

AMHERST PLANNING BOARD
Wednesday, April 4, 2012 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: David Webber, Chair; Jonathan O’Keeffe, Rob Crowner, Bruce Carson, Connie Kruger, Sandra Anderson, Stephen Schreiber (9:30 PM), Richard Roznoy and Kathleen Ford

ABSENT: none

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

Mr. Webber opened the meeting at 7:16 PM. He announced that the meeting was being broadcast live by Amherst Media and recorded by Amherst Media and town staff. He also announced that Mr. Schreiber would be arriving later.

I. MINUTES March 21, 2012

Ms. Anderson MOVED to approve the Minutes of March 21, 2012. Ms. Kruger seconded and the vote was 8-0.

II. PUBLIC HEARING – ZONING AMENDMENTS

A-04-12 Form-Based Village Center Rezoning (Planning Board)

To amend the Zoning Bylaw to add a new Article 16, Form-Based Zoning, to amend Articles 2, 3, 5, 6, 7, 8, and 12, as well as Section 3.3, Use Classification and Standards (Use Chart), and Table 3, Dimensional Regulations, including amendments specific to the Atkins Corner village center, and to amend the Official Zoning Map for Atkins Corners.

Mr. Webber read the preamble and opened the public hearing. Mr. O’Keeffe presented the report of the Zoning Subcommittee. He directed the Board’s attention to the date of the latest version of the document, April 2, 2012.

Mr. O’Keeffe explained that the structure of this proposed zoning amendment is different from that of last fall’s proposed amendment, when a single article had been proposed for both village centers. This spring there are two articles relating to Village Center Rezoning, the first for Atkins Corner and the second for North Amherst. The public hearing for the article on Atkins Corner is first on the agenda.

Mr. O’Keeffe gave an overview of the Form-Based Code proposal, which is also different from that presented last fall.

The new Form-Based Code proposes the creation of a new zoning district, centered on the two new roundabouts. It is called the Atkins Corner (AC) zoning district. There are form-based code design regulations attached to this AC zoning district. Mr. O’Keeffe explained that Form-Based Code is new for Amherst, but it has been adopted by other cities and towns around the country. It gives municipalities better control over the sorts of development that occur in village centers and downtown areas. Mr. O’Keeffe noted that the vote last fall was 60% in favor of the new zoning amendment, but the vote did not reach the required 2/3.

Mr. O’Keeffe described the differences in the map of Atkins Corner from last fall. There is a reduction in the area proposed to be in the new AC zoning district. The east side of West Street is now proposed to be R-VC (Residential Village Center) rather than AC. The PURD overlay is proposed to be removed from the Applewood property.

Mr. O’Keeffe stated that there were substantial changes to the text of the regulations, including stricter limitations on townhouses and apartments, which would be allowed by Special Permit and would not be allowed to crowd out other types of uses in a Village Center.

In addition, the lot coverage and building coverage requirements were changed and will not be the same as those in the R-VC zoning district.

Mr. O'Keeffe described changes to the requirements to allow for better handicapped accessibility to buildings and more opportunities for public transit.

He stated that the section on alternative compliance had changed and that there were now findings that the permitting body would need to make in order to grant alternative compliance approval. He also noted that the illustrations of building types included more examples of local buildings.

John Musante, Town Manager, spoke in favor of the new Form-Based Code Village Center Rezoning articles. He stated that the Village Center rezoning would promote sustainability and that it was part of the town's effort to implement the Master Plan. He said that the process leading up to its development was thorough, although not perfect, and the result is a balanced proposal. Mr. Musante noted that the new zoning amendment is responsive to community input and that it is substantially different from last fall. The areas included in the Village Center rezoning have been reduced and the overlay areas have been adjusted. Amherst has been protecting open space for 50 years. He noted that resistance to development in Village Centers will encourage sprawl.

Mr. Webber thanked staff and the Zoning Subcommittee for their work on this proposal and for the opportunity that the Planning Board had to have input into the articles as well as discussions during the development of the proposal.

