

AMHERST PLANNING BOARD
Wednesday, April 17, 2019, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Michael Birtwistle, Christine Gray-Mullen, Jack Jemsek, David Levenstein, Pari Riahi, Greg Stutsman, Chair

ABSENT: Maria Chao

STAFF: Christine Brestrup, Planning Director
Pamela Field-Sadler, Administrative Assistant
Alan Snow, Tree Warden

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

I. MINUTES

Mr. Birtwistle moved to approve the Minutes of March 20, 2019 as written.
Ms. Gray-Mullen seconded.

VOTE: 4-0-2 to approve as written **ABSTAIN:** Birtwistle, Riahi

Mr. Birtwistle moved to approve the Minutes of April 3, 2019 as written.
Ms. Riahi seconded.

VOTE: 3-0-3 to approve as written **ABSTAIN:** Gray-Mullen, Jemsek, Stutsman

II. PUBLIC COMMENT PERIOD – None

III. PUBLIC HEARING

SCENIC ROADS JOINT PUBLIC HEARING WITH TREE WARDEN

Scenic Road tree removal – for construction of a mixed-use building and site improvements in the town Right-of-Way – 133 – 143 South East Street (Map 15C, Parcels 3 & 4)

Public Shade Trees impacted by this project include the following trees (Sizes indicate “diameter at breast height” – DBH):

6 – 18’ Arborvitae on northern property line

1 – 42” Catalpa

1 – 24” Spruce

1 – 22” Spruce (dead)

1 – 14” Crabapple

1 – 6” Hickory or Elm

1 – Swamp White Oak (to be transplanted by the town)

Several large Oaks and a Red Maple on the southern edge that might have impact to roots as a result of grading.

7:07 pm: Mr. Stutsman read the preamble and opened the public hearing.

Molly Turner shared a letter opposing the removal of the Catalpa tree, and stated she opposes the removal of any of the trees aforementioned. Tree Warden Alan Snow confirmed that due to Ms. Turner's letter of opposition, this matter is required to be heard by the Town Council for a decision rather than the Planning Board and Tree Warden.

Ms. Gray-Mullen moved to refer this matter to the Town Council, and close the public hearing. Ms. Riahi seconded.

VOTE: 6-0-0 to close the public hearing

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

VII. OLD BUSINESS

- B. SPR2018-11 – Off University Dr. (now 70 University Dr.) – UDrive LLC – Mixed-use building – review changes to façade and color scheme, in accordance with Condition #7 of Decision (*discussion continued from April 3, 2019*)

Attorney David Berson explained that he represents UDrive LLC, and introduced Barry Roberts who is the owner and manager for UDrive LLC. Mr. Berson reviewed the proposed changes to the previously approved project. Mr. Berson provided photos and samples of the proposed exterior colors. The new color scheme would be light gray, brown and cranberry red with the building and windows trimmed in white. The applicant also proposes to eliminate the bump-out adjacent to a stairwell on the west side; Mr. Berson confirmed the area would remain a stairwell. Lastly, the applicant would like to replace the third and fourth floor sliders, and associated railings, with windows.

Mr. Birtwistle moved to approve the changes to SPR2018-11 as proposed. Ms. Riahi seconded.

VOTE: 6-0-0 to approve

- A. SPR-C 2018-10 – Paul Cole – Apple Brook Cluster Subdivision – 1194 West St. (now Vista Terrace) – review change to footprint of house on Lot 5, in accordance with Condition #2 of Decision (*discussion continued from April 3, 2019*)

Contractor Russ Wilson outlined changes to the single-family home footprint intended to be built on Lot 5. The proposal includes moving the driveway to the west side of the building in order to position the master bedroom on the east side to create greater privacy; there is no change in the lot size. Mr. Wilson confirmed the hammerhead turnaround that provides access for emergency vehicles is located on Lot 3, and would remain unaffected. Mr. Wilson stated that at this point there are no plans to modify the footprint of the other homes.

Mr. Birtwistle moved to accept the changes to the house footprint on Lot 5 as proposed. Ms. Riahi seconded.

VOTE: 6-0-0 to approve

**IV. PUBLIC HEARING – PLANNING BOARD RULES AND REGULATIONS
PBR-1-19 Planning Board Rules & Regulations (Planning Board)**

To review, update and amend the Planning Board Rules and Regulations to bring them into conformance with the Amherst Home Rule Charter, as adopted March 27, 2018

7:15 pm: Mr. Stutsman read the preamble and opened the public hearing.

