

AMHERST PLANNING BOARD
Wednesday, January 29, 2020 7:00 PM
Town Room, Town Hall
MINUTES

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

7:04 pm: Chair Christine Gray-Mullen opened the meeting.

I. MINUTES

1. November 6, 2019

Regarding a letter from an abutter, Ms. McGowan requested that language be added to reflect Gordon Hall's concern about the placement of a compost pile in the path of his easement. Ms. Gray-Mullen questioned if Mr. Hall's letter voiced additional concerns. Ms. Brestrup confirmed that in addition to the obstructed right of way, Mr. Hall is concerned to have a marijuana facility abutting his property due to the potential for illegal activity to occur. Ms. Brestrup will reference the concerns Mr. Hall shared in his letter when amending the November 6, 2019 minutes.

Mr. Birtwistle made the motion to approve the minutes of November 6, 2019 as amended. Ms. McGowan seconded the motion.

VOTE: 4-0-1 to approve as amended (Abstained: Birtwistle)

2. December 4, 2019

Mr. Birtwistle made the motion to approve the minutes of December 4, 2019 as written. Ms. McGowan seconded the motion.

VOTE: 5-0-0 to approve

II. PUBLIC COMMENT PERIOD – None

III. PLANNING & ZONING

- A.** ZSC Report – The ZSC had not met, so there was no report.
- B.** Public Comment about ZSC Report - None
- C.** Other - None

IV. OLD BUSINESS

A. Decision Signing

The Board members signed the following Site Plan Review applications:

1. SPR 2020-02 – 212 Northampton Road – Amherst College
Athletic Field Renovation

Ms. Brestrup pointed out that the date of the second Public Hearing session noted on page 1 should read November 6, 2019; Ms. Brestrup will make the correction before distributing the decision.

2. SPR 2020-04 – 213 College Street – Enterprise Rent-a-Car

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

V. NEW BUSINESS

A. Planning Board Meeting Schedule

Ms. Brestrup reminded the Board they have meetings scheduled for February 5th and February 19th. Ms. Brestrup reported that on February 5th the Board will continue the Site Plan Review Public Hearing for 462 Main St. The Board will need to open a Public Hearing concurrently for the applicant's Special Permit application to alter or enlarge an existing non-conforming building; Ms. Brestrup will revise the Development Application Report to reflect this occurrence. There should be an opportunity for a Master Plan update discussion, and the Chapter 61A withdrawal request for the Szala property is expected to come back for consideration.

On February 19th, Building Commissioner Rob Morra is expected to discuss zoning with the Board. The continuing Amherst Hills Subdivision discussion and the review of the U Drive South application in order to make recommendations to the Zoning Board of Appeals (ZBA) may also be scheduled for February 19th.

Ms. Gray-Mullen asked that Board members apprise Ms. Brestrup of summer vacation schedules when confirmed.

Ms. Brestrup reported that the Department of Housing and Community Development (DHCD) notified the town that Valley Community Development Corporation (Valley CDC) has submitted their Project Eligibility application for the proposed Studio Apartment Supportive Housing project at 132 Northampton Road. If, after a 30-day review period, DHCD agrees the location is appropriate, the project is financially feasible and Valley CDC meets the eligibility standards, they will issue a Project Eligibility Letter.

Ms. Brestrup expects this project may come to the Board soon in order to provide comments for submitting to DHCD. Ms. Brestrup further explained that the expectation is the ZBA will receive a Chapter 40B Comprehensive Permit application for this project which is all affordable, at 80% or less AMI, housing and includes 28 small studio apartments. The Board will also be asked to provide recommendations to the ZBA regarding the project. Town Council has approved a \$500,000 Community Preservation Act grant for this project.

In answering a question from Ms. Gray-Mullen, Ms. Brestrup stated that Amherst Media did receive a decision on a Certificate of Appropriateness with conditions from the Local Historic District Commission (LHDC); however, the decision is likely to be appealed. Ms. Brestrup is unsure how an LHDC appeal might affect an application coming before the Board; an application could be submitted to the Board while simultaneously going through the LHDC appeal process. It is possible the application could come before the Board in mid to late March.

The Board asked for a report on the Flood Map process. Ms. Brestrup said the flood maps have been presented to the public, and she is scheduled to provide a presentation to the Town Council on February 10, 2020. Currently, we are in the middle of a 90-day appeal period which ends on February 20, 2020. When the appeal period is over, the Federal Emergency Management Agency (FEMA) will notify the town if appeals have been filed. After any appeals have been resolved, a 6-month compliance period begins during which the town must adopt the new flood maps and the accompanying study which will replace the 1985 FEMA flood maps, as well as adopt a set of zoning amendments which define what is allowed to be done in the flood prone area. Ms. Brestrup is working to develop a draft of the zoning amendment which she will bring to the Board for review. Ms. Brestrup noted that details regarding the Flood Prone Conservancy district will also need to be determined.

Ms. Brestrup provided an overview of public and private projects happening in the downtown area. The Kendrick Park Playground application is in development and will come before the Board. Parking could be lost due to the North Common project. The BID has suggested the possibility of building a parking garage behind CVS and a band shell on the common. The town has received a \$44,000 grant for sidewalk and crosswalk repair.

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

VI. FORM A (ANR) SUBDIVISION APPLICATIONS

ANR 2020-12 – Map 14B Parcels 224 and 8, 27 Newell Court

Upon the Board's authorization, Ms. Gray-Mullen signed ANR 2020-12 relating to property located at 27 Newell Court.