Vincent O'Connor of Summer Street made the following comments:

- He questioned the timing of this version (April 2) of the proposal in light of the fact that the Warrant had been signed on Friday (March 30);
- He asserted that there had been problems with the public notice requirements for this article;
- He questioned the fact that the entire text of this zoning amendment had not been placed in the warrant;
- He questioned whether Town Meeting members would understand the map of the Atkins Corner area since the layout [edge of pavement] of the new road was not shown on the map;
- He stated that no one knows how the intersection with the two roundabouts will work;
- He asserted that the proposed zoning amendment is premature with respect to Atkins Corner;
- He commended the Superintendent of Public Works for developing a roadway design for Atkins Corner that eliminated commercial activity on the east side of Route 116 and eliminated the need for pedestrians to cross Route 116;
- He asserted that the designation of the east side of the road for commercial activity was contrary to safety goals;
- He urged the removal of the AC zoning from the east side of Route 116;
- He noted that there is a particular need for Applewood to have its property rezoned;
- He urged the Planning Board to address the specific needs of Applewood;
- He stated that in 2 or 3 years the roundabouts can be evaluated and the town could consider rezoning the area at that time;
- He asserted that improvements to commercial activity around Atkins will result from the construction of the loop road around Atkins Farms Market;
- He urged the Planning Board to withdraw the article and move to dismiss it at Town Meeting.

Mr. O'Keeffe noted that the April 2nd version of the Form-Based Code document did not contain substantial changes from the language that was finalized on March 28th, but merely

contained fixes to page numbers and other minor edits. Mr. Tucker reiterated that the version that the Select Board had was the version that the Planning Board had received in its recent mailing.

Mr. O’Keeffe stated that with regard to the roundabouts, there is not that much land on the east side of the road that is being rezoned to AC. The activity around the loop road was one of the driving forces in motivating the rezoning of the Atkins Corner area. The area around Atkins Farms Market is currently zoned B-L and that does not provide the town with the degree of control over uses as does the new Form-Based Code Village Center Rezoning. He noted that the town has heard from Applewood that it supports the proposed zoning.

Ms. Brestrup noted that the Planning Board had received a letter of support last fall from the Executive Director of Applewood that AC zoning was appropriate for its needs. She also noted that the maps contained in the zoning amendment do show the right-of-way lines for the new roadway.

Ms. Kruger suggested that the staff provide maps showing the roundabout edge of pavement so that Town Meeting members will understand the proposal better.

At the request of Mr. O’Connor, Ms. Brestrup clarified that Applewood would like to expand its common areas within the existing building and potentially add a few units. It is currently hampered by dimensional requirements which limit or prevent expansion under current zoning.

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

Mr. Tucker explained that Articles 24 and 25 each contain three elements:

- 1) Form-Based Code guidelines;
- 2) Guidelines which are specific to each Village Center;
- 3) Changes to the zoning map.

Mr. O’Keeffe MOVED that the Planning Board recommend to Town Meeting approval of Article 24, Form-Based Code Village Center Rezoning for the Atkins Corner area. Mr. Carson seconded and the vote was 8-0.

A-05-12 Form-Based Village Center Rezoning (Planning Board)

To amend the Zoning Bylaw to add a new Article 16, Form-Based Zoning, to amend Articles 2, 3, 5, 6, 7, 8, and 12, as well as Section 3.3, Use Classification and Standards (Use Chart), and Table 3, Dimensional Regulations, including amendments specific to North Amherst village center, and to amend the Official Zoning Map for North Amherst village center.

Mr. Webber read the preamble and opened the public hearing. Mr. O’Keeffe presented the report of the Zoning Subcommittee. The need for rezoning in North Amherst was driven by a well-developed, functional Village Center, which has positive aspects but also has some problems. The major issue here is that there is a large plot of land, the former sawmill area, that is being considered for redevelopment. The existing zoning of this area is Commercial, which is the most intense type of zoning and allows a large range of uses that are not compatible with residential uses.

The current proposal would create a new zoning district and accompanying Form-Based Code that would provide an appropriate way to guide development. The range of uses allowed by the proposed zoning is more appropriate to a Village Center. It would provide the town with more control over development in the area and would allow the town to promote and encourage an appropriate type of development.

