

AMHERST PLANNING BOARD
Wednesday, September 18, 2019, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Maria Chao, Christine Gray-Mullen, Acting Chair, Jack Jemsek, Janet McGowan, Pari Riahi
ABSENT: Michael Birtwistle, David Levenstein
STAFF: Christine Brestrup, Planning Director
Pamela Field-Sadler, Administrative Assistant

7:05 pm: Vice Chair Christine Gray-Mullen opened the meeting.

I. MINUTES

Ms. Riahi moved to approve the Minutes of August 8, 2018 as written.

Mr. Jemsek seconded.

VOTE: 3-0-2 to approve as written **ABSTAIN:** Chao, McGowan

II. PUBLIC COMMENT PERIOD – None

Prior to taking up the Public Hearings, the Board took up an item from Old Business.

VI. OLD BUSINESS

B. SUB2007-00006 – Apple Brook Cluster Subdivision – Paul Cole – Request re-release of Lots 1, 2, 3, 5, 6, 7 & 8

Attorney Tom Reidy explained Lots 1, 2, 3, 5, 6, 7 & 8 of the Apple Brook Cluster Subdivision were released by the Planning Board (Board) at their August 8, 2018 meeting. However, since the Board's release of the lots, some of the lot lines have changed. Attorney Reidy showed the Board a map and pointed out the current lot lines. Attorney Reidy requested the Board re-release the lots, as well as approve and sign the new Certificate of Performance dated September 18, 2019 based on the ANR plan dated April 3, 2019.

Mr. Reidy noted that Lot 4 is still being held and not released. The Town Engineer has agreed that enough infrastructure has been built to release the requested lots.

Ms. Brestrup presented a plan showing the difference between the lot lines on the previous plan and the current one.

The Certificate of Performance signed tonight will refer to the April 3, 2019 plan.

There was a question about the open space between Lots 3 and 4, which will revert to the homeowners. It contains drainage infrastructure that the homeowners' association will maintain. The Town will receive the open space on the other side of the road, where a trailhead will be created.

Ms. Riahi made the motion to re-release the Apple Brook Cluster Subdivision Lots 1, 2, 3, 5, 6, 7 & 8, but not including Lot 4, based on the ANR plan dated April 3, 2019 as requested.

Mr. Jemsek seconded.
requested

VOTE: 5-0-0 to approve as

III. PUBLIC HEARING – SITE PLAN REVIEW

SPR 2019-08 – Javier Campos of Adams & Ruxton for Bank of America 360 College Street (continued from July 24, 2019)

Request Site Plan Review approval to install new light posts and fixtures to provide better illumination, safety & security for Bank of America ATM (COM Zoning District, Map 15A, Parcel 28)

7:15 p.m. Ms. Gray-Mullen explained this Public Hearing is continued from July 24, 2019.

Dorothy Ostrowski, Adams & Ruxton, introduced herself and explained that Javier Campos has left the employment of Adams & Ruxton and she will be representing the application. Ms. Ostrowski reviewed the questions and concerns expressed by the Board during the July 24, 2019 application review and she stated that they have been addressed by an engineer. The engineer's response was sent to the Board for review.

Ms. Gray-Mullen shared that the Board has reviewed the engineer's response and appreciates that the lighting Kelvin level has been reduced as requested and the need for the lights to be on 24 hours a day was explained. However, concerns regarding the location and look of the light poles, and the request to re-do the photovoltaic study remain unresolved.

The engineer response states locating the poles at the outer corners of the property as requested by the Board is unfeasible because the bank standard for foot-candles could not be met in the compliance area. Ms. Gray-Mullen asked what is the light performance number the bank standard is trying to attain. Ms. Ostrowski stated she would research the question and provide the information to the Board.

Ms. Gray-Mullen explained that although the application is focused on the lighting for the Bank of America kiosk, the Board is considering the property holistically. Ms. Ostrowski stated the applicant could consider installing poles without a base into the

sidewalk. Ms. Gray-Mullen pointed out the sidewalk is in the public way and the poles would need to be placed within the landlord's property.

