

**AMHERST PLANNING BOARD**  
**Wednesday, March 16, 2011 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

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

**ABSENT:** None

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

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Mr. Shefftz opened the meeting at 7:06 PM. He later 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 March 2, 2011. Mr. Webber seconded. The vote was 7-0-1 (O’Keeffe abstained) to approve the Minutes.

**II. PUBLIC HEARING – ZONING AMENDMENTS**

**A-8-11 Duplexes (Planning Board)**

To amend Section 3.321 and Article 12 of the Zoning Bylaw in order to change the permit requirement for duplexes lacking owner occupants and to improve the current definition of duplexes.

Mr. Shefftz read the preamble and opened the public hearing. He reminded the Planning Board that there were issues related to duplexes that arose during the public hearing for a recent case on Taylor Street. He asked Mr. O’Keeffe to summarize the proposed amendment.

Mr. O’Keeffe stated that the Duplex zoning amendment proposes two major changes in the way the town regulates duplexes. Duplexes are proposed to be separated into two different use categories, based on whether there is an owner who resides on the property or not. In the R-VC and the R-G districts the use will continue to be allowed by right if the owner lives on the premises. However, the use would require a Special Permit if there is no owner who resides on the property. In the case where there is no resident owner, the Special Permit Granting Authority can require that there be an on-site resident manager. There is also a proposed clarification regarding the definition of a duplex. Mr. O’Keeffe read the definition and the conditions that would give the Board authority to deviate from the definition. He noted that the definition contains a default if the Board does not choose to exercise its authority to deviate from the definition.

Mr. Shefftz asked what happens if a house is approved as a Class I duplex and the owner then moves out. Mr. O’Keeffe stated that if the use becomes a Class II duplex the new use would require a Special Permit. Mr. Tucker noted that the action described would be a change in use category.

Mr. Shefftz asked how it would be enforced since Building Permits may not be involved. Mr. Tucker noted that the neighbors would figure out what was going on and file a complaint with the Building Commissioner. He also stated that the town is looking at changes in the rental registration process.

Mr. O’Keeffe asked about a hypothetical case of a house being approved as a Class II duplex and then something changes and the owner decides to move in. There was discussion about this issue and the Board determined that there was not much incentive to move from a Class

II to a Class I duplex once one has a Special Permit in hand and that this would probably not trigger a change in permit, unless the owner wished to change the permit. Ms. Brestrup noted Footnote 1 in Section 3.3 of the Zoning Bylaw which states:

“No Site Plan Review shall be required in those instances where a use change is proposed and no substantial physical changes (other than signs) will occur to the site or building exterior and where no new or additional requirements of the Zoning Bylaw must be met for the proposed use.”

Mr. Shefftz questioned the usefulness of the paragraph containing the description of a duplex. Mr. Webber noted that he liked the spirit of the proposed zoning amendment but questioned whether there was a need to say that the parts of the building needed to be connected structurally and continuously, since the building design will be reviewed by a Board. Mr. Schreiber also stated that he liked the intent of the amendment but questioned the description of a duplex.

There was further discussion about the definition of a duplex. Ms. Brestrup noted that she had spoken with Town Counsel and had been advised that there are court cases dealing with this issue. The court cases favor the definition of a duplex as a structure connected via a roof and foundation.

Mr. Tucker explained that the definition was drafted in order to allow for a wider range of architectural possibilities, depending on the neighborhood and context of the structure.

Mr. Schreiber stated that he favored a definition that emphasized the structure's appearance as one building and a unified design.

Mr. O'Keeffe noted that duplexes require review under the Design Review Board's standards and criteria. The proposed wording of the definition provides a "minimum baseline".

There was further discussion of this topic, with members noting the following:

- There is no hard and fast definition of a duplex;
- There is a degree of connectivity in that the parts are required to share walls and a roof;
- There are instances of approved duplexes that are connected by a vestibule or walkway;
- Some members were in favor of omitting the list of requirement in the definition of a duplex.

Mr. Carson MOVED to close the public hearing. Mr. O'Keeffe seconded and the vote was 8-0.

Mr. Roznoy MOVED to recommend approval of the article to Town Meeting. Mr. Webber seconded and the vote was 8-0.

Ms. Brestrup suggested that the Planning Board and Zoning Subcommittee may, in the future, wish to take up the issue of why duplexes are not allowed in the ARP (Aquifer Recharge Protection) zoning district.

Mr. Roznoy left the meeting at 7:55 PM.

