

**AMHERST PLANNING BOARD**  
**Wednesday, September 29, 2010 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Jonathan Shefftz, Chair; Jonathan O’Keeffe, Richard Roznoy, Rob Crowner, Stephen Schreiber and David Webber

**ABSENT:** Sandra Anderson and Bruce Carson

**STAFF:** Jonathan Tucker, Planning Director and Christine Brestrup, Senior Planner

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Mr. Shefftz opened the meeting at 7:08 PM.

**I. MINUTES** September 15, 2010

Mr. Schreiber MOVED to approve the Minutes of September 15, 2010. Mr. Crowner seconded and the vote was 5-0-1 (Webber abstained).

Mr. Shefftz announced that the meeting was being recorded by Planning Department staff and was being recorded and broadcast by ACTV.

**II. PUBLIC HEARING – ZONING AMENDMENT**

**A-02-11 Farm Stands (Planning Board)**

To amend Section 3.312 and Article 12 of the Zoning Bylaw to adjust the acreage requirements for farm stands and to establish a definition of farmland reflecting changes in state law.

Mr. Shefftz read the preamble and opened the public hearing.

Mr. O’Keeffe summarized the history of the zoning amendment and its meaning. In the spring of 2007 Town Meeting created two classes of farmstands. State law has recently changed with regard to farmland, liberalizing the size of agricultural properties that are protected from selected local zoning bylaw restrictions.

The proposed zoning amendment does two things. First, it responds to the change in state law which had previously protected land in agricultural use that was 5 acres or more in size. Now state law also protects land in agricultural use that is 2 acres or more in size (but less than 5 acres) if the agricultural use can be shown to earn a minimum of \$1,000 gross revenue per acre per year from the products grown. The second part of the amendment creates a definition for farmland. Mr. O’Keeffe summarized the definition and the recent changes that were made to the amendment by the ZSC. This is a technical fix, he said.

He reported that the Zoning Subcommittee (ZSC) voted 3-0 to recommend to the Planning Board that the Planning Board recommend approval of this amendment to Town Meeting.

Mr. Tucker stated that Planning Department staff had met with the Agricultural Commission to apprise them of the amendment. The Commission members had some general concerns and questions about the impacts of the proposal on local farming, but had not offered any specific recommendations.

There was no public comment on this proposed amendment.

Mr. Roznoy MOVED to close the public hearing. Mr. O’Keeffe seconded and the vote was 6-0.

Mr. O’Keeffe MOVED to recommend to Town Meeting that the article be approved. Mr. Roznoy seconded and the vote was 6-0.

Since it was not yet 7:30 PM, the scheduled time for the next public hearing, the Board turned to other business.

**IV. OLD BUSINESS**

**A. Signing of decision**

SPR2011-00003/M6685 – South Amherst School, 1001 South East Street – Ron Bohonowicz  
– The Board signed the decision.

**B. Other Old Business – The Board decided by consensus to schedule a discussion about Planning Board reorganization and to hold elections for officers on October 6<sup>th</sup>.**

**V. NEW BUSINESS**

**A. CPTC (Citizen Planner Training Collaborative) Fall 2010 Brochure**

Mr. Tucker stated that there is some reimbursement money available for those who wish to attend these sessions.

**B. New Information – none**

**VI. FORM A (ANR) SUBDIVISION APPLICATIONS – none**

**VII. UPCOMING ZBA APPLICATIONS**

The Board declined to review the following ZBA applications:

ZBA FY2011-00008 – Hills House LLC – 38 Gray Street

ZBA FY2011-00009 – Betandri LP c/o Adrian Fabos – 310 South East Street

**VIII. UPCOMING SPP/SPR/SUB APPLICATIONS**

SPR 2011-00005 – Boltwood Place – 43-51 North Pleasant Street

The public hearing is scheduled for October 6<sup>th</sup>. The Board scheduled a site visit for this application for Friday, October 1<sup>st</sup>, at 9:00 a.m.

