

AMHERST PLANNING BOARD
Wednesday, December 15, 2010 – 7:00 PM
Town Room, Town Hall
MINUTES

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

ABSENT: Bruce Carson

STAFF: Christine Brestrup, Senior Planner

Mr. Shefftz opened the meeting at 7:05 PM and announced that the meeting was being recorded by Planning Department staff and was being recorded and broadcast by ACTV.

I. MINUTES

Mr. Schreiber MOVED to approve the Minutes of November 3, 2010. Mr. Webber seconded and the vote was 7-0.

XI. REPORT OF THE CHAIR

Mr. Shefftz apologized for not having attended Town Meeting during the sessions regarding the proposed zoning amendments. He had had a bad cold at the time, which he caught from his daughter, Micayala, who recently stood up by herself and is currently learning how to walk and ski at the same time.

II. PUBLIC HEARING – SITE PLAN REVIEW

SPR20011-00006/M7471 – 79 Taylor Street – You-Pan Tzeng

Request Site Plan Review approval to create a two-family detached dwelling under Section 3.321 of the Zoning Bylaw by attaching a two-story house to the existing two-story house. (Map 14B/Parcel 78, R-G District)

Mr. Shefftz read the preamble and opened the public hearing. Mr. Tzeng presented the application. He bought the property in March of 2010. At that time the house contained two dwelling units. The building was then converted back to a single-family house. Mr. Tzeng is proposing to build an addition, containing one dwelling unit with four bedrooms, next to the existing house.

Mr. Shefftz reviewed the Site Visit Report.

Ms. Brestrup explained that the existing structure had been converted from a two-family to a single-family house in July 2010. The Building Commissioner had issued a Certificate of Occupancy for a single-family house at that time. Ms. Brestrup noted that the Planning Board was required to apply the Design Review Board standards and conditions during a Site Plan Review for a two-family house in the R-G zoning district.

There was a discussion about the number of residents who currently live in the house and the number of residents who will live in the addition. There was discussion about how many parking spaces were required. Ms. Brestrup explained that the Zoning Bylaw requires a minimum of two parking spaces per dwelling unit. Mr. Schreiber noted that there are often five (5) cars parked on the property. In fact this is the case more than half the time.

Mr. Tzeng stated that it was up to the property management company to control the property. Mr. Tzeng cannot be on the property every day. He offered his opinion that there may be visitors, which would account for the higher number of cars on the property.

Mr. Schreiber asserted that the existing house appears to be run down and is not the same quality as the other renovated houses in the neighborhood. This is a picturesque, historic neighborhood, he said.

Ms. Brestrup stated that the Planning Board has jurisdiction over the entire two-family house with regard to the Site Plan Review. Mr. O’Keeffe noted that the Planning Board is required to apply the DRB standards and criteria. There was discussion about whether the Planning Board’s jurisdiction over the existing structure related to design or upkeep.

Alan St. Hilaire of Eagle Crest Property Management stated that he is responsible for the management of the property. There are other houses with architectural details in the neighborhood. This one does not have architectural details. He disagreed with the characterization that this house was rundown. It has been painted and has replacement windows. It is in good repair.

Mr. Schreiber noted that the drawings were silent on what is proposed to happen to the existing house. Other houses in the neighborhood have established landscaping. This house is prominent in that it has very little landscaping. In addition, the siding and the lack of detail of the existing house make it different from the rest of the neighborhood.

Mr. Shefftz asked if the house was rundown or merely did not fit into the neighborhood. He questioned whether the Board could require that the existing building be made more “interesting”.

Mr. St. Hilaire referred to the DRB criterion which states that “All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.”

Mr. Schreiber noted that three (3) cars are parked in front of the house “on a good day”. Recycling barrels are kept in front of the garage, rather than inside.

Mr. Shefftz suggested that these concerns could be addressed specifically in the Management Plan and the Landscape Plan.

Nina Weyl of 101 High Street, who lives near the subject property, expressed concern that the house was being designed for students and not for families. She questioned the floor plans of the two units, noting that there are offices and studies with closets shown on the plan. She commented that these spaces could easily be used as bedrooms. The house will not be owner-occupied. It will be a student apartment building. It is the wrong kind of house for the neighborhood. Ms. Weyl rents to students who are studious and quiet. She noted that there is a rental house at the corner of North Whitney Street where there are parties and a lot of loud noise. The two dwelling units will be barely attached. They are essentially two “good-sized” single-family houses stuck together. The neighborhood contains a predominance of owner-occupied homes. Ms. Weyl expressed concern that this structure could potentially contain eleven (11) bedrooms if the offices and studies were used as bedrooms.