#### **A-9-11 Residential Parking Regulations (Planning Board)**

To amend Sections 7.000 and 7.1 of the Zoning Bylaw to reduce the residential parking requirements in existing centers and for multi-family uses generally, to clarify the paving requirements for residential parking, and to amend lighting requirements for residential parking; and,

To amend the General By-Laws to add a new section, Residential Parking, under Article IV, Regulations Relating to Real Estate and Real Estate Users.

Mr. Shefftz read the preamble and opened the public hearing. Mr. O’Keeffe explained that the Zoning Subcommittee has been considering a change to the General Bylaws with respect to parking requirements, as well as a change to the Zoning Bylaw. There is rampant abuse of parking on rental properties, he said. The Zoning Bylaw now allows no more than two cars within the front setback and there is a need for those spaces to be on a paved or gravel surface. However, there is no restriction on parking on other lawn areas. The Zoning Subcommittee is not ready to recommend a change to the General Bylaws with respect to parking at this time.

A revised version of the zoning amendment was distributed. Mr. O’Keeffe read the proposed new wording for Section 7.0001, stating that all parking needs to be on pavement. Regarding parking requirements in general, the town may be requiring excessive amounts of parking, he said. The existing Bylaw requires two parking spaces per dwelling unit, except in the Municipal Parking District. The zoning amendment proposes that this requirement be lowered in the B-G, B-VC, B-N, R-G and R-VC zoning districts – essentially in the downtown and the village centers business and residential districts. There are more details regarding the definition of pavement, dimensions and lighting. The Zoning Subcommittee voted 4-0 to recommend this zoning amendment to the Planning Board.

Ms. Anderson asked for a clarification about whether this change is retroactive or only for Site Plan Review and Special Permit applications going forward. Mr. O’Keeffe stated that it is not retroactive and that existing situations that don’t conform to the proposed requirements would be considered legal and non-conforming.

Ms. Brestrup suggested that the phrase “except for uses noted in paragraph 2 above” be added to the end of Section 7.0000.3.

Mr. Schreiber asked if there should be maximum amounts of parking allowed, although he acknowledged that lot coverage controls this to some degree. In the R-G neighborhoods the amount of parking is “alarming” he said.

There was discussion about parking cars within the front setback.

Mr. Schreiber noted that having a turnaround area in a driveway adds a lot of pavement. Mr. Tucker explained the definition of pavement.

Joan Burgess of 36 Mount Pleasant Street stated that she wants houses in the R-G zoning district to be required to have two parking spaces, rather than one, because the R-G District is not part of the downtown.

Mr. Carson MOVED to close the public hearing. Mr. O’Keeffe seconded and the vote was 8-0.

Mr. O’Keeffe stated that he supports one space per dwelling unit in the R-N, R-LD and R-O zoning districts for supplemental apartments, townhouses and apartments. He explained why the ZSC decided to support requiring one parking space per dwelling unit in the R-G district.

Mr. O’Keeffe MOVED to recommend that Town Meeting approve the residential parking requirements as amended. Mr. Crouner seconded and the vote was 7-0.

#### **IV. APPEARANCE**

**Survival Center – Ford Gillen Architects – Sunderland Road**

Presentation and informal review of proposed plans for new Survival Center building and site plan – 138 Sunderland Road (Map 5A/Parcel 26, COM Zoning District)

Mr. Shefftz introduced Bill Gillen of Ford Gillen Architects. Mr. Gillen is seeking reactions and input on the proposal to reuse the old Rooster's site as a new home for the Survival Center. The Survival Center proposes to submit an application to the Planning Board in the near future.

Mr. Gillen began the presentation. The design team had wanted to save the old Rooster's building. However, because of setback issues on the north side, this would have required a Special Permit. In addition there were issues related to handicapped access because of the floor level of the old building. By demolishing the old building the designers will be able to drop the new building down to grade, making access easier to achieve. He introduced other members of the design team: Carol Vincze, Project Manager at Ford Gillen; Jan Eidelson, President of the Board of the Survival Center; Selene Weber, Landscape Architect.

Ms. Eidelson gave a brief overview of the work of the Survival Center. The Center provides food, clothing, health care and a sense of community. The current building is not dignified. The Center sees 3,000 individuals per year and sometimes as many as 200 per day. There has been a 41% increase in the number of people seeking help from the Center in the past year. One thousand families are helped by the Center every month. There are 500 health care patients. Hot meals, fresh food and the distribution of produce and baked goods are part of the services offered. The Amherst Survival Center serves residents of thirteen towns. Some people who need the services don't come because of shame.

Mr. Shefftz noted that the new location is farther from the center of town. He asked about bus service. Ms. Eidelson stated that the Center is working on getting a bus stop near the Center. There are now ten parking spaces on the current site, which will be increased to thirty spaces on the new site.