**IX. PLANNING BOARD SUBCOMMITTEE REPORTS**

Zoning – Mr. O’Keeffe reported on the ZSC meeting that was held just prior to the Planning Board meeting. In addition to the zoning amendments that were the subject of public hearings this evening, the ZSC spent most of its meeting discussing the Development Modification zoning amendment. A great deal of progress was made, said Mr. O’Keeffe. There were minor clarifications and improvements added. The ZSC also decided to strike out the language authorizing the Permit and Special Permit Granting Authorities to deny a permit based on the applicant not reaching a certain threshold of points. The public hearing for this amendment will be held on October 6<sup>th</sup>.

**X. PLANNING BOARD COMMITTEE REPORTS**

- A. Pioneer Valley Planning Commission – Mr. Schreiber reported that the PVPC will meet on October 14<sup>th</sup>, but that he will be unable to attend. He asked Mr. Tucker if he would be available. The meeting is scheduled for 5:00 or 5:30 in Springfield. Mr. Tucker will try to attend the meeting.
- B. Community Preservation Act Committee – none
- C. Agricultural Commission – none
- D. Save Our Stop Committee – none
- E. Public Transportation and Bicycle Committee – Mr. Roznoy reported that the PTBC met last week, but did not achieve a quorum. At the prior meeting the members had met with Guilford Mooring, Superintendent of Public Works, and Jonathan Tucker about the development of a Transportation Plan for the town. Mr. Mooring said that it may be possible to use capital funds to hire a consultant to develop a Transportation Plan. The PVPC will provide copies of transportation plans that have been prepared by other communities throughout the country. At the next meeting the PTBC plans to discuss this issue again.

Mr. Crowner asked if these transportation plans could be made available electronically. Mr. Roznoy will investigate this.

**XI. REPORT OF THE CHAIR** – Mr. Shefftz reported on the developmental progress of his nine-month-old daughter, Micayla.

**XII. REPORT OF STAFF** – Mr. Tucker noted that there would be a Scottish Festival held in Scotland, Connecticut on Sunday, October 10<sup>th</sup>.

**II. PUBLIC HEARING – ZONING AMENDMENTS (continued)**

**A-03-11 Watershed Protection (WP) Lot Coverage (Planning Board)**

To amend Section 6.18, Table 3, Dimensional Regulations, and the associated Footnotes of the Zoning Bylaw to change the lot coverage requirements in the Watershed Protection (WP) overlay district to conform with state environmental regulations governing development in areas associated with public water supplies.

Mr. Shefftz read the preamble and opened the public hearing. Mr. O’Keeffe reported that this zoning amendment will not be on the Town Meeting Warrant for the Fall Special Town Meeting. It is not ready to be brought forth. The amendment was proposed to respond to recent changes in state law.

Mr. Roznoy MOVED to close the public hearing. Mr. O’Keeffe seconded and the vote was 6-0 to close the public hearing.

**III. JOINT MEETING**

Joint Meeting with the Amherst Redevelopment Authority to discuss the Gateway Corridor Project

John Coull, Chair of the Amherst Redevelopment Authority (ARA), reported on the status of the ARA’s work with regard to the Gateway Corridor Project. He stated that the ARA has four elected members and one member appointed by the Governor. The Governor’s Appointee is Jeanne Traester.

The ARA has “broad powers” to work in the community. It can take, hold and develop properties, remove blight and restore areas to their “highest and best use”. The last, most-visible project that the ARA worked on was the Parking Garage.

The Gateway Project was first presented to the ARA in the spring of 2010. The ARA is beginning to study this project and has not yet developed it enough to hold a joint meeting on its substance with the Planning Board. However, Mr. Coull offered to report on the ARA’s work thus far and to keep the Planning Board informed about what the ARA would be doing in the future.

The impetus for the development came from UMass, which recently acquired a 2.1 acre site on North Pleasant Street, known as Frat Row. UMass demolished the buildings and the property now consists of four vacant lots, which could be conveyed to the town for private development. UMass is planning to expand its student population and will be looking for places to house students. However, the concept for the Gateway Corridor Project does not include putting dense housing for undergraduates on these lots. There is an opportunity to develop the Gateway Corridor for retail, mixed use and offices as well as student housing. This development would be an addition to the tax base in town.

The project cannot go forward unless it meets the goals of the Master Plan. The project needs thoughtful design, transportation, shopping, offices and other items to be complete.

The ARA visited similar projects in two college towns, Hanover/Dartmouth in New Hampshire and Storrs/UConn in Connecticut. The ARA has been approached by private property owners and private developers who are interested in the Gateway Project.

