retain the volume of space needed by the applicant; the result would be a building approximately 40' tall.
- Mr. Sparkle reiterated, relative to the preexisting natural traffic conditions, additional traffic generated by Amherst Media would be minimal. Mr. Lescault added the overflow parking agreement with the VFW was secured at the time Amherst Media was doing the annual Rotary Auction. Mr. Lescault stated the additional parking would be available if a large event were planned; however, large events are unforeseen. Amherst Media Board of Directors President Demetria Shabazz restated the current hours for Amherst Media are 10:00 am to 6:00 pm.

Public Comment

LHDC Chair. Jennifer Taub, Attorney Felicity Hardee, Amherst Woman's Club Pres. Charlene Moran, Christopher Chamberland, P.E., Berkshire Design Group, Jessica Wilkinson - 20 Gray St., Michael Hanke - 91 Gray St., Nico Guidera - 446 Main St., Ed Wilfert - 48 Gray St., Barry Simon and Mindi Sahner - 16-18 Dickinson St., Robert Speiser - 38 Gray St., Kate Kuhn - 9 Newell Ct., Amilcar Shabazz - 29 Chapel Rd., Jacqueline Brooks-Smith - Bay Rd.

- Based on requirements under Section 8.2 of the Amherst Local Historic District Bylaw, the LHCD did vote unanimously (4-0) at their March 11, 2019 meeting not to grant a Certificate of Appropriateness for the Amherst Media building as currently proposed. The LHCD determined the quality and design of the building as currently proposed to be incompatible with surrounding historic districts. The LHCD, deemed by the location and scale of the project, recommended the applicant:
 1. Explore the possibility of placing the building on the east portion of the property;
 2. Consider lowering the ridgeline of the building;
 3. Examine alternative building forms that reflect the historic setting on the north side of Main St.;
 4. Retain a professional registered architect suitable to design a building appropriate for this significant and important property in Amherst.Additionally, the LHCD does not question the applicant's right to construct a building on their property, and encouraged them to come back to the LHCD with a new application and revised plan.

- The lot size is unclear. The site plan prepared by Mr. Sparkle, dated January 15, 2019, states the site has an area of 24,010 s.f. This contradicts a lawsuit filed in Hampshire Superior Court by Amherst Media against Gerald Guidera alleging the site is considerably smaller. According to the lawsuit, the town took by eminent domain land on the southwest side of the parcel to create a bus stop. With this information considered, the resulting lot size is significantly smaller, flawing information stated on the site plan and any calculations based on the lot area.
- The proposed building's second floor use needs to be clear. If the second floor is to be utilized for anything other than storage, the parking space requirement increases dramatically and the 13 spaces proposed is insufficient.
- Support was shown to direct the applicant to include a traffic study for consideration.
- The suggestion was made to require the applicant to re-analyze the stormwater system to account for runoff entering the system from adjacent properties. Additionally, it was suggested the applicant analyze the impact of groundwater inflows on the stormwater management system.
- Direct the applicant to submit a mounding analysis as required by the Massachusetts Stormwater Handbook.
- The currently proposed plan has changed significantly since originally shared with the Amherst Woman's Club by the applicant in 2017. The new building placement is in the direct site line of the Hills Memorial Club House.
- The schematic plans and building design presented at the 2013 Town Meeting to support re-zoning the property are different from the current proposal. The 2013 schematic plan showed the placement of the building in the east corner of the lot leaving the view of the Hill House and the Amherst Woman's Club unimpeded from Main St.
- The Board must adhere to criteria stated in the Zoning Bylaw when reviewing Site Plan Review applications. One such criterion mandates the prevention of a building's impact on a scenic view; this is an historical and scenic view.
- The location of the property, zoned Neighborhood Business and located within the Dickinson Local Historic District, allows for the Board to consider additional principles and standards found under Section 3.204 of the Zoning Bylaw.
- Amherst Media could consider moving all the parking off site.
- Water flowing onto Main St. is an existing condition; the water freezes into ice in the winter. Can it be expected this situation will worsen?
- Amherst Media has the right to build on this property; however, a building that fits the historical nature of the area should be required.