Rooster's had been a coffee and breakfast place. Mr. Gillen stated that it was a family business and the father of the family passed away, causing the family to close the business.

Ms. Weber described the proposed site plan. The new site is about 1/3 of a mile from the old site, across the street from Cows Lumber, surrounded by land owned by Amherst Towing.

The site is divided into three different levels in terms of elevation. The lowest portion of the site is fifteen feet lower than the street level. There are steep slopes, black walnut trees, street trees that are in poor condition and other scrubby growth.

The new building will be 5,000 square feet in size, with a storage area. There will be two entries to the site, a public entry and a service entry.

Ms. Weber described the site plan. The building will be located in the northeast corner with the parking to the south of the building. Parking and service will be separated to minimize conflicts. There will be 55% lot coverage and 15% building coverage. There will be an outdoor arrival space, an outdoor dining area and areas for "edible landscaping", since there is not enough room for community gardens.

Ms. Vincze described the building program. The goals were to make the building affordable, compact and the "right size". There are spaces for food, clothing and community within the building, with a program director's office in the center. The existing barn will be reused as a main gathering space. It will be dismantled and reassembled as an integral part of the new structure. There will be storage in the basement. She described the floor plan.

The building will be as energy-efficient as possible. Energy Star appliances will be used. She presented a drawing of the west façade, showing a one-story, wood-frame, farm-like structure.

Ms. Weber offered the following information:

- There is no sidewalk on the west side of Sunderland Road at this time.
- There will be two curb cuts with angled, one-way parking.
- Fill will be placed in the corners of the parking lot, but the amount of fill will not exceed the threshold that requires a Special Permit, as described in Section 5 of the Zoning Bylaw.
- There will be islands in the parking lot with perforated curbs.
- Stormwater will flow to the detention basin at the base of the slope on the west side of the parking area.
- The parking area will be gravel to start with and will be paved in the future.
- There will be two handicapped parking spots which will be paved with stone dust.
- There will be two short term parking spaces for loading.
- The parking area will contain a mix of compact and standard-sized spaces.
- The circulation in the parking lot has been designed for fire truck access.
- The service area will be paved with asphalt.
- There will be a turnaround area at the service entry for the delivery trucks so they won't need to back out onto Sunderland Road.
- The project will need a waiver to allow paving close to the building.
- The trash area will be fenced off.
- The designers will try to keep as many of the existing trees as possible and add trees along the street and elsewhere.
- Lighting will have full cut-offs.
- Steep slopes will be graded at a maximum of 2:1 and will be planted with ground cover. Erosion control measures will be used during construction.
- There will be a sign in front of the building and signs for parking.
- The impact on traffic will be minimal since the Survival Center already exists on this street. The building is moving away from the intersection and there will be the same amount of traffic.
- The Assistant Fire Chief has reviewed the plan and supports it.
- The applicants will be asking for a waiver from the requirement for a Traffic Impact Statement.
- The applicants have already had one meeting with the Conservation Commission and plan to submit a Notice of Intent with a site plan showing the proposed work.
- A bike rack will be shown on the plans that are submitted for Site Plan Review.
- There is a walk to the road from the front door, even though the road does not have a sidewalk on the west side.
- The applicants will speak with the Town Engineer to request permission for three curb cuts.
- One of the new driveways will be aligned with the existing driveway across the street.

Ms. Eidelson stated that the Board has requested that a bus stop be located near the site. The Board has also requested that a sidewalk be installed on the west side of the road. One bus already runs by the site every hour. The Board will request a crosswalk if there continues to be no sidewalk on the west side.

Mr. Schreiber commented that this is a handsome project. It incorporates the history of the site and it is well done. He questioned parking in front of the building.

Ms. Eidelson stated that trucks will be stored further back on the site overnight. She noted that it will be nice to receive deliveries through a door, rather than through a window as is done on the existing site. The facility will be operated four days a week, because of funding limitations.

Mr. Shefftz asked if the Planning Board members had any concrete suggestions to offer on this project.

Ms. Anderson commented that it looks like a beautiful plan. She liked the idea of reusing the old barn. She noted that the designers had thought about drainage for parking areas. She asked that they supply information about lighting fixtures, with the application, and she stated that the Board would consider the request for a waiver of the Traffic Impact Statement.

Ms. Eidelson stated that the Survival Center is a 501(c) (3) organization [non-profit, tax-exempt]. She stated that the hope is that the building will be built next summer [2012].

In response to a question about colors, Ms. Vincze stated that the barn, at least, will be a red-brown "farmy" color.

Mr. Webber commented that this looks like a wonderful design. He also noted that the Survival Center has been a wonderful neighbor.