Mr. O’Keeffe described substantial changes to the zoning map from what was presented in the fall. The changes were made in response to comments that the Zoning Subcommittee and

Planning Board received from the public. The NAVC (North Amherst Village Center) zoning district was scaled back, particularly in the area west of Sunderland Road. Changes were made to the area along Montague Road, much of which will remain in the R-N zoning district with no Village Center overlay. He explained that some of the land on the west side of Montague Road would be rezoned as Residential Village Center (R-VC), a type of zoning that already exists in the North Amherst area. Most of the R-VC district would remain south of the Mill River Recreation area, with only one property, at the corner of Cowls Road and Montague Road, being rezoned as R-VC. This property already contains a mix of uses – offices and residential. Only the R-VC district would have the Form-Base Overlay (R-VF) applied to it. There would be no NAVC along Montague Road. The R-VC district is still a residential zoning district. Last fall there had been a more extensive R-VC and R-VF Overlay district proposed, but the area was scaled back in response to comments from residents.

Mr. Webber noted that there was an error in the map. He stated that the R-N district should not be shown with an R-VF Overlay. Mr. Tucker agreed that this was an error and it will be corrected.

Page Wilder of Precinct 10 asked about the reduction in area of the NAVC district. Mr. O’Keeffe and Mr. Tucker described the change as being primarily to the westernmost extent of the NAVC, west of Sunderland Road.

Louise Lavine of 113 North Pleasant Street expressed concern about the potentially high number of student housing units that might be added to the North Amherst Village Center. High numbers of student rentals contribute to noise and instability of the area, she said. Residents would not object to retail uses or senior housing or housing for small families. She expressed concern that North Amherst would become a “student slum”.

Mr. O’Keeffe stated that the number of dwelling units that could be built in the area would be a maximum of about 12 to 14 units per acre.

Mr. Tucker stated that the Form-Based Code would mandate higher quality in design. He noted that if 10 units or more were included in one housing development, the developer would need to provide affordable units. He noted that zoning cannot mandate who lives in a particular place and that other regulations are being developed to address some of the issues that come along with student housing. He noted that the Department of Conservation and Development had recently hired two new people – a new Building Commissioner and a Code Enforcement Officer – who will help to address some of the issues related to student housing.

Ms. Wilder asked if zoning can dictate that some of the housing be owner-occupied. Mr. Tucker stated that multi-unit developments need to go through a permitting process and the permitting boards can impose conditions that require owner occupancy or a resident manager.

Sarah la Cour a resident of Precinct 9 and a representative of W.D. Cowls commented on the recent map changes on the west side of Montague Road that will limit the types of uses for the existing barn on the Cowls property. She would like to see a single zoning line at 110 feet back from the road, with no R-VF Overlay on the west side of the road. She expressed concern about imposing three zoning districts on one parcel of land in a 2 acre area. She also questioned the rezoning if a “sliver” of land north of Cowls Road which was changed based on the Natural Heritage map. She would like the zone line to be contiguous with the property line in that location.

Janet Keller of 120 Pulpit Hill Road expressed appreciation for the work of the Zoning Subcommittee and the effort to scale back the NAVC from wet, sensitive and farmed areas. However, she is still concerned that the NAVC area is too large. She expressed concern about potential development in river resource areas and potential impacts on National Historic Register properties in the new NAVC district. She worries that historic homes will

be demolished to increase density in the area. She asked to have the flood zone maps updated.

Maurianne Adams of Beston Street expressed concern about the zoning north of Cows Road and about the increase in density of student housing in North Amherst. She asked that the Planning Board continue its efforts to meet competing needs in North Amherst. She expressed concern about building in the flood plain.

Louis Greenbaum of 298 Montague Road spoke about the charrette held at the beginning of the rezoning process and stated that a general will had emerged from the charrette. He asserted the following:

- 1) The Planning Board has not considered congestion in North Amherst and the impossible traffic flow in the area;
- 2) North Amherst has become a “dumping ground” for cheap housing and large complexes;
- 3) The residents of North Amherst who attended the charrette wanted no more multi-unit housing north of Meadow Street;
- 4) A potential high number of units would change the neighborhood;
- 5) There is a danger of the ruin and transformation of the North Amherst Village Center.

Laura Fitch, a resident of Pulpit Hill Road and a representative of the Puffer-Garnier family, stated that she regularly bicycles and walks through North Amherst Village Center where she sees cracked sidewalks and a general lack of maintenance. She is hoping that developers who might build projects there will help to fix the infrastructure in the area. She noted that the attractive designs that her office had prepared had been done in response to the Form-Based Code requirements. She spoke in support of the Form-Based Code Village Center Rezoning article.