VII. UPCOMING ZBA APPLICATIONS – None to Report

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – None to Report

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

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

Mr. Jemsek shared the next meeting is scheduled for February 13, 2020.

Community Preservation Act Committee – Michael Birtwistle

Mr. Birtwistle reported that the review of applications has begun for the next grant cycle.

Agricultural Commission – David Levenstein – None

Design Review Board – Michael Birtwistle – None

Zoning Subcommittee – Maria Chao, Janet McGowan and Christine Gray-Mullen – None

X. REPORT OF THE CHAIR

Ms. Gray-Mullen reported that Doug Marshall has been appointed to the Planning Board and will need to be sworn into his position. Ms. Gray-Mullen also reported that Governor Baker’s Bill 3507 is now Bill 4263; Ms. Gray-Mullen will keep the Board updated as it continues to be adjusted.

XI. REPORT OF STAFF

Ms. Brestrup explained that the Housing Trust with town staff applied for a Planning for Housing Production Grant from MassHousing in 2018 and received funding. Planning for Housing Production grants support housing production to ensure housing options are available for people who are employed in Massachusetts. Two consultants were hired and have been working to locate areas in Amherst suitable for affordable housing and to develop a plan for Chapter 40R overlay zoning. Within the overlay zone, denser development and certain dimensional modifications would be allowed in exchange for providing 20% to 25% affordable housing.

Ms. Brestrup shared that investigating the Chapter 40R concept, advantages and disadvantages and the appropriateness of Chapter 40R in Amherst with the consultants has been a learning experience. The consultants have held 3 public forums and are expected to hold a 4th forum intending to present a potential draft zoning amendment. The draft zoning amendment would incorporate dimensional requirements and design guidelines for a Chapter 40R district.

Ms. Brestrup stated the possible Chapter 40R district being studied is located in the downtown area and includes most of the B-G and 2 B-L districts that abut the B-G. Ms. Brestrup emphasized the town maintains decision control and will have ample time to analyze the proposed location, the dimensional requirements and the design guidelines to ensure something beneficial is being shaped for Amherst. The process with the consultants is reaching an end, but the discussions of a Chapter 40R district will continue.

Ms. Brestrup explained the Board, as a whole, did not participate in the initial process on the Chapter 40R plan, however Board members were invited to the three forums that have occurred so far. Some Board members attended and participated. However, the Board as a whole will be expected to explore the pros/cons of Chapter 40R and make an initial determination regarding the appropriateness of this zoning for Amherst. Ms. Brestrup noted that one disadvantage is when the design guidelines are formalized there is not a lot of discretion when reviewing projects. Ms. Brestrup suggested that the Board begin their review and discussions after receiving the consultants’ design guidelines and draft zoning amendment.

Ms. McGowan shared her concern that at the last community forum there were very few people in attendance from the downtown area; she questioned if enough outreach and notification was provided. Ms. McGowan shared her opinion that people are fearful of large buildings obstructing the small town feel of Amherst. Ms. McGowan is of the opinion the B-

G district is inappropriate for Chapter 40R because there is no incentive, and questioned why the large downtown area is being considered while other communities begin with a single building. Ms. McGowan suggested it would be beneficial for the Board to review the Chapter 40R presentation and begin discussions.

Ms. Brestrup reminded the Board members that they were invited to attend each public forum. She also reported that a number of locations were analyzed per a specific set of criteria. After careful consideration, two areas were identified as eligible and the choice to focus on the downtown area was made. Developers and property owners are interested in projects in the B-L district that are not allowed by current zoning.

Mr. Birtwistle shared his opinion that it would be beneficial to have the consultants provide a presentation to the Board prior to the completion of the final report. Ms. Gray-Mullen shared that the report is a means to provide the town a list of recommendations to review and determine if any of the initiatives are suitable for Amherst. Ms. Brestrup stated she is unsure if an official report will be provided; the town is likely to receive design guidelines, a draft zoning bylaw and possibly a memo outlining the process undertaken by the consultants. Ms. Brestrup will ask the consultants to provide a presentation, but there is no guarantee they can. The consultants are adhering to a contractual scope of work and are already providing for an additional public forum outside the agreement and budget.

Ms. McGowan shared her support for the Chapter 40R concept, as well as her belief that East Amherst fits many of the location criteria. Ms. McGowan shared her concern that residents need more opportunities to provide comments such as an online option as was suggested to the consultants. Ms. McGowan also expressed her opinion that staff working with the consultants could have been providing ongoing reports to the Board.

Ms. Chao reminded the Board that the community forums were the place for the public to share their ideas, concerns and comments. Ms. Chao agrees that this has been an educational process to explore what Chapter 40R is and how it works. The consultants are professionals who need to be allowed to do their work.

Ms. Gray-Mullen stated there have been 3 public forums, and it was at the 3rd meeting that the downtown was disclosed as a potential area for further exploration as a Chapter 40R district. Ms. Gray-Mullen affirmed that the consultants emphasized that comments could be submitted via email and that all are welcome to submit comments.

Ms. Brestrup will confirm that notices were mailed to property owners who would be effected, as well as to property owners within 300' of the proposed district. Ms. Brestrup will ensure that notices will be mailed for the 4th meeting. Ms. McGowan suggested that property residents, as well as property owners, be notified of the meeting. Ms. Gray-Mullen recommends that people sign-up to receive alerts through the town's website.

XII. ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Respectfully submitted:

Approved:

Pamela Field-Sadler
Administrative Asst.

Christine Gray-Mullen, Chair

DATE: _____