In response to the public comments, Mr. Sparkle reiterated the applicant is acutely aware of the advice provided by the LHDC and intends to return with a revised plan. Regarding the stormwater management system questions, Mr. Sparkle stated he feels good about the work on the technical side; however, he requested more time to contemplate the questions and suggestions shared tonight.

He also added, Amherst Media benefitted by the property's re-zoning; the previous owner initiated the re-zoning process. The schematic plans shared at the 2013 Town Meeting were created by F. R. Wilson and not promulgated by Amherst Media. Those plans showed a three-story building with a basement which would be as tall, if not taller than the currently proposed building.

Mr. Sparkle is open to considering alternative parking options; however, parking requirements are mandated by the Zoning Bylaw. The size of the building determines the number of onsite parking spaces required. Mr. Sparkle reiterated the applicant has secured an arrangement for overflow parking.

Mr. Sparkle said he is aware of the water that crosses the sidewalk and freezes. Re-routing existing drain structures is incorporated into the design to re-route water coming from the Hill House and Amherst Woman's Club. Mr. Sparkle feels strongly the re-routing will eliminate the water and ice problem.

The Board agreed considering the applicant's request, and the intention that new information is expected, the public hearing should be continued. The Board offered the following recommendations:

- Secure a professional architect who can assist in looking at the project holistically with great sensitivity to the adjacent parcels and the scenic view;
- Develop a scale three-dimensional model to better understand how the building will fit on the site;
- Verify the lot size, and provide greater detail on the second floor gross area and use;
- Garnering the expertise of a landscape architect; supplement the landscape plan including the heights of plantings; consider options for screening materials outside of arborvitae;
- Provide specific information regarding the additional parking agreement with the VFW;
- When developing the new plan, adhere closely to the recommendations made the LHDC;
- Collaborate with Town Engineer to explore alternative groundwater control options which support locating the building on the east side of the property;
- Provide the size and materials for any signage;
- Consider the use of permeable pavement.

Mr. Levenstein moved to close the public hearing, and to continue the public hearing for SPR 2019-04 – Amherst Community Television, d/b/a Amherst Media – Corner of Gray St. and Main St. at the Planning Board meeting scheduled for May 29, 2019.

Mr. Levenstein seconded.

VOTE: 5-0-0 to approve

SPR 2019-03 – The Emily Dickinson Museum – 20 Triangle St. and 280 Main St.
(continued from March 6, 2019)

Request Site Plan Review approval to convert a single-family house to administrative offices for The Emily Dickinson Museum, a non-profit museum and educational institution, under Sections 3.330.0 and 3.334 of the Zoning Bylaw, including site improvements to 20 Triangle Street and 280 Main Street, for access and parking (Map 14B, Parcels 20 & 27).

Mr. Tom Hartman, C&H Architects, introduced himself as the representative for The Emily Dickinson Museum. In his update to the Board, Mr. Hartman shared the following:

- The Disability Access Advisory Committee has voted down the proposal to allow accessible parking at the museum; accessible parking will be provided at 20 Triangle St.
- Mr. Hartman confirmed a bike rack would be installed at the museum.
- The LHDC has approved the project as proposed, including the removal of the Goshen stone wall.
- In response to an abutter's comments who met with Ms. Brestrup, Mr. Hartman stated these proposals have been made:
 1. A spruce tree and two dead dog wood trees will be removed at the applicant's expense.
 2. The van accessible space and access aisle will be located 3' to the south at the bottom of the staircase. This provides for approximately 3' between the abutter's stone wall and the access aisle; the 3' space will be seeded with grass.
 3. As opposed to modifying the existing curb cut, the applicant proposes the portion of the stone wall extending into the public way be removed by the abutter.
- A shrub will be removed and the driveway will be widened to 14' and the existing hedges will remain.
- The applicant proposes an alternative parking plan that utilizes some of the Goshen stone to create a small retainer wall providing for three individual parking spaces in addition to the accessible parking space. The three additional spaces will be marked with a "Staff Only" sign.
- As required, the accessible parking space will be clearly designated with the appropriate signage.
- Mr. Hartman pointed out the pathway from the accessible parking to the accessible entrance.

Ms. Chao moved to close the public hearing finding the application meets the relevant criteria of Section 11.24 of the Zoning Bylaw, to grant the Site Plan Review approval with conditions, and grant the requested waivers. Ms. Gray-Mullen seconded.