Ms. Gray-Mullen also pointed out the space is problematic. There is only 20', which is minimum allowing for two cars to pass, between the property line and the 18' parking spaces; the large pole bases reduces this area to 17'. The Board agreed that even if the size was reduced, the light pole base location causes a hazard for cars trying to pass, or backing into or out of a parking space.

Mr. Jemsek read a letter submitted from Planning Board member David Levenstein who was unable to attend the meeting. In his letter, Mr. Levenstein expressed the following:

- No specific evidence for public safety was provided in support of the increased illumination.
- The proposed lighting installation appears to benefit one business at the site without regard to the site or town on a holistic level.
- The lights and bollards as proposed pose a threat to public safety and parking on site, and subsequently in the nearby intersection.
- The area is an emerging "village center" and over illumination undermines the town's intention to encourage a pedestrian friendly design.
- Negligence to adhere to Section 11.210 of the Zoning Bylaw and begin work without sufficient due diligence and the proper application review and permitting.
- Mr. Levenstein does not support granting the SPR approval, and further suggested the prematurely installed bollards be removed.

Ms. Ostrowski stated Adams & Ruxton did pull an electrical permit with the town prior to work commencing. In their experience, attaining a building permit is not a requirement. All work stopped upon receipt of the cease and desist order.

Ms. McGowan reported she had been at one of the businesses at that property and upon leaving was told by the merchant to "be careful backing out." Ms. Ostrowski stated she had visited the site earlier in the day and had difficulty backing her SUV into a parking space.

Ms. Gray-Mullen reiterated the Board is considering this application holistically versus only considering access to and from the bank. During the site visit there was evidence of a homeless population living to the side and back of the bank. When considering light spill at the edges of the property the light is contained, however, the proposed lighting plan creates a very dark parking lot in the area at the sides. The dark areas pose a safety issue; patrons for a new restaurant planning to locate on the site and people with large cars will be forced to park in the outer areas which are dark on the photovoltaic plan. Ms. Gray-Mullen noted foot-candles will light the actual pathway to the bank, but there is a need to consider the whole building which requires a discussion with the landlord.

Ms. Brestrup asked if there is any way to locate lights on the building and avoid having them in the parking lot. Ms. Gray-Mullen suggested the proposed light fixtures could be changed. Ms. Ostrowski will bring the suggestions and questions back to the engineer and the client for consideration.

Ms. Riahi made the motion to continue the public hearing for SPR 2019-08 – Javier Campos of Adams & Ruxton for Bank of America - 360 College Street to the Planning Board meeting scheduled for October 16, 2019. Ms. McGowan seconded.

VOTE: 5-0-0 to continue

**PUBLIC HEARING – SITE PLAN REVIEW and Special Permit
SPR 2019-07 & SPP 2019-04 – Amir Mikhchi – South East Street Court Housing
133 & 143 South East Street** *(continued from July 24, 2019 and August 27, 2019)*

Joint public hearing to request Site Plan Review approval to construct a new 3-story mixed-use building with 62 apartment units, 1358 sq. ft. of retail space and associated site improvements and work in the town right of way, under Section 3.325 of the Zoning Bylaw & request a Special Permit to modify the front and side setback requirements under Footnote “a” of Table 3, Section 6 of the Zoning Bylaw (B-VC Zoning District, Map 15C, Parcels 3 & 4)

7:30 p.m. Ms. Gray-Mullen explained that this Public Hearing is continued from July 24, 2019 and August 27, 2019 [although no testimony was taken on August 27], and also thanked Mr. Mikhchi and his team for their patience.

Michael Liu, Landscape Architect and Project Designer from Berkshire Design Group, introduced himself, as well as Amir Mikhchi, property owner and Roy Brown, Architect.

