

**AMHERST PLANNING BOARD**  
**Wednesday, October 17, 2012 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** David Webber, Chair; Jonathan O’Keeffe, Bruce Carson, Rob Crowner, Connie Kruger, Stephen Schreiber, Kathleen Ford, and Sandra Anderson

**ABSENT:** Richard Roznoy

**STAFF:** Jonathan Tucker, Planning Director  
Christine Brestrup, Senior Planner  
Mr. Webber opened the meeting at 7:15 PM.

**I. MINUTES**

Due to the full agenda, review of Minutes was postponed until the next meeting.

**II. PUBLIC HEARING – ZONING AMENDMENTS**

**A-06-13 Single Family Dwelling** (*continued from October 3, 2012*)

To amend Section 3.320 of the Zoning Bylaw to create two separate categories of single family dwelling and to regulate single family dwellings being rented to groups of unrelated persons under different permitting requirements as a commercial enterprise

Mr. Webber read the preamble and opened the public hearing. He announced that the public hearing had been continued from the October 3<sup>rd</sup> meeting.

Mr. Crowner presented the Zoning Subcommittee (ZSC) Report and directed the Board's attention to the October 17<sup>th</sup> version. The reason for this zoning amendment is that the Board is trying to address excesses and exploitation of rental units in established neighborhoods. The Board would like to promote better oversight of rental units, which is particularly difficult with single-family houses. It is difficult to make changes that do not unfairly restrict established rights but also prevent bad things from happening.

Mr. Crowner noted that there was a preamble that had been prepared which will be read before the residential zoning amendments at Town Meeting. It establishes the reason for all of the amendments, providing justification that may help to defend against any legal challenges. The preamble will not become part of the Zoning Bylaw.

There are two use categories that will be created by this amendment – owner-occupied and non-owner-occupied single-family dwellings. The non-owner occupied dwellings will require a Special Permit. Conditions 3 and 4, as listed in the current draft amendment, will be eliminated because they are not necessary.

Mr. Crowner reported that the ZSC was split 2-2 on a recommendation on this amendment. There is a tension between wanting to do something and not wanting to do too much.

Mr. Schreiber stated that he was one of those opposed to the amendment. He is concerned with creating a "nation of scofflaws". Renting one's house is essentially a benign exercise. We should not penalize good renters in order to control bad ones.

Mr. O’Keeffe stated that the zoning amendment does too much. It would have a profound impact on the residential housing market. There would be a significant increase in Special Permit applications. The Special Permit requirement would be a high hurdle for this use. The town is working towards a system of rental permitting which will be a more appropriate way to control single-family rentals than a land use permit.

Ms. Ford asked what the Special Permit process would be like in this case.

Mr. Tucker explained that the Special Permit process would be identical to the Site Plan Review process. There would be notification of abutters, submittals, there would be a public hearing, a requirement to submit a lease, and conditions would be set that would be specific to the use.

Mr. Webber reported on the actions taken by the town related to the topic of rentals. He had attended a meeting on October 4<sup>th</sup> that was led by John Musante. It included representatives of many town departments plus Sandy Anderson and David Webber from the Planning Board. The meeting was an effort to explain the status of the Safe and Healthy Neighborhoods Initiative. A new Safe and Healthy Neighborhoods Working Group will be established to look at rental regulations and to work on setting up a system that includes rental registration, rental permitting, pre-rental inspection, parking plans, exterior inspection, provision for responses to complaints and penalties for non-compliance. There will also be a re-assessment of the four-unrelated section of the Bylaw. There will be 11 or 12 members in the Working Group, including a landlord, a property manager, a residential homeowner, a tenant, a representative of UMass, a representative of the Select Board, a representative of the Planning Board, the Building Commissioner, the Planning Director, the Health Director, the Fire Chief and the Police Chief.

Mr. Webber reported that the topic of Safe and Healthy Neighborhoods was also discussed at a recent Select Board meeting and the Town Manager, Police Chief, Fire Chief and others reported on the progress that is being made. In addition UMass has appointed a new Police Chief.

Mr. Carson stated that with Special Permits being required for rentals (not just a system of rental regulations) abutters would be notified when a single-family house becomes a rental. They would have a chance to have to comment.

Ms. Anderson stated that the rental regulations have not yet been written. Perhaps abutters could be notified as part of the process.

Maurianne Adams of Beston Street urgently recommended to the Planning Board that they support this article. She stated that single-family houses are being bought by investors. Problems are created by a combination of young people, a taste of freedom and an absence of supervision. The Special Permit required by this zoning amendment will be in hand until the ownership changes. If too many parameters are set, the town can always remove the parameters later, she said.

Vince O'Connor of Summer Street agreed with Ms. Adams but asserted that this zoning amendment will not address the problem of single-family rentals because it will only apply to new construction. No one will build to rent, he stated. This zoning amendment won't solve any of the town's existing problems. He urged the Planning Board not to propose this amendment. He agreed that the town does need a permitting system for all single family rentals.

Mr. Crouner reiterated that the reason for this zoning amendment is that single-family homes are being rented and they have no oversight. The point is to bring these rentals before a board – and maybe Site Plan Review is the right tool for this, he acknowledged.

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

Mr. Tucker clarified that this amendment would apply to the change in use (owner-occupied to rental), not to construction of the house. The zoning amendment would provide an opportunity for a town body to attach conditions to the use.

