

**AMHERST PLANNING BOARD**  
**Wednesday, October 6, 2021, 6:30 PM**

Pursuant to Chapter 20 of the Acts of 2021, this meeting was conducted via remote means.

The Minutes of the Planning Board (PB) are not intended to be a transcript. The meeting recording is located here: [Planning Board Oct 6, 2021 - YouTube](#)

**MINUTES**

- PRESENT:** Maria Chao, Jack Jemsek, Andrew MacDougall, Doug Marshall – Chair,  
Thom Long, Janet McGowan, Johanna Neumann
- STAFF:** Christine Brestrup, Planning Director  
Pamela Field-Sadler, Administrative Assistant  
Rob Morra, Building Commissioner  
Nate Malloy, Senior Planner
- OTHERS:** Evan Ross, Town Council member  
George Ryan, Town Council member (around 8:30p)

Planning Board Chair Doug Marshall called the meeting to order at 6:33 pm.

**I. MINUTES**

9/29/21 Planning Board minutes: Andrew MacDougall – moved to approve, Thom Long – seconded.

Janet McGowan: The public comment section had more info than Wroblieski’s section indicates but she will still approve the minutes.

Chao – yes; Jemsek – Yes; MacDougall – yes; Marshall – yes; Long– yes; McGowan– yes; Neumann– yes (7-0-0 motion approved).

**II. PUBLIC COMMENT PERIOD** – No public attendees wished to comment.

**III. PUBLIC HEARING – ZONING AMENDMENT**

**6:35 PM Zoning Bylaw Official Zoning Map Map 14A, Parcel 33 Rezoning, North Prospect Street** (*Continued from July 7, August 4 and September 29, 2021*)

To see if the Town will vote to amend the Official Zoning Map to extend the General Business District (B-G) to include a vacant parcel of land owned by Town of Amherst, in the vicinity of North Pleasant Street, North Prospect Street, Cowles Lane and Amity Street currently located in the General Residence District (R-G).

**6:40 pm:** Mr. Marshall opened the public hearing and read the project description

Presentation by Nate Malloy:

- Background for overlay district proposal:
  - For nearly 50 years it has been identified as a preferred site with the greatest potential for parking deck structure among the many sites studied.
  - The town parcel (on its own without adjacent CVS lot) is the right size for a parking deck structure
  - MA Smart growth toolkit: notes overlays are stand alone entity tools used over existing zoning + there is no concern about it being considered spot zoning

- In the future, the overlay can be removed if needed and the underlying zoning remains in place
- Chris Brestrup: This zoning amendment was sent by Town Council (TC), initiated by three members of TC: Evan Ross + George Ryan (3<sup>rd</sup> original member dropped out). There were issues related to dimensional requirements + public concerns so Planning Dept. + Building Commissioner came up with the overlay idea. That revision was brought back to Evan Ross + George Ryan and they agreed it was a good direction
- Site Information
  - Non-conforming lot, 7/10 acre, surface parking lot since 1960's + 97% covered by pavement; currently has 75 spaces: 70 in town owned, 5 in CVS property
  - An image of an aerial photo with the parcel highlighted was shown with a red box representing the Greenfield 4-level parking structure as a precedent (272 parking spaces) to show potential buildout. A second image showed a 3-d rendering of the modular parking structure in its site in Greenfield.
- Nate Malloy read the Parking Overlay bylaw text, standard + conditions (*The text is in a 3-page document that was included in the Planning Board packet*)
  - The Public Facility Overlay District is for parcel 14A-33 (town owned parcel) on North Prospect Street to only allow a parking facility (identified in Section 3.384 of Zoning Bylaw). The existing underlying zoning remains and the proposal is not changing the parcel's zone from R-G to B-G zone as originally proposed.
  - This is the draft text for the amendment and Chris Brestrup mentioned it will need to be formatted to fit the Zoning Bylaw format. The text wouldn't change in substance but needs to be reformatted.

#### **Board Discussion and Questions**

- Janet McGowan: How high is the precedent shown?
  - Nate: 48-53 feet for Greenfield parking deck (highest point of railing or parapet is the height of structure, stair and elevator is excluded).
- Andrew MacDougall: If deck can be 40' height at North Prospect Street = what would be height by the time you get to North Pleasant Street?
  - Nate Malloy: Not sure, and not sure it will be visible from North Pleasant Street
- Andrew MacDougall: Is the allowed signage on property or building?
  - Nate: Signage will follow the Signage Bylaw except there is a larger size allowed for this overlay bylaw
- Andrew MacDougall: North Pleasant Street = could it be open to 2-way traffic?
  - Nate Malloy: Planning Staff has said it could be a possibility, but it also should be up to an applicant to study and determine whether to work with town on that
- Evan Ross: Thanked the Planning Department for their work on this since February 2020 to bring this forward and on the effort to expand and improve the proposal. Both he and George Ryan stand behind the proposal and thought the process was good in that it responded to public concerns and questions during public hearings.
- Thom Long: One-way access from CVS lot makes this a viable project = do we still have that CVS as a thruway?
  - Nate Malloy: Entry drive is a perpetual easement = public access granted decades ago. The final car circulation will be up to the applicant.
  - Deed mentions the 13' strip easement is for both CVS and town parcels' access
- Chris Brestrup: Internally the Planning Department has been discussing a possibility of having 2-way car traffic for part of North Prospect Street (maybe staying 1-way towards Cowles Lane )