The ARA plans to hire a consultant and hopes to have input on the project from the new Campus Planner at UMass. The ARA plans to hold public sessions on this project.

ACTV accompanied the ARA to Storrs and will be broadcasting information about the visit.

The ARA is aware that student behavioral issues are of great concern to the neighbors.

While the “planning area” for the project may enlarge, the “execution area” may contract.

Mr. Coull introduced two members of the ARA who were in attendance, Larry Kelly and Jeanne Traester. The other members are Peg Roberts and Aaron Hayden.

Mr. Crowner asked about the timeline for the project. Mr. Coull stated that it depends on how fast the consultant and the ARA can move. He expects that the ARA will bring zoning amendments to the Planning Board within one year.

Mr. Tucker presented a map of the Gateway area and stated that it is online, on the town website. The scope of the project has shrunk. The original intent was to connect the Gateway Corridor to Boltwood Walk. Now the scope of the project extends from the intersection of Triangle Street and East Pleasant Street, up to the edge of the UMass Campus. The width of the project has not yet been defined. “Nothing official is being represented” on this plan, he said. “This is a work in progress.”

Mr. Tucker referred to the Urban Form Analysis document prepared by the Master Plan consultants, which is also available online. This document shows how “form-based code” might work.

Mr. Coull stated that the ARA is looking at the impact of the Gateway Project outside the borders of the designated area, as well as inside. The project is, to date, “quite a blank sheet” he said.

Jeanne Traester stated that part of the area is University property. The University is expanding and is willing to turn this property over to the town. The University wishes to attract more out-of-state students. One new dorm is proposed to be finished in 2013. The town wishes to create economic development and bring in taxes. This project would meet two needs with one project.

John Musante, new Town Manager as of October 1<sup>st</sup>, spoke in support of the Gateway Corridor Project. He expressed “a sense of urgency in this effort”. He reported on the trip to Storrs, CT. UConn is

trying to create a downtown. We already have a downtown and a Master Plan. The University plans to grow by 15% at least. There will be development, and we need to help shape the development to the benefit of the town and UMass. This should be a focused process with lots of opportunity for input. He suggested a timeline of 4 to 5 months.

Mr. Musante would like to act as a facilitator and collaborator for this project and would like to leverage private investment. This is being done elsewhere in the U.S. We already have three projects going on in the vicinity – Kendrick Park, Boltwood Place and the work on the Lord Jeffery Inn. Mr. Musante would like to see a link from UMass through downtown Amherst all the way to Amherst College. He looks forward to working with the ARA, with stakeholders and with the Planning Board.

Mr. Shefftz questioned why the town would like to put student housing back into an area where the University had recently demolished fraternities. Mr. Coull stated that the fraternities were destroyed because they were not being maintained and there were behavioral issues.

Mr. Coull stated that the merchants and property owners in the downtown area were forming a BID (Business Improvement District). The BID has elected to extend its sphere into the Gateway area.

John Fox, a Town Meeting member and resident of Fearing Street, distributed documents (emails and a memorandum) related to the Gateway Corridor Project. The residents of the area have been attending ARA meetings, he said. This will be an exciting project if it is done right. He expressed support for Mr. Musante's statement and expressed hope for an open and transparent process. He also expressed concerns about the agreement made between UMass, the town and the ARA. He read part of the agreement, disagreeing with the description of existing conditions, which included the words "substandard, decadent and blight".

Mr. Fox stated that the developments at Hanover and Storrs were not focused on undergraduate student housing. Dartmouth and UConn stated that they wanted to move undergraduate students back to campus. He described the project at Hanover as mixed-use, ground floor retail and commercial with upper floors graduate student housing and professionals. He described Storrs as being 700 units of housing for students, none or almost none of which was for undergraduates. It is to be for grad students, empty nesters and alums who wish to live near campus in retirement.

The Amherst development won't attract major retailers if the residential units are for undergraduates. He urged that the town modify its agreement with UMass or issue a Memorandum of Understanding to make it clear that the housing to be provided is not for undergrads.

Mr. Webber agreed that ambiguous language can cause trouble.

Mr. Coull introduced Dennis Swinford, the new Director of Campus Planning for UMass. Mr. Swinford stated that he had only been on campus for two weeks and was in the process of getting up to speed on various projects, so he wasn't able to provide clarification at this time.