Ms. Brestrup noted that the Building Commissioner would probably consider the proposed structure to be a two-family house. In past cases the Building Commissioner had referred to the Building Code’s definition of a two-family dwelling. This definition includes a structural connection and a foundation connection. Ms. Weeks, the Building Commissioner, has stated that a breezeway, with a roof and structural connection to both units, is enough of a connection to render a building a two-family dwelling.

Hillary Black, a representative of The Home Store, the company that will be building the addition, stated that there will be a structural connection between the two units. Such a connection will be necessary to connect the utilities.

Ms. Weyl suggested that the applicant provide a foundation or basement plan. This will clarify the connection between the two units.

Ms. Black stated that the addition will have a full basement. The existing building has an older foundation.

Mr. Shefftz concluded that the two dwelling units would be connected via a foundation and a roof. He stated that there was no way to go directly from one unit to the other.

Mr. St. Hilaire stated that the walkway [breezeway] will serve the purpose of providing fire separation.

Mr. Tzeng noted that the question before the Planning Board is not whether a two-family house can be built here, but how it should be built.

There was discussion about whether the proposed structure could be considered a two-family dwelling. Ms. Brestrup noted that the Building Commissioner is the Zoning Enforcement Officer and that she [Ms. Weeks] has the final determination as to whether this house will be considered a two-family house.

Mr. Roznoy questioned the need for a closet in a study. Mr. St. Hilaire pointed out that the study in the existing dwelling contains a built-in bookcase, not a closet.

Mr. St. Hilaire stated that he does enforce rules on the properties that he manages. He asks for prior references from tenants. Some of the issues being discussed are pertinent to the Management Plan, he said.

Mr. Shefftz stated that in the existing structure, 4 rooms are labeled as bedrooms. In theory the office could be used as a bedroom. The alcove could be a closet or a built-in bookcase. The second floor study could also be used as a bedroom.

Mr. Roznoy pointed out that students need space to go to outside of their bedrooms. The office/study spaces could serve this purpose. It is a matter of enforcement.

Mr. Shefftz asked Mr. St. Hilaire to describe his procedure for inspecting the interior of the dwelling units and how the rooms are used.

Mr. St. Hilaire stated that there are currently 4 female UMass students living in the house. They sometimes have friends stay overnight. The tenants park on the property and their friends may park there sometimes. Currently the downstairs office is set up as an office. The other room is set up as an additional "lounge" space. Additional common living space is valued by students, he said. Normally he inspects the apartments that he manages when the students move in, during January break when the students are gone, and when they move out.

Mr. Roznoy suggested that the Board focus on enforcement rather than discussing the number of rooms.

Mr. St. Hilaire stated that each of the 4 students currently living in the house have cars. They have to give him information about the type of car they drive and the license plate numbers.

Ms. Weyl questioned whether the office/study spaces will become bedrooms. Students usually keep their computers in their bedrooms, she said.

There was a discussion about a possible condition related to the number of individuals living in the units. Board members were concerned that the "Four unrelated" section of the Bylaw would be changed and that a condition relying on that section of the Bylaw would no longer be applicable.

Mr. O’Keeffe stated that there was consensus on the part of the Zoning Subcommittee that the “Four unrelated” clause was unlikely to be removed from the Bylaw until a more definitive enforcement mechanism and an improved rental registration system were in place.

Mr. Schreiber noted (speaking as an architect) that a client would be in violation of a Building Permit if he used a room differently from the way it was labeled on an architectural plan. Requirements related to bedrooms are very specific, he said.

Ms. Weyl suggested eliminating the ambiguity by requiring that the plans be changed by opening up the doorways and eliminating the doors for the rooms labeled as offices or studies. She suggested that the offices and studies might also be changed into washer/dryer rooms.

Mr. Tzeng stated that he is not trying to put more bedrooms in these units.

Fred Hartwell of 60 North Whitney Street stated that he had served on the Planning Board for six years. He stated that adding a condition limiting the number of residents to four is useless. He asked why the applicant did not propose a three-family dwelling with fewer bedrooms in each unit. Four bedroom apartments are difficult to manage, he said. The lot area would support a three-family house.

Bob Tancredi of 57 High Street stated that there are 5 or 6 cars parked on the property on a regular basis. The house already has a “car problem”, he said. Eight cars are the maximum that can be parked on this property.