The Board reviewed the Site Plan Revisions list. During the discussion, Mr. Liu noted the following:

- Wall packs were added on the building for increased light to entries and walkway.
- One parking space was added to make a total of 68 spaces.
- Bike racks were added to the front of the building.
- The retail space, originally proposed for the center of the building, has been relocated to the south end of the building to provide closer access for delivery trucks from the entry drive or parking lot versus parking on South East Street for loading or unloading.
- The walkways located in the town right of way were increased to a width of 6’.
- A car electrical charging station was added near the main entry to the building.
- The circular plaza was moved to the south end of the building outside the retail space. A trash receptacle and two benches were added to the plaza area.
- Although the vision is that residents will utilize the plaza space, a small yard space has been added at the north-west corner of the site which will be maintained. The green space is proposed to be approximately 15’ X 65’.

- The crosswalk was shifted to be located equidistantly between both bus stops.
- The water service was revised to show the connection to the correct stub as per the DPW and Town Engineer.

Mr. Liu presented the Trip Generation Report data pointing out that during a weekday 24 hour period, this project could be expected to generate approximately 466 total trips in and out of the site. On a weekday AM peak hour, the estimate is 40 vehicle trips in and out; on a weekday PM peak hour, the estimate is 42 vehicle trips in and out.

Ms. Gray- Mullen asked what the number of vehicle trips on the road is. Mr. Liu was unsure, but noted his experience is that South East Street is a busy road. Mr. Liu noted Route 9 is the closest intersection and estimated 10,000 to 15,000 vehicles per day there. In comparison, Ms. Gray-Mullen added that conservatively speaking, if estimating 4,000 to 5,000 vehicle trips per day along South East Street, this project would add approximately 40 trips at the AM peak hour.

Ms. McGowan asked for clarification regarding the daily rate per unit estimate of 6.65 vehicle trips. Mr. Liu explained that although the number seems high, it is not unfathomable. The trip study is based on data and standards developed by the Institute of Transportation Engineers, and residential use is not difficult to study. The Board reviewed the revised architectural plans showing front, back and side building elevations. The Board reviewed photos showing the sight distance from the new driveway location. Mr. Liu stated the sight distance is fairly unobstructed and better than 500' in either direction.

In addressing the building size, Mr. Liu pointed out the proposed 3-story building is similar to the 5-story Kendrick Place building on Triangle Street; both buildings are tall and set in amongst a variety of commercial use buildings. Mr. Liu showed a cross sectional view of the proposed building created by Mr. Brown. In relation to the neighboring Florence Bank building, the proposed building is about twice as long as the short side of the bank building and not quite twice as tall. An aerial view of the site showed the length of the proposed building is about the same as the bank building.

Revised architectural plans were presented, showing about 1,200 square feet of retail space at the south end of the building.

Mr. Brown stated the ground floor elevation of the proposed building shown on the plan is pretty close to that of the bank building. The landscape of the site is low, and the existing houses are elevated on small mounds and some fill will be necessary for the public way.

Mr. Liu presented a revised Photometric Plan and explained the plan was re-done with a town standard Holophane light. Mr. Liu stated the foot-candles at the property lines measure 0 to .1, and there will be 4 lights in the back parking lot, as well as 4 lights in

the right of way. Wall pack lights are proposed for the front of the building to be mounted at 10' high, and at the rear doors mounted at 8' high. Mr. Liu pointed out where the SL1 and SL2 style lights will be located on the site.

Ms. Brestrup noted that the town had not received the latest lighting plan for this project.

Ms. Gray-Mullen asked to see more light at the entrances to the lobbies.

There was a discussion regarding the location of the half-circular plaza. Ms. Gray-Mullen suggested moving it 15' to the north to ease pedestrian flow. Mr. Liu pointed out the possibility of moving the walkway to the north and keeping the plaza where it is enabling residents a direct route to the south building entrance.