Mr. Coull stated that the agreement was generated in response to ARA concerns. The ARA wanted to be assured that the land would be turned over to the town before the ARA made further progress on the Gateway Corridor Project.

Mr. Tucker stated that the agreement was "deliberately vague". One of the reasons for references to substandard housing was to get UMass to acknowledge the condition of housing throughout town. The ARA needed to know that UMass would cooperate. The three-party agreement among the ARA, the town and UMass is a "public statement of generalized intent," he said.

Lewis Mainzer of McClellan Street conjectured that 1) UMass Amherst believes that it will be better if it becomes bigger and 2) The tuition from in-state students is not kept on campus, but some of the tuition from out-of-state students is kept and therefore it is advantageous to UMass to attract more out-of-state students.

Mr. Tucker stated that the property under consideration will not be handed over to the town unless the project meets everyone's needs.

Winifred Manning of Fearing Street stated that she is uncomfortable about the vagueness of the agreement. She urged the town to clarify the agreement so that it reflects what was discussed.

Mr. Roznoy read part of the agreement about the conveyance to the ARA and asked for clarification. Mr. Shefftz asked if undergraduates could be kept out of the project.

Mr. Tucker stated that the development could be made unattractive to undergrads by requiring 12-month leases. Also the design and conditions in the residences could make it difficult and expensive for undergrads to lease the units.

Seymour Friedman of Allen Street noted that UMass has recently allowed sophomores to live off campus and that UMass wants provision for undergraduate student housing in the project. He also asserted that the ARA wants zoning changes to increase the allowed density and height of buildings.

Mr. Schreiber stated that the new rule allowing sophomores live off campus was a response to the fact that graduate students live on-campus, displacing undergrads. The town and UMass should discuss moving undergrads back to campus, while providing space off-campus for grad students.

Mr. Tucker stated that this project provides an opportunity to meet the needs of UMass and of the community. "The town will not do this if it does meaningful damage to areas around [the project]." He offered the Boltwood Garage as an example of a community process that resulted in something that is beneficial to the community.

Mr. Coull stated that one of the goals of the project is to connect UMass to downtown encouraging parents and families of students to come downtown.

Joan Burgess of 36 Mt. Pleasant Street asked about fiscal issues:

- How can UMass transfer this land to the town, since the University paid \$3 million for it?
- What will be the cost to the town in police, highway, health and other community services?
- What will be the balance between cost and benefit to the town?

Mr. Tucker pointed out that the project area is not in the ED zoning district and thus is subject to the town's Zoning Bylaw.

Roy Karlstrom of Fearing Street agreed with Mr. Fox's comments and expressed concern about locating undergraduate student housing in the neighborhood. UMass is exploring numerous ways to get undergrads off campus, he said. UMass is looking to the private sector to build student housing. The fiscal issue is important, with more police needed to monitor 500-700 students in off-campus housing. The zoning was changed a number of years ago to eliminate fraternities. That decision shouldn't be reversed. He urged the town to have an independent "cost-benefit" analysis done and urged the town to revise the agreement with the University before starting the project.

Mr. Roznoy inquired as to whether the ARA would be developing an RFP for consultant's services and then developing a plan for the area and then proposing recommended zoning changes. He asked if the consultant could include a fiscal analysis in his report.

Mr. Tucker stated that the original RFP contained all of those things. The ARA backed off and decided to start with the public process so that the community can decide what it wants. The new RFP will not include a traffic analysis or a fiscal analysis. Part of the consultant's work will be to help conduct a public process.

Mr. O'Keefe proposed that the Planning Board consider appointing a liaison to the ARA, who could give the Planning Board regular reports on the ARA's progress.

Mr. Webber offered to be appointed to act as the Planning Board's liaison to the ARA. He is interested in hearing from students, and he sits on the advisory committee for student legal services at UMass. Mr. Roznoy seconded Mr. Webber's offer and the vote was 5-0-1 (Webber abstained).

**XIII. ADJOURNMENT**

The meeting was adjourned at 8:50 p.m.

Respectfully submitted:

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Christine M. Brestrup, Senior Planner

Approved:

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Jonathan Shefftz, Chair

DATE: \_\_\_\_\_