VOTE: 5-0-0 to approve

Waivers

1. Section 7.90 of the Zoning Bylaw for parking requirements found under Section 7.0040 to require six parking spaces.
2. Erosion Control Plan
3. Sign Plan
4. Traffic Impact Statement
5. Construction Logistics Plan
6. Pollution & Hazardous Materials Plan

Conditions

1. All exterior lighting shall be downcast and dark sky compliant;
2. Landscaping shall be installed in accordance with the Site/Landscape Plan and, once installed, shall be continually maintained. All disturbed areas shall be loamed and seeded, unless otherwise specified.

IV. PLANNING & ZONING

A. ZSC Report

Mr. Stutsman shared the ZSC met prior to the Planning Board meeting. The suggestion has been made it may be beneficial to begin a zoning discussion with Town Council. The ZSC intends to engage with the Town Council’s newly formed Community Resource Group to discuss the potential to bring forth the supplemental apartment article proposed and endorsed by the Planning Board that did not pass at the Spring 2018 Town Meeting. There is potential to draft a marijuana cultivation article to address issues that may be unduly strict. Additionally, there is potential for the Planning Board to request the voting requirements be amended in the Zoning Bylaw. The next ZSC meeting is scheduled for April 3, 2019.

B. Public Comment about ZSC Report – None

C. Other - Ms. Gray-Mullen and Mr. Jemsek confirmed they are unavailable for the Planning Board meeting on April 3, 2019.

V. OLD BUSINESS

B. Topics not reasonably anticipated 48 hours prior to the meeting. - None

VI. NEW BUSINESS

A. Topics not reasonably anticipated 48 hours prior to the meeting. - None

B. Discussion: Bloomberg News article “Why America’s New Apartment Buildings All Look The Same” by Justin Fox

The Board received an article provided by Mr. Jemsek “Why America’s New Apartment Buildings All Look The Same” in their packet. Mr. Jemsek provided an overview of the article and the confluence of factors contributing to current building design methods

VII. FORM A (ANR) SUBDIVISION APPLICATIONS

ANR 2019-06 – 389 and 391 Bay Road

The Board reviewed ANR 2019-06 proposing to divide property at 389 and 391 Bay Road. The applicant intends to divide two parcels into three parcels, one of which will go to the Zoning Board of Appeals for approval as a flag lot. The Town Engineer has approved the plan, and provided the applicant information about future division of the property. Upon the Board's endorsement, Mr. Stutsman signed ANR 2019-06 relating to property at 389 and 391 Bay Road.

VIII. UPCOMING ZBA APPLICATIONS

Ms. Brestrup explained there is not anything upcoming that the Board is not aware of.

IX. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup explained Amir Mikhchi and his property on South East St. is upcoming, but the application has not been received yet.

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission - Jack Jemsek and Christine Gray-Mullen – No Report

Community Preservation Act Committee (CPAC) – No Report

Agricultural Commission – No Report

Design Review Board - No Report

Amherst Municipal Affordable Housing Trust (AMAHT) - Mr. Stutsman reported that the AMAHT recently provided a presentation to Town Council essentially requesting them to approve a Request for Proposal (RFP) that went out to use the East Street School for affordable housing. Mr. Stutsman believes the presentation was received well, and Town Council will continue their discussion on the matter. Mr. Stutsman shared the RFP as currently written proposes 15 affordable units. Kuhn Riddle Architects has performed design studies that allow for approximately 20 – 40 units on the site. Ms. Brestrup said the Kuhn Riddle report is available on the AMAHT web page.

Zoning Subcommittee - Mr. Stutsman shared this report earlier in the Board meeting.

UTAC (University and Town of Amherst Collaborative) - Christine Gray-Mullen and Greg Stutsman – No Report

Downtown Parking Working Group - Christine Gray-Mullen – No Report

XI. REPORT OF THE CHAIR - No Report

XII. REPORT OF STAFF - No Report

XIII. ADJOURNMENT

The meeting adjourned at 10:00 PM.

Respectfully submitted:

Approved:

Pamela Field-Sadler
Administrative Asst.

_____ DATE: _____
Greg Stutsman, Chair