Ms. Gray-Mullen expressed the importance of considering the landscape with the Photometric Plan because there are a lot of trees which could interfere with the light. Ms. Gray-Mullen also expressed concern for the minimal lighting for the driveway and the public way sidewalk with two bus stops. Ms. McGowan stated that it is important to consider bicycles using the driveway at night too. Ms. Gray-Mullen requested Mr. Liu to submit drawings that include the proposed lights, the streetlights and the trees.

Ms. Gray-Mullen asked about the plantings on the north side where trees block most of the southerly light and there is a fence located in the area too. Ms. Gray-Mullen also suggested plantings could be continued along the fence line in the area of the 15' X 65' recreational area. Mr. Liu confirmed the plantings are shade tolerant and some adjustments could be made such as adding a flowering tree.

Ms. Chao raised concern for the privacy of the 1st floor residents on the street side of the building primarily, but also the parking side. The elevations are uniform and mitigation of the architecture and/or landscaping needs consideration. Mr. Brown appreciated the concern for privacy and suggested the glass could be obscured for the 1st floor apartments. Mr. Liu stated the plan for the 5' strip in front of the building is to include a variety of dense plants to discourage people from looking in the windows.

Ms. Riahi is of the opinion that mitigation needs to be more than adding plantings and suggested exploring window glazing which would make the bottom more translucent and the top more transparent. Ms. Riahi added that the size of the building is substantial and encouraged the applicant to reconsider the elevations in order to break-up the large mass of the building. She stated that the building is too monotonous and too much of one piece. The architecture looks like it is not completely finished.

There was a discussion regarding the parking. Ms. McGowan shared her concern that the parking seems to be inadequate for this project. The Bylaw requirement is 2 parking spaces per residential unit, and the applicant is proposing 1 parking space for each unit. There may be more than one person in each apartment. Florence Bank has also shared the concern that limited parking for the project will significantly strain any adjacent

parking. Ms. McGowan pointed out that although there is limited parking proposed there is also not sufficient loading/unloading area for deliveries or residents.

Mr. Mikhchi stated the parking has been a concern from the beginning of the project development. Mr. Mikhchi explained he envisions residents who have small cars, use Zip car services or do not have a car. He also worked with the town and PVTA to create the bus stop on the east side of the road to provide greater public transportation accessibility. He compared his project to those in the center of town which have no parking.

Mr. Jemsek asked if the lease agreement will clarify the number of parking spaces available for each unit. Leases could be used to extend permission to tenants to park on the site. Ms. Gray-Mullen asked about guest parking and pointed out there are 5 extra spaces proposed, but 4 of those spaces are designated handicap accessible. Ms. Riahi agreed guest parking needs to be provided for a project this big. Ms. Chao stated parking is a concern and a Parking Management Plan needs to be submitted, defining how you intend to encourage residents to use alternatives to parking. Ms. McGowan stated that in order for the Board to approve a parking waiver, the applicant needs to explain how the project meets the criteria of Section 7.9 of the Bylaw.

Ms. Brestrup explained that originally when this project was presented to the Board, Mr. Mikhchi proposed 47 units. The project proposal now includes 15 additional units and the Board needs evidence regarding why reduced parking is appropriate. She suggested Mr. Mikhchi include considering the bus schedule, bike parking, and a survey of other developments to support his request for reduced parking.

Mr. Mikhchi stated his plan is to market the units to people who do not need parking. Ms. Gray-Mullen stated that if the plan is to encourage shared rides, you need to provide a handicap accessible loading zone. The design goal needs to meet the needs for a pedestrian friendly building. She asked about providing supplemental parking nearby.

Mr. Mikhchi stated he could consider reducing the number of proposed units in order to better meet the parking requirements. Ms. Gray-Mullen encouraged the applicant to work with his developers to create a plan that shows he is addressing the concerns of the Board.

Ms. McGowan stated that most people get around by cars. There are a lot of units proposed for this project and not enough parking.