Mr. Shefftz stated that former clientele of the Survival Center often return as volunteers.

Mr. O'Keeffe encouraged the Survival Center to be involved in the planning and rezoning process for the North Amherst Village Center.

## **V. NEW BUSINESS**

- A. Lot Release Request – Lots 46 and 66 – Tofino Associates – Amherst Hills Subdivision – Gloria McPherson presented the request for lot releases on behalf of Tofino Associates. This is the third lot release that they have requested in the past three months. Lot 46 is on Hawthorn Road. Lot 66 is on Linden Ridge Road. The Town Engineer has no problems with the lot release request.

Mr. Webber MOVED to approve the lot releases as requested. Mr. Carson seconded and the vote was 7-0.

Board members signed the Certificate of Performance. Ms. McPherson noted that Tofino Associates may return to the Planning Board with a plan for a phased release of lots for the remainder of the subdivision.

- B. New Information – Ms. Brestrup noted that the Planning Department had received a copy of an Environmental Notification Form for the new development that UMass is planning for Commonwealth Honors College, along Commonwealth Avenue, near the Mullins Center. The Planning Board will not have jurisdiction over this project. If Planning Board members wish to review plans for this development, they may do so in a public meeting. Any member of the public may review the plans in the Planning Department office. The Board members did not express interest in reviewing the plans at a public meeting.

**III. OLD BUSINESS**

- A. Signing of Decision  
SPR2011-00006/M7471 – You-Pan Tzeng – 79 Taylor Street – The Board members signed the decision.
- B. Letter to ZBA regarding Olympia Oaks – Mr. Shefftz signed the letter.
- C. Other Old Business – none

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

**VII. UPCOMING ZBA APPLICATIONS – none**

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

**IX. PLANNING BOARD SUBCOMMITTEE REPORTS**

Zoning – Mr. O’Keeffe presented a report on the Zoning Subcommittee. He reported that the Planning Board had already discussed much of the Zoning Subcommittee’s business during the public hearings. Tuesday [March 22] is the deadline for articles to be placed on the Town Warrant. One of the main issues that the ZSC has been discussing is chickens. There is a petition article for an amendment to the Zoning Bylaw. There is also a petition article to amend the General Bylaw regarding Animal Welfare. The ZSC is generally supportive of the petition articles. The ZSC has developed a Planning Board response to the petition article on the General Bylaw, which would give abutters a bit more protection in the form of a notification requirement and an administrative hearing procedure. This would provide a forum for people to object if they see fit to do so.

Mr. O’Keeffe noted that the ZSC is not unanimous in its support and that Mr. Roznoy has significant concerns about the zoning amendments and General Bylaw amendments related to the issue of raising chickens.

The ZSC decided to move ahead with the articles and put them on the Warrant because the deadline falls in less than one week.

The ZSC is also working on a newer version of the Development Modification zoning amendment that failed to pass Town Meeting in the fall. There are various ideas being considered but it is not in a state of readiness to bring it to Town Meeting in the spring. The ZSC will work on this amendment with the goal of bringing it to Town Meeting in the fall.

**X. PLANNING BOARD COMMITTEE & LIAISON REPORTS**

Pioneer Valley Planning Commission – none

Community Preservation Act Committee – Ms. Anderson reported that there was no quorum at the last CPAC meeting. The Committee will be meeting again on Thursday, March 17<sup>th</sup>.

Agricultural Commission – Mr. Webber attended the last Ag Com meeting. It was a “Farmers’ Forum” in which the farmers expressed concern about the summer Farmers’ Market related to the reconstruction of the Spring Street parking lot. The Farmers’ Market will be relocated during construction. The Spring Street parking lot is under the purview of the Select Board because it is part of the public right of way. There was discussion at the Ag

Com meeting about who is allowed to participate in the Amherst Farmers' Market. There is competition to participate and many Amherst farmers are concerned that they are not able to participate. There was discussion at the Ag Com meeting about the possibility of expanding the Farmers' Market.

Public Transportation and Bicycle Committee – none

Amherst Redevelopment Authority – none

**XI. REPORT OF THE CHAIR – none**

**XII. REPORT OF STAFF – none**

Ms. Anderson noted that she would be unavailable to attend the upcoming Planning Board meetings on March 30<sup>th</sup> and April 13<sup>th</sup>.

Mr. Carson stated that he may not be able to attend on April 6<sup>th</sup>.

**XIII. ADJOURNMENT**

Mr. O'Keeffe MOVED to adjourn. Mr. Shefftz seconded and the vote was 7-0.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted:

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Christine M. Brestrup, Senior Planner

Approved:

\_\_\_\_\_  
Jonathan Shefftz, Chair

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