- Jack Jemsek: Is this spot zoning?
  - Nate Malloy: No, as this is an overlay, MA Smart Growth + CHAPA have both said overlays work as great ways to change zoning for parcels. Addresses many of the concerns changing underlying zoning to B-G = prevents possibility of 5-story or other building vs. parking deck. Only allows a parking garage as overlay.
  - Rob Morra: not spot zoning; this would be done “for the public good”; it would not provide significant financial benefit to a single property owner; there are no legal cases that support spot zoning for an overlay district; we discussed this issue with the town attorney.
- Janet McGowan: Can we focus on pedestrian access? Is there an easement onto North Prospect from town parcel? Has issue with zero setbacks: CVS truck loading = danger for pedestrians? Zero setbacks are an issue for maintenance of buildings. There are a lot of multi-family houses on North Prospect Street so the parking deck should be a solid wall on the side adjacent to street. The parking garage should match 19<sup>th</sup> century houses. We’ve ignored the Design Review Board on many occasions in the past, so we should put more design requirements on this project.
  - Nate Malloy: It’s up to the applicant to come up with compatible solutions for the site and for meeting design + landscape standards. Setbacks are allowing flexibility for an applicant = this overlay allows flexibility for the many pieces needed to make a parking facility that works for both pedestrian and car flows.
- Maria Chao: Thanks for the work + great work on creating a solution as an overlay for this parcel. Hopes this moves forward for referral back to Town Council and that we don’t get in the ‘weeds’ too much longer. There is a lot of detail and information in the Standards and Conditions of the proposal = shows the thoughtfulness of Planning + Building Departments put behind responding to public concerns.
- Chris Brestrup: On 10/20, Planning Department will bring back to PB to consider
- Andrew MacDougall: How does zero setback work for adjacent parcels?
  - Nate Malloy: Applicants work with abutters for agreements to access buildings for maintenance + other work.
- Doug Marshall: Are you not allowing plants less than 1-story in the landscape buffer zone? Continuous sidewalks = any expectation of developer to build sidewalks outside their property?
  - Nate Malloy: no, just on their property for planning of connections
- Janet McGowan: Side + rear setbacks = no properties have zero setbacks. Why are we putting the burden onto abutters? It will be a disaster if there are no setbacks for adjacent landowners.
  - Nate Malloy: Zero setbacks are only for the overlay – the applicant can design what and how to design the structure at property lines.
  - Chris Brestrup: We do have zero side and rear setbacks in B-G.
- Johanna Neumann: If we continue can we change the amendment title? That way the public knows we are not still considering the B-G change? Has always liked reducing sidewalk cuts for pedestrian safety – moving cars to back of site is a good thing for main street to be safer. 13’ easement = could that be for pedestrians?
- Jack Jemsek: Janet McGowan sent around a 75-page parking study from 1990 = did she want to bring up any points from it?
  - Janet McGowan: The report included the CVS lot with the town lot
- Doug Marshall: Would there be any opportunity for CVS owner to team up with town parcel development?

- Nate Malloy: Not sure, there may be some pre-existing non-conforming issues. Sounds difficult but would need to see a proposal. Overhanging or encompass both properties?
- Rob Morra: Could occur but lot and building coverages would make it difficult and limited by R-G zoning requirements
- Janet McGowan: Overlay could be larger? Or somewhere else?
  - Nate Malloy: Not sure adjacent property owners want a parking deck. That's the reason for using town controlled land.
  - Chris Brestrup: Owners of CVS lot have been reluctant to engage with conversations in the past. They have a local representative = no one has had serious conversations about extending the overlay onto their property. It would be complicated but not impossible...this overlay could be a first step, and perhaps more conversations could come after this first step.
- Janet McGowan: No one has contacted the abutters = this seems like a huge oversight.
  - Chris Brestrup: There is no requirement about notifying abutters about zoning amendments, additionally this proposal was not initiated by the Planning Department.
  - Andrew MacDougall: Good courtesy to let St. Brigid's church that there could be a change happening.