Public Comment

Mark Cavanaugh, Florence Bank, shared that the bank supports this development project, but has the following concerns:

1. A reduced number of parking spaces for the project will potentially lead to residents parking in any available space which could be especially problematic in the winter.

2. The bank is concerned the 5' setback to the building on the north side will be tight for construction without trespassing on the bank lot.
3. The third issue had to do with drainage, but the town has addressed that issue.

Mr. Liu confirmed the setback to the building will be 6', and a Construction Plan will be developed prior to the issuance of a building permit. Mr. Mikhchi added that the Contractor is developing a plan to share with Florence Bank.

Ms. Gray-Mullen stated the maintenance and repair of the town Right of Way area needs to be defined. Ms. Brestrup shared language has been included in the draft conditions which addresses this concern for the life of the building. She also added the work in the town Right of Way included in this project will need to be approved by the Town Council and we have suggested Mr. Mikhchi provide a written Maintenance Plan for this area.

Ms. McGowan shared her concern that the proposed recreational space is too small. Mr. Mikhchi asked is the Board would consider a 0' setback from the Right of Way which would provide another 6' in the back to work with. Ms. Brestrup shared that the original proposal included a 0' front setback. The Board agreed the entire project must be contained on private property with no intrusion into the Right of Way.

Ms. Brestrup suggested that some of the units could be rented with no parking and that would free up spaces for guests. The lack of parking for these units would need to be made clear in the lease.

The Board asked the applicant to revise and resubmit the:

- Lighting Plan
- Parking Management Plan
- Landscape Plan
- Window glass for the 1st floor residential units
- A new lease agreement with reference to parking in the lease

Ms. McGowan made the motion to continue the public hearing for SPR 2019-07 & SPP 2019-04 – Amir Mikhchi – South East Street Court Housing - 133 & 143 South East Street to the meeting of the Planning Board scheduled for October 2, 2019 at 7:05 p.m. Ms. Riahi seconded the motion.

VOTE: 5-0-0 to continue

IV. PLANNING & ZONING

- A. ZSC Report – no report; the ZSC has not met recently
- B. Public Comment about ZSC Report – None
- C. Other - Ms. Brestrup explained the Zoning Subcommittee (ZSC) needs an additional member. Ms. McGowan agreed to join the ZSC. The next ZSC meeting will be October 2, 2019 beginning at 5:00 p.m.

V. ELECTION OF OFFICERS AND PLANNING BOARD REORGANIZATION

In reorganizing the Board, the following nomination motions were made and voted upon:

Board Chairperson

Mr. Jemsek made the motion to nominate and appoint Christine Gray-Mullen to serve as the Planning Board Chairperson. Ms. Chao seconded.

VOTE: 5-0-0 to appoint

Board Vice-Chairperson

Ms. Gray-Mullen made the motion to nominate and appoint Jack Jemsek to serve as the Planning Board Vice-Chairperson. Ms. Chao seconded.

VOTE: 5-0-0 to appoint

Board Clerk

Ms. Gray-Mullen made the motion to nominate and appoint Maria Chao to serve as the Planning Board Clerk. Ms. Riahi seconded.

VOTE: 5-0-0 to appoint

Zoning Subcommittee

Ms. Gray-Mullen made the motion to nominate and appoint Janet McGowan to serve on the Zoning Subcommittee. Mr. Jemsek seconded.

VOTE: 5-0-0 to appoint

Community Preservation Act Committee

Ms. Gray-Mullen made the motion to nominate and appoint Michael Birtwistle to serve on the Community Preservation Act Committee. Ms. Riahi seconded.

VOTE: 5-0-0 to appoint

Design Review Board

Ms. Gray-Mullen made the motion to nominate and appoint Michael Birtwistle to serve as the Planning Board representative on the Design Review Board. Ms. Riahi seconded.

VOTE: 5-0-0 to nominate

Ms. Brestrup agreed to gather information on the Amherst Municipal Affordable Housing Trust to bring back to the Board.