Mr. Schreiber asked if there can be a restriction as to where cars can park.

Mr. St. Hilaire stated that he had used boulders on other properties to control where people can park. When advertising an apartment he makes it clear what the limit is on parking.

Mr. Schreiber noted that there is on-street parking on Taylor Street and High Street. Others noted that no on-street parking is allowed in the winter. Mr. Schreiber asked if there can be a maximum number of cars allowed to park on a site.

There was further discussion about the number of cars and the location of parking spaces and whether the garages would be used to park cars or to store people’s belongings.

Mr. Tancredi noted that currently cars are parked in front of the garage.

Mr. Roznoy suggested limiting the number of cars parked on site to 8.

Mr. Tzeng stated that he needs to provide parking spaces because the town does not want students to park on the street. Mr. Shefftz noted that this proposed two-family house is designed to appeal to eight unrelated individuals. It would be overly restrictive to limit the number of cars to four.

Mr. Webber stated that the area in front of the attached garage was described as an area that would be used as a turnaround. How can cars be prevented from parking here so that people can use the space to turn around?

Mr. Schreiber noted that the applicant does not have a landscaping plan. Mr. Tzeng asked for suggestions for landscaping.

Mr. Tancredi stated that with 8 bedrooms there would be at least 8 people. He noted that there is not much space in the yard for them for privacy and recreation. The front lawn will become the “backyard”, he said.

Mr. Tzeng noted that 61% of the property will be left for open space.

Meg Bouvier of 65 High Street stated that she lives across the street from the property, in a two-family Victorian house. She recently went through the Site Plan Review process for a relocated exterior staircase. The Board imposed aesthetic improvements on her plan, including decorative moldings and landscaping. She noted that aesthetics are not being questioned in this case. She questioned why the landlord would want to have two four-bedroom units. She expressed concern that approval of this application would set up an “enforcement nightmare”. She stated that this proposal is not in keeping with the rest of the neighborhood and she expressed concerns about cars. This proposal will dramatically decrease the value of the neighborhood, she said.

Mr. Shefftz noted that the use is allowed, but other aspects of the proposal are subject to conditions.

Mr. Tzeng stated that many of the previous speakers were also landlords. Landlords provide a service to UMass by providing housing for students. He asked that the Planning Board tell him specifically what to do. He reiterated that he had converted the house from a two-family to a single-family. He had removed the second kitchen and renovated the building to a single-family.

Mr. Hartwell stated that the Planning Board had boundaries within which they could act regarding a Site Plan Review. He suggested that the Board require an increase in the size of doorways for the spaces labeled as offices and studies. This would decrease the likelihood of too many people living there. He suggested that the owner give the neighbors his phone number. He suggested that the lease could set forth the definition of a tenant. The only people allowed to live in the house should be those on the lease. The plan shows double the amount of parking required by law. Improvements can be made to the architecture to better coordinate with the neighborhood. The Board cannot reduce the number of bedrooms, he said.

Mr. Shefftz read the email from Susan Barbaro, dated December 14, 2010, expressing concerns about density.

Ann Marshall of Gray Street stated that she lives near three rental properties. There is an absence of maintenance. Vegetation is often removed from the properties to make way for more parking on the lawns. This neighborhood is historic. The application proposes putting up something that is minimal in detail and not in keeping with the neighborhood. She expressed concern about the parties that take place in this type of housing.

Mr. Schreiber asked if Eagle Crest manages property on Gray Street. Mr. St. Hilaire stated that it does not. He offered to provide a list of properties that he manages. He asserted that there have been no noise complaints on this property. All of Eagle Crest’s properties are on rental registration.

Nancy Higgins of 558 Main Street asked if 531 Main Street were managed by Eagle Crest. She stated that it is an all-student party house. She expressed concern for the neighbors on High Street.

Mr. Shefftz asked about the landscape plan and the screening for the parking lot.

Linda Tulenko of 150 North Whitney Street expressed concern about the fragility of the neighborhood. She had concerns about the number of cars that were parked at this house. She asked about the cars that were parked perpendicularly in front of the house, and expressed concerns about the aesthetics of using boulders to control parking. She asked if emergency vehicles would have a problem reaching the house.

Mr. Shefftz noted that the Fire Department had not submitted comments on the application. He asked that Planning Department staff contact the Fire Department to determine if there were any comments or concerns.