Jim Wald, a resident of Old Montague Road, the former Chair of the Comprehensive Planning Committee and of the Historical Commission and Vice-chair of the Local Historic District Study Committee, spoke in support of the Rezoning article. He asserted that the proposed plan is a sound one and he praised the flexibility of the Form-Based Code. It is not a threat to historic resources, he said. The town already has a Demolition Delay Bylaw. Infill is not a threat to historic neighborhoods. He supports good development that is compact.

Mr. O’Connor recommended that the Form-Based Code be incorporated as a Planning Board requirement rather than being part of the Zoning Bylaw. He expressed concern about building in wet areas and about promoting residential development rather than commercial development. He asked that the Planning Department present written information on how many units could be built on the site. He stated that the town needs to do infrastructure improvements first prior to rezoning the area, specifically along Sunderland Road. North Church should be commercially reused, he said.

Sarah la Cour explained that a mixed-use village center does not require that every building have a mix of uses. In the existing Commercial district the only way to have residential uses is to have them in mixed-use buildings. There is a need for some purely residential buildings along with some mixed use buildings. Currently commercial/retail space cannot be rented, so nothing will be built, she asserted. In addition, there will be a restriction that will not allow townhouses and apartments to be a significant portion of the streetscape, which will limit purely residential development.

Louise Lavine stated that the Atkins Corner Village Center has the benefit of Applewood being located there. She asked if a retirement village could be required in North Amherst. She stated that having more diverse age groups in the Village Center would promote more

diverse activity in the area.

Mr. Tucker explained that zoning can encourage certain types of development to occur – that it opens and closes doors to certain types of development. The current proposal would encourage a relative balance of commercial and residential uses. He read from the new zoning amendment that restricts townhouses and apartment from the area within 100 feet of Sunderland Road. He noted that mixed-use buildings cannot have more than 10% of the ground floor used for residential uses.

There was discussion about what types of senior housing would be allowed in existing Commercial district versus the new Village Center district.

Mr. Webber thanked members of the public who came to speak. He noted that he lives on Montague Road and he supports this article. It would be a big gain for North Amherst for several reasons. It would give the town more control over the types of buildings that can be built in the area. North Amherst is already a true Village Center. Commercial zoning provides the lowest level of control over what can be built. The new NAVC zoning would be an improvement over Commercial zoning. He was disappointed that the R-VF Overlay district was scaled back. He urged the Planning Board and Town Meeting to support the article.

Mr. O’Keeffe noted that the Form-Based Code was expected to be a living document and that the Form-Based Overlay could be extended in the future.

Ms. Kruger had an optimistic view of a vibrant and diverse set of uses that could occur in a revitalized North Amherst Village Center. She outlined an image of positive growth, not of destruction. She said that the current proposal represents a compromise and she hoped that members of the public felt like they had been heard. She expressed faith in the regulations and laws that are already on the books to protect natural resources.

Mr. Webber stated that students don’t just patronize pizza parlors and liquor stores, but they purchase things at other stores as well. The town relies on students for its livelihood. He expressed a more positive view of North Amherst than had been expressed by other speakers.

Ms. Adams objected to characterizations of the residents and their views of students. She values students but sees a problem with those who are out of control.

Mr. Roznoy thanked the Zoning Subcommittee for its work on these articles. He particularly thanked Ms. Kruger for her detailed input. Although he had opposed the prior proposal, he expressed support for this Village Center rezoning project. It is a compromise and will work to the benefit of North Amherst, he said.

Ms. Keller clarified her views on students and said that she is concerned about the number of incidents and the size of crowds and agreed that there are things that zoning cannot address.

Mr. Roznoy MOVED to close the public hearing. Ms. Kruger seconded and the vote was 8-0.

Mr. Schreiber arrived (9:30 PM). Mr. Tucker advised Board members that Mr. Schreiber could deliberate about the Village Center Rezoning article, but should abstain from voting because he had not attended the public hearing.

Mr. Crowner stated that he had sat in on many public hearings and the speakers made excellent points. He did not wish to dismiss the concerns of the speakers. However, the Board had to have a balance – an attempt to address the general aspirations and general concerns of the entire town. He expressed disappointment that the Board could not fix all of the concerns that were presented to it by members of the public.