VI. OLD BUSINESS

- A. Signing of Decision – SPR 2020-01 & SPP 2020-01 – 462 Main Street LLC – Center East Commons

Ms. Brestrup will resend the Decisions to the Board for review in preparation for signing at the October 2, 2019 meeting. Ms. McGowan noted that there were two spaces per dwelling unit provided for this project – 16 units and 32 spaces.

Ms. Gray-Mullen asked for fresh data on the project next door (Spruce Ridge). Ms. McGowan suggested that the ZSC gather data to help them to change the parking requirements.

- C. Downtown Planning – Brief discussion about restarting the conversation
Ms. Brestrup explained that the last Downtown Planning Forum was in December 2017. Ms. Brestrup intends to put together notes from the forum to provide to the Board. There is \$40,000 available to assist the planning effort. Ms. Gray-Mullen suggested the ZSC could review the Zoning Amendment Prioritization Chart and determine which priorities the Town Council supports. Ms. Brestrup also reported the Amherst Municipal Affordable Housing Trust has hired a consultant to explore the creation of 40R Districts with a focus on downtown. Ms. Brestrup will forward links to the Board that provide slide shows and Power Point presentations for information. There was a suggestion that the look of buildings in the Downtown become a topic for a third Downtown Forum. In addition, we should think about what can we build with existing zoning.
- D. Topics not reasonably anticipated 48 hours prior to the meeting – None

VII. NEW BUSINESS

- A. Topics not reasonably anticipated 48 hours prior to the meeting
Mr. Jemsek shared his concern regarding the 4 large town projects which are going to be supported by tax revenues. From a zoning perspective, Mr. Jemsek suggested there is potentially a need to create zoning which encourages a commercial/industrial development in town.

Ms. Brestrup will provide the Board a map showing the designated Commercial Zones and Professional and Research Park Zones. She also pointed out the residential development happening in town now is producing tax revenue, and we have not seen the benefits from the marijuana industry in town yet.

Mr. Jemsek also asked about the redevelopment of the 2 residential complexes on the north end of campus. Ms. Brestrup confirmed this project is out of the Board's purview because it is on university owned land. Ms. Brestrup stated the Town Attorney is exploring if the new developments are privately run will they be taxable. The town does receive payment in lieu of taxes from Amherst College; UMass pays for water and sewer too.

VIII. FORM A (ANR) SUBDIVISION APPLICATIONS

ANR 2020-05 – Map 5A Parcel 56 20 - 40 Ball Lane

Upon the Board's authorization, Ms. Gray-Mullen signed ANR 2020-05 relating to property located at 20 - 40 Ball Lane.

IX. UPCOMING ZBA APPLICATIONS – None

X. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup shared 1 application was just received from Amherst College to upgrade the athletic fields on Northampton Road. One field will be upgraded to a tournament level soccer field.

XI. PLANNING BOARD COMMITTEE & LIAISON REPORTS

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

Mr. Jemsek reported the next meeting is October 10, 2019.

Community Preservation Act Committee - Michael Birtwistle – No Report

Agricultural Commission - Pari Riahi – Ms. Riahi reported she had attended the July meeting and the September meeting was cancelled due to a lack of quorum. The next meeting will be in October.

Design Review Board - Michael Birtwistle - No Report

Amherst Municipal Affordable Housing Trust - No report

Zoning Subcommittee – No Report

Downtown Parking Working Group – Ms. Gray-Mullen – Ms. Gray-Mullen reported the consultant is working on the final draft recommendation report to present to the Town Council on September 23, 2019.

XII. REPORT OF THE CHAIR – No Report

XIII. REPORT OF STAFF

Ms. Brestrup congratulated all the elected officers of the Board.

XIV. ADJOURNMENT

The meeting adjourned at 9:45 pm.

Respectfully submitted:

Approved:

Pamela Field-Sadler
Administrative Asst.

Christine Gray-Mullin
Acting Chair

DATE: _____