Ms. Tulenko noted that the proposal would create a more dense condition on the site, with the lot coverage going from 39% to 61%. She expressed concerns about winter parking. The neighborhood has held meetings about the parking on Taylor, Gray and High Streets. Many vehicles are parking there overnight.

Mr. Tancredi made an "overall comment". A lot of us rent to students, he said, but this project will result in a big change in the neighborhood.

Mr. Roznoy asked that the public hearing not be closed in order to allow further information to be submitted.

Mr. Schreiber suggested that the Planning Board could ask the Design Review Board for comments.

Mr. Shefftz summarized what had been presented. The use as a two-family dwelling is a "by-right" use. It meets the dimensional requirements of the Bylaw. It is possible to have two separate structures connected by a breezeway. There are concerns about parking. The site conditions and physical structures limit where parking can go on the site.

There was discussion about limiting the number of parking spaces to a maximum of four on the site and two in the garages.

Ms. Anderson stated that there are neighborhood constraints. The site is within walking distance to downtown, the train station and the bus route. The Board could consider limiting the parking to less than eight spaces. The landscaping is inadequate.

Mr. Webber noted that, unless there is a garage door opener, people don't use the garage. They store things in the garage. The garages shouldn't really count as spaces, he said.

Mr. Crowner stated that he thought that eight or six spaces would be appropriate.

Mr. O'Keefe supported eight spaces with a physical limitation around the parking area. Mr. Roznoy concurred that eight was acceptable.

Mr. Shefftz stated that the screening around the parking areas can be in the form of fences or shrubs.

Mr. Schreiber stated that boulders around parking were the wrong aesthetic for this neighborhood and likened them to a trailer park. The project needs a landscape plan with planting and screening, he said.

Mr. Roznoy commented that the Zoning Subcommittee should address the issue of parking.

Mr. St. Hilaire stated that there were conflicting opinions about parking. The town controls who parks on the street by issuing parking permits. Taylor Street does not have the permit system. Tenants will park on the street if they are not allowed to park on the property.

Ms. Anderson stated that it is not a right to have a car for every bedroom.

Mr. St. Hilaire stated that the Planning Board cannot restrict how public parking is used.

Mr. Schreiber stated that the cars parked along High Street provide a form of "traffic calming". There was discussion about the winter prohibition against on-street parking.

Mr. Tancredi noted that Taylor Street is full of cars throughout the school year. High Street is very narrow. It is not good to force people to park on the street.

There was further discussion about the appropriate number of cars to be parked on site.

Mr. O’Keeffe suggested that screening might alleviate people’s concerns about parking.

Ms. Weyl stated that an 8 to 10 bedroom house for students in this neighborhood is inappropriate. Nothing like this exists there now. This is a development without owner occupancy.

The Board summarized its comments as follows:

- There should be 8 parking spaces on site, with 6 outside and 2 in the garage;
- There should be adequate screening in the form of fencing or vegetation;
- There should be a landscaping plan, showing screening, with something shown to limit the ability of people to drive on the lawn;
- The Design Review Board should be asked to review and comment on the architecture and landscaping;
- The Management Plan should include a sample lease, outlining the requirements for parking and number of tenants;
- The spaces marked as offices and studies should be made unusable as bedrooms (alter the floor plan to show this);
- A Lighting Plan should be submitted showing the “light scatter” (lighting pattern on the ground), details of the light fixtures, heights of fixtures, etc.;
- An Erosion Control Plan should be submitted;
- A civil engineer should be hired by the applicant to evaluate drainage and mitigate increased runoff; (Mr. Schreiber noted that houses in this neighborhood have serious water problems);
- The materials to be used on the exterior of the building should be submitted, including wall sections;
- The two buildings should be made more similar with respect to trim and details, such as the pediment on the gable end.

Mr. Tancredi stated that the conditions of this permit should be permanent and should not just apply to Eagle Crest.

Mr. Webber asked for the Fire Department to review the necessity for and adequacy of the breezeway.

Mr. Roznoy asked that the applicant connect the details on the new building with the old building. He noted that the Design Review Board criteria call for this. The two buildings should look more similar to each other.

Mr. Schreiber noted that the existing building has asbestos shingles. The buildings should be evaluated with regard to how they relate to the neighborhood. Mr. Roznoy stated that the asbestos shingles will probably remain.

Mr. Roznoy MOVED to continue the public hearing to January 19, 2011, at 7:05 p.m. Ms. Anderson seconded and the vote was 7-0.