Mr. Stutsman explained the Board had reviewed and discussed the proposed amendments, drafted by staff, for the Planning Board Rules and Regulations (PBRR) at a previous meeting. Currently the Site Plan Review (SPR) voting requirements are stated in the PBRR and the Zoning Bylaw (Bylaw). Amending the voting requirements in Art. IV Sec. 2.2 of the PBRR with a referral to the SPR voting requirements in the Bylaw will eliminate the redundancy.

Ms. Brestrup explained that state law mandates voting requirements for a Special Permit (SP), and therefore the Board could consider removing Art. IV Sec. 2.1. from the PBRR, which describes the voting requirements for a Special Permit. Mr. Birtwistle and Mr. Levenstein pointed out that, as drafted, Art. IV Sec. 2.1 clearly defines the number of votes required for a Special Permit and therefore should remain. Attorney David Berson confirmed that state law does mandate the SP voting requirements based on Board size, and suggested that a reference to M.G.L. Chapter 40A Section 9 could provide clarity.

Ms. Brestrup will arrange for Town Counsel to review the PBRR with draft amendments, and request an opinion regarding the voting requirements.

Mr. Birtwistle moved to continue the public hearing for PBR-1-19 Planning Board Rules & Regulations (Planning Board) to the Planning Board meeting scheduled for May 29, 2019. Ms. Gray-Mullen seconded.

VOTE: 6-0-0 to continue

V. ZBA APPLICATION – REVIEW AND RECOMMENDATIONS

**7:20 pm ZBA FY2019-17– Breck Group Amherst Massachusetts LP
(Aspen Heights Residential Community)**

Request a Special Permit to modify the previously approved Special Permit ZBA FY2017-00024, for the reduction in height and density of the project, along with the amendments of other applicable conditions of approval, and for the modification of fencing to exceed six feet in height, under section 10.33, 10.38 and 6.24 and 6.29 of the Zoning Bylaw, at 408 Northampton Road (Map/Parcel 13D/51), Professional and Research Park (PRP) Zone.

Attorney David Berson, representative for the Breck Group Amherst Massachusetts LP, explained that the applicant's original project for a three story multi-family structure with 115 units at 408 Northampton Rd. received Zoning Board of Appeals (ZBA) approval in November 2017. However, due to an appeal made by abutters, the court has remanded the project back to the ZBA. The applicant was asked to make modifications to the project and return to the ZBA for approval. The project application is scheduled for ZBA review on April 18, 2019, and the applicant is seeking a recommendation relative to the proposed changes from the Planning Board.

The applicant currently proposes a two story multi-family structure with 88 units. There is no proposed change concerning the building footprint, however, the site plan proposes an 8' tall fence placed on the easterly and southerly portions of the property. The fence ground clearance will be 4" on the easterly section, and increase to 9" along the southerly section to allow adequate space for wildlife to move easily under the fence and into the wetland area. Attorney Berson confirmed there is no proposed change to the parking plan that provides 240 parking spaces.

Mr. Berson stated that all of the four bedroom units have been eliminated. The current proposal includes dedicating eleven of the 88 units as affordable units. The affordable unit breakdown includes: 2 - one bedroom units; 7 - two bedroom units; 2 - three bedroom units. Attorney Berson pointed out that discussions are ongoing with the Amherst Housing Authority to determine affordability levels for these units. The Board discussed and agreed to recommend to the ZBA that it consider that the project require affordable units be based on eligible income levels within 80% of the Area Median Income (AMI), as well as 50% AMI and 30% AMI. Ms. Brestrup will forward this information to Attorney Berson in an email as he requested.

Mr. Birtwistle made the motion to approve the changes of ZBA FY2019-17 as proposed, and recommend the ZBA consider requiring affordable units be based on eligible income levels within 80% of the AMI, as well as 50% AMI and 30% AMI. Ms. Gray-Mullen seconded.