#### **Public Comment**

- Rani Parker (North Prospect Street): sees a lot of headlights from CVS lot. So impressed that the town listened to public comment. What happens to existing entry and exit? Will people using garage have their own access + how do signs work for parking deck access. The two-story green screen/landscaping is very important = what is it? Is there a standard? Happy to talk in person to whomever in town departments about concerns in more detail. What happens if applicant proposes something you don't like aesthetically. Has a lot of questions.
- Pam Rooney (Cottage Street): We are in the weeds but unfortunately the weeds are what make the project feasible especially for the neighbors. Greenfield parking deck details were eliminated so we need more character and scale written into bylaw = what won't disrupt that neighbor's house with headlights? Angled parking lanes can make narrower parking deck = better for adjacent parcel owners. Design Review Board + zoning bylaws have been ignored by the Planning Board in the past.
- Susanna Muspratt (North Prospect Street): Was told the maximum height would be no more than a 3-story garage. Hope they are not 5-story.
- Dorothy Pam: if no parking garage, zoning goes back to R-G. Spring Street made people lose faith because Design Review Board was ignored. What are protections other than there will be trees?

#### **Additional Board Discussion and Questions**

- Janet McGowan: There is no support for the rezoning to B-G, but is generally supportive for the overlay. Have we embarked on a completely different zoning amendment? Where are we legally in terms of process.
  - Nate Malloy: initial one was general enough so this is still within the same scope of initial amendment.

- Jack Jemsek: PB has disagreed with the Design Review Board maybe once in the 5 years of his tenure on PB. Thought it would be short sighted to not pull in the abutters to see if they are open to participating or collaborating.
  - Evan Ross: Planning Dept. has not reached out to abutters and CVS has shown support for the overlay proposal but not included conversations about participating. No response from St. Brigid's = abutters are not unaware of what is going on with zoning amendment.
  - Chris Brestrup: Will see if Town Manager wants the Planning Department to reach out to abutters.
- Nate Malloy: zoning doesn't regulate everything, so the town may want to designate certain spots and then leave rest for developer to decide. R-G allows 4 stories, 40' maximum. So the proposed 40' maximum matches adjacent parcels' regulations.
- Janet McGowan: We should vote to not support the zoning change but keep working on studying the overlay and create a working group to create a working proposal. People living on N. Prospect will be impacted. This is an awkward situation. PB should vote to not approve the zoning amendment of changing the parcel from R-G to B-G.
- George Ryan joined the meeting (noted at 8:24p).
- Andrew MacDougall: Has some minor changes, feels we've received a lot of local support and generally feels good about this proposal. PB could bring more questions in next couple of weeks.
- Rob Morra: CRC public hearing 10/26. 10/20 PB will be meeting to get a PB recommendation.
- Janet McGowan: Could the top level be a green roof? Can we get more than (2) EV chargers? You open an app to find fast chargers. Can we get more specifics about sustainable initiatives?
- Doug Marshall: Would the RFP get more specifics put into it rather than bylaw?
  - Nate Malloy: RFP could include design criteria with specifics about more advantageous amenities to include vs. putting details in the zoning overlay that could be detrimental to design possibilities
- Chris Brestrup: 10/26 CRC public hearing but could hold off on a recommendation if there is not a PB vote or recommendation made on 10/20. Agenda for 10/20 has Mixed-Use Buildings amendment and a parking lot SPR.
- Jack Jemsek: Roof is critical for parking but could include PVs on supports
- Doug Marshall: Asked if anyone was NOT generally supportive = no one raised hands.

**Motion:** Janet McGowan. moved to continue the public hearing to 10/20 at 7p. Mr. MacDougall seconded the motion.

**Vote:** Chao – yes; Jemsek – Yes; MacDougall – yes; Marshall – yes; Long– yes; McGowan– yes; Neumann– yes (7-0-0 motion approved).

Chris Brestrup will change the wording about amendment but has to keep the public hearing name the same but will rework the description in the agenda.

**IV. OLD BUSINESS - none**

**V. NEW BUSINESS**

- Open Meeting law complaint: Planning Department has a plan on how to address the complaint: PB members are each taking on previous meetings' minutes and someone in town staff will also help catchup on late minutes. Chris Brestrup will respond to the complainants (1<sup>st</sup> from CA, 2<sup>nd</sup> from local person and 3<sup>rd</sup> same as 1<sup>st</sup> person) and send a copy to Attorney General's office. She hopes by 10/20 there will be minutes for review and has set a deadline of end of October for late minutes to be completed.
- Doug Marshall: Every member has agreed to do one set of meeting minutes and by end of October, Chris Brestrup would like to send a draft of minutes to complainants.

**VI. FORM A (ANR) SUBDIVISION APPLICATIONS**

115 Market Hill Road – Stosz family: dividing property into (5) lots; all lots meet 30,000 sq. ft. min. lot, 150' building circles + minimum street frontages.

By consensus, the PB authorized Doug Marshall to sign ANR 2022-04

**VII. REPORT OF THE CHAIR - none**

**VIII. REPORT OF STAFF - none**

**IX. ADJOURNMENT – Mr. Marshall adjourned the meeting at 8:54pm.**

Respectfully submitted,

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Maria Chao, PB Clerk

Approved:

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Doug Marshall, PB Chair

DATE:  
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