V. NEW BUSINESS

C. Lot Release Request – Lot 28 – Amherst Hills Development

Ms. Brestrup explained the lot release request and stated that the Town Engineer did not have a problem with releasing the lot.

Mr. Roznoy MOVED to approve the lot release. Mr. Schreiber seconded and the vote was 6-0-1 (Crownier abstained).

Gloria McPherson of Tofino Associates explained the application for the lot release. She stated that there are a total of 73 lots in the development, 3 of which are in Belchertown. The town has a covenant with the developer to assure that the roadway and utility infrastructure are completed to the town's satisfaction. The road has been constructed to serve this lot. The town releases one lot at a time.

Mr. Roznoy MOVED to approve the lot release. Mr. Schreiber seconded and the vote was 7-0.

IV. OLD BUSINESS

A. SPR2010-00001/M6234 – 381-383 Main Street, Lumber Yard Restaurant LLC

Review of final site plan in accordance with Conditions #2 & #3 of SPR2010-00001, Class I Restaurant. (Map 14B/Parcel 62, B-VC Zoning District)

Ann Marshall of Kuhn Riddle Architects presented the plan. She explained that the conditions had been addressed. There was a meeting with the Town Engineer and Planning Department that the Fire Department could not attend. The exterior light will be downcast, with full cut-offs. She explained the new landscape plan and stated that the stairway has been moved to be directly opposite the front entryway. There will be more room for tables. The plant beds will be easier to maintain. There will be an additional tree. The total lot coverage requirements have been met by the new plan. The town anticipates replacing the sidewalk along Main Street. The applicant will paint a crosswalk across the driveway. She described the route of a handicapped person from the parking lot to the front door. Ms. Brestrup stated that the Fire Department did not have any problems with the original plan. They had been sent a copy of the new plan and had not commented.

Mr. Schreiber MOVED to approve the revised site plan. Ms. Anderson seconded and the vote was 7-0.

B. Other Old Business – none

III. PUBLIC HEARING – PLANNING BOARD RULES & REGULATIONS

PBR-2-11 Planning Board Rules & Regulations (Planning Board)

Amendments in Articles I, II, and IV seeking to clarify procedures and submission requirements, and to respond to recent changes in the Massachusetts Open Meeting Law.

Ms. Brestrup reviewed the proposed changes. There was no public comment.

Ms. Anderson MOVED to close the public hearing. Mr. Schreiber seconded and the vote was 7-0.

Mr. O’Keeffe MOVED to amend Part a) on page 11, by adding the two sentences at the end of Part b) to the end of Part a); and adding the word “such” on page 6, in paragraph E. 3), before the word “ownership” in the third to last line. Mr. Roznoy seconded and the vote was 7-0.

V. NEW BUSINESS

- A. Planning Commissioners’ Journal – no discussion
- B. Training Session – Discussion of topics for training – Ms. Brestrup noted that the training session would need to be rescheduled from January 19th, due to the continuation of the public hearing for 79 Taylor Street. Ms. Anderson asked that the training session include any changes to Mass General Laws that affect the activities of Planning Boards. Ms. Brestrup noted that she had received some suggestions for additional topics from other Board members.
- D. New Information – none

VI. FORM A (ANR) SUBDIVISION APPLICATIONS

The Board endorsed the following ANR’s:

- ANR 2011-00001/M7727 – W. D. Cows – Flat Hills Road
- ANR 2011-00002/M7882 – Audrey Samek – 529 Belchertown Road

VII. UPCOMING ZBA APPLICATIONS – none discussed

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – none discussed

IX. PLANNING BOARD SUBCOMMITTEE REPORTS

Zoning – Mr. O’Keeffe presented the report on the December 15, 2010, meeting of the Zoning Subcommittee. The ZSC held a Zoning Forum and Mr. O’Keeffe gave a brief overview of the topics discussed during the Forum. He noted that the Development Modification amendment that had failed to pass at the Fall Town Meeting had been a topic of discussion at the Forum. He recommended that the full Planning Board discuss at its next meeting what to do with the Development Modification amendment.

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

- Pioneer Valley Planning Commission – none
- Community Preservation Act Committee – none
- Agricultural Commission – none
- Public Transportation and Bicycle Committee – none
- Amherst Redevelopment Authority – none

XI. REPORT OF THE CHAIR – given previously

XII. REPORT OF STAFF – none

XIII. ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

Respectfully submitted:

Christine M. Brestrup, Senior Planner

Approved:

Jonathan Shefftz, Chair

DATE: _____