VOTE: 6-0-0 to approve

VI. PLANNING & ZONING

A. ZSC Report

Mr. Stutsman stated the ZSC has agreed to review the local bylaws governing marijuana, in particular the bylaws regulating marijuana cultivation and the interpretation of the buffer zone. The ZSC may consider revising the current bylaws to be more consistent with the state marijuana regulations that have been amended to remove the buffer zone requirement except in relation to schools. Mr. Levenstein is currently drafting a memo to Town Council/Community Resources Committee regarding several small zoning changes, as well as potential changes that have been considered in the past. Mr. Levenstein hopes to have the memo available for the Board's review at their May 1, 2019 meeting.

B. Public Comment about ZSC Report – None

C. Other – None

VII. OLD BUSINESS

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

VIII. NEW BUSINESS

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

IX. FORM A (ANR) SUBDIVISION APPLICATIONS

ANR 2019-08 – 535 South Pleasant St.

The Board reviewed ANR 2019-08 – 535 South Pleasant St. The Common School owns the two lots at 535 South Pleasant St. One lot has a house on the property, and the second lot has the school. The Common School proposes to carve a small piece from the house lot and add it to the driveway of the school lot. The house lot will continue to have appropriate frontage and lot coverage. Upon the Board’s authorization, Mr. Stutsman signed ANR 2019-08 relating to property at 535 South Pleasant St.

X. UPCOMING ZBA APPLICATIONS - None

XI. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup provided a review of these upcoming applications.

- A. I YA TOO – 1 East Pleasant St. – This is an SPR application for a Class I restaurant with seasonal outdoor dining and live or prerecorded entertainment to be reviewed by the Board on May 1, 2019.
- B. Dog Park – The Town of Amherst is proposing to locate a Dog Park at the old landfill on Old Belchertown Rd. – application not yet submitted
- C. Amir Mikhchi – Proposing a 62 unit building on South East St. – application not yet submitted

XII. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission - Jack Jemsek and Christine Gray-Mullen

Mr. Jemsek explained Deputy Commissioner Joanne Morin from the Department of Energy Resources provided a talk regarding the Massachusetts Comprehensive Energy Plan. He also shared the search is underway for a new PVPC Executive Director. Mr. Jemsek announced the PVPC Annual Meeting is planned for June 13, 2019. Kenneth Kimmell, President of the Union of Concerned Scientists, will provide the keynote address. The Board is invited to attend.

Community Preservation Act Committee – Mr. Birtwistle reported CPAC has prepared their final recommendations for Town Council’s review. Town Council will in turn forward the recommendations to the Finance Committee. The Finance Committee will review the applications and make recommendations for Town Council’s consideration and approval.

Agricultural Commission –Ms. Riahi reported the meeting scheduled for last week was cancelled.

Design Review Board – Mr. Birtwistle stated there has been no meeting since his last report.
Amherst Municipal Affordable Housing Trust - Mr. Stutsman reported the AMAHT continues to work on a draft Housing Policy, including the Housing Production Plan, that the Board will have the opportunity to review and possibly adopt. Other work includes the East Street School project and the ongoing 40R consultant work. An informational community forum was held regarding 40R Smart Growth, and more will be planned in the future.

Zoning Subcommittee – Maria Chao, David Levenstein, Greg Stutsman – Report provided earlier in the meeting.

UTAC (University and Town of Amherst Collaborative) - Christine Gray-Mullen and Greg Stutsman – Ms. Gray-Mullen reported a meeting was held to consider what the future role of UTAC could be. The meeting attendees consisted of town representatives; no representatives from UMass were present.

Downtown Parking Working Group - Ms. Gray-Mullen reported the DPWG continues to work with the Nelson\Nygaard consultant. A public forum was recently held to gather data from the community. The consultant should have a draft report within a month to six weeks. The final report is expected by the end of July 2019.

XIII. REPORT OF THE CHAIR - No Report

XIV. REPORT OF STAFF – Ms. Brestrup shared that Ms. Chao, Mr. Levenstein, Ms. Field-Sadler and herself attended the Citizen Planner Training Collaborative Annual Conference in March. Ms. Brestrup also informed the Board that Mass DOT will hold a Design Public Hearing to discuss the proposed Routes 9 & 116 Improvement Project (from University Dr. to South Pleasant St.). The meeting will be at the Amherst Town Hall beginning at 7:00 PM on April 25, 2019.

XV. ADJOURNMENT

The meeting adjourned at 8:15 pm.

Respectfully submitted:

Approved:

Pamela Field-Sadler
Administrative Asst.

Greg Stutsman, Chair

DATE: _____