Mr. Tucker reiterated that the town is developing other tools to deal with the legitimate concerns of members of the public. He noted that Amherst is unique in the sense of its

relative size in relation to the size of the university.

Mr. O’Keeffe shares many of the concerns of Mr. Crowner and members of the public. However, the town has already done a lot to discourage things that people are concerned about. These regulations will promote superior housing. Other regulations will try to control behavior. This rezoning proposal will revitalize and make a strong neighborhood.

Mr. Roznoy MOVED that the Planning Board recommend to Town Meeting that Article 25 be adopted, with the provision that the errors on the map [noted earlier by Mr. Webber] are changed. Mr. Carson seconded and the vote was 8-0-1 (Schreiber abstained)

III. TOWN MEETING

- A. Warrant Review – Mr. Webber noted that Town meeting starts on April 30th. The Board did not review the Warrant.
- B. Movers and Speakers – After discussion the Planning Board decided on the following movers and speakers for Town Meeting zoning articles:

<u>Article</u>	<u>Mover</u>	<u>Speaker</u>
24 Zoning Form Based Zoning and Atkins Corner Rezoning Webber	C. Kruger	D.
25 Zoning Form Based Zoning and North Amherst Rezoning Webber	S. Schreiber	D.
26 Zoning Residential Parking Design Regulations	J. O’Keeffe	S. Anderson

- C. Review of Draft Planning Board Report
Annual Town Meeting Warrant – Residential Parking Design Requirements – no review

IV. OLD BUSINESS

- A. Copy of Letter from PVPC to Select Board – Scope of Services for TDR – Mr. Webber read parts of the letter from PVPC outlining the proposed Scope of Services for assisting the town to develop a Bylaw dealing with Transfer of Development Rights.

Mr. Crowner MOVED that the Planning Board recommend to the Select Board that the town sign the letter and accept the Scope of Services. Mr. O’Keeffe seconded and the vote was 9-0.

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

V. NEW BUSINESS

Topics not reasonably anticipated 48 hours prior to the meeting – none

VI. FORM A (ANR) SUBDIVISION APPLICATIONS

The Planning Board endorsed the following ANR plan:

ANR2012-00010 – Brian and Wendy Plummer – 31 Jenks Street

VII. UPCOMING ZBA APPLICATIONS

The Planning Board declined to review the following ZBA applications:

ZBA FY2012-00018 – Amherst College – to convert an existing single-family dwelling to a two-family dwelling under Section 3.321 of the Zoning Bylaw at 249 South Pleasant Street (Map 14C, Parcel 93, R-G zoning district)

ZBA FY2012-00019 – Amherst College – to convert an existing single family dwelling to a two family dwelling, as a Converted Dwelling, under Section 3.3241 of the Zoning Bylaw at 31 Spring Street (Map 14A, Parcel 269, B-G zoning district, DR and MPD overlay district)

ZBA FY2012-00020 – Betandri, LP – to convert an existing single family dwelling to a two family dwelling under Section 3.321 of the Zoning Bylaw at 685 West Street (Map 22B, Parcel 33, R-O zoning district)

VII. UPCOMING SPP/SPR/SUB APPLICATIONS

The Planning Board discussed the date for public hearings for the following applications:

SPR2012-00005 – Trustees of Amherst College – 67 Northampton Road

SPP2012-00002 – Trustees of Amherst College – 67 Northampton Road

May 16th is the date that has been tentatively assigned by staff; however that night may be a Town Meeting night. Given the lateness of the hour, the Board determined to discuss this topic at the next Planning Board meeting.

VIII. PLANNING BOARD SUBCOMMITTEE REPORT

Zoning – previously presented

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS – no reports

Pioneer Valley Planning Commission

Community Preservation Act Committee

Agricultural Commission

Transportation Plan Task Force

Amherst Redevelopment Authority

Design Review Board

Other Boards and Committees

X. REPORT OF THE CHAIR

XI. REPORT OF STAFF

XII. ADJOURNMENT

The meeting was adjourned at approximately 10:26 p.m.

Respectfully submitted:

Approved:

_____ DATE: _____

AMHERST PLANNING BOARD
April 4, 2012

9

Christine M. Brestrup,
Senior Planner

David Webber, Chair