Ms. Ford asked how this zoning amendment would be enforced. Would a neighbor call the Police? Mr. Tucker explained that enforcement would be in response to a complaint.

Mr. O'Keeffe stated that he is sympathetic to the notion of notification of neighbors and he asked Ms. Anderson to convey that thought to the Safe and Healthy Neighborhoods Working Group.

There was discussion about how this zoning amendment would affect the value of property in Amherst. Ms. Kruger stated that rentals do not change the "comps". Mr. Tucker stated that rentals do affect the quality of life.

Mr. Webber stated that he was in favor of allowing Town Meeting to decide on this proposed zoning amendment.

Ms. Kruger stated that she does not support the regulation of rentals of single-family homes, especially when the town is on the brink of developing other regulations which she hopes will be adequate to deal with the problems of rentals. This zoning amendment is not the best solution to the problem, she said.

Mr. Webber noted that the Planning Board has a number of choices: vote for or against recommending this zoning amendment to Town Meeting, recommend that the amendment not be forwarded to Town Meeting or recommend that it be referred back [for further study]. Board members summarized the changes that had been suggested:

- To change the permitting process to Site Plan Review from Special Permit;
- To eliminate Conditions 3 and 4 from the list of conditions.

Mr. Crouner MOVED to recommend the zoning amendment to Town Meeting as amended. Mr. Carson seconded and the vote was 4-4 (Schreiber, Kruger, O'Keeffe and Ford opposed).

Mr. Crouner MOVED to recommend the zoning amendment to Town Meeting as amended and with Site Plan Review as the permitting method for Class II single-family houses and with an appropriate change to Condition #5. There was no second.

**A-03-13 Two Family Dwellings** *(continued from September 19, 2012 and October 3, 2012)*

To amend Section 3.321 and Article 12, Definitions, of the Zoning Bylaw to create two use categories for duplexes on the basis of owner occupancy and to amend existing definitions and add new definitions pertaining to residential uses.

Mr. Webber read the preamble. He announced that the public hearing had been opened and immediately continued without testimony on September 19<sup>th</sup> and continued again on October 3<sup>rd</sup>, again without testimony.

Mr. Crouner presented the ZSC report. The zoning amendment would create two use categories of two-family dwellings – one with an owner-occupant and one without an owner-occupant. There would also be a description of what a duplex is. The description would define how the building is arranged. For owner-occupied two-family dwellings there would be no change to the current permit requirements. For non-owner-occupied two-family dwellings a Special Permit would be required in all zoning districts. The amendment would require that the Special Permit Granting Authority impose a condition requiring management of the property. Conditions #1, 2 and 5 would also be imposed, as listed in the draft of the zoning amendment, but not conditions #3 and 4.

Mr. Tucker explained that this zoning amendment responds to the Converted Dwelling zoning amendment. It describes the difference between a Two-Family Dwelling and a Converted Dwelling. A duplex is created substantially by new construction. A converted dwelling is created principally within an existing structure. The intent of the converted dwelling use category is to preserve or appropriately change an existing building.

There was a discussion about a potential discrepancy between the Two-family Dwelling and the Converted Dwelling with respect to permit requirements.

Mr. Crowner reported that the ZSC had recommended this zoning amendment to the Planning Board by a vote of 4-0.

There was discussion about the list of possibilities for property management and the Board decided to add the word "or" to separate the items on the list.

Mr. O'Connor stated that this section of the Bylaw is used to permit the construction of new residential units. He mentioned affordable housing and he mentioned particular sites. This section of the Bylaw has now become an alternative to converted dwelling, he asserted, "not in a good way". Mr. O'Connor further asserted that this section of the Bylaw is not as protective as the Converted Dwelling section. He urged the Board not to continue to expand the use of this section to convert dwellings. There are problems with regard to parking. Conversions should be handled under Section 3.3241 of the Bylaw. Duplexes should be separate. They are less controlled than Converted Dwellings. He encouraged the Board members to look at the petitioners' proposals as an alternative.

Barbara Puffer of 85 Montague Road spoke about problems in her neighborhood that stemmed from uncontrolled rental units. She noted that rental units everywhere need proper parking and nice exteriors. However the "bone of contention" is not parking of cars but it is behavior of renters on weekend nights, from 10:00 p.m. to 3:00 a.m. There are nuisance houses in her neighborhood. The proposed zoning amendments don't address issues of noise and disruption. She would like to see collaboration between authorities. Consequences for bad behavior need to be enforced. This requires rules and regulations that don't come from the Planning Board.

Mr. Webber reiterated his explanation of the work that the town is doing on this problem. He noted that UMass and the Town of Amherst are working on joint police patrols and enforcing nuisance house regulations.

Maurianne Adams stated that she appreciates the work of the ZSC and its work with the public. She is pleased to see that a Special Permit is being proposed for non-owner-occupied two-family dwellings and that a management plan will be required. She stated that there is confusion between the definition of a duplex and a conversion.

Mr. Crowner explained that the Planning Board had decided that Converted Dwellings should be permitted by Special Permit and that this zoning amendment would require that a non-owner-occupied duplex should also be permitted by Special Permit.

Mr. Tucker again explained the distinction between a duplex and a converted dwelling.

Elissa Rubinstein of Precinct 10 asked about the language change "compatible in terms of design" in the first paragraph.

Denise Barberet of 67 North Whitney Street expressed concern about the language used in the second full paragraph. She stated that it would allow something similar to what had been built at 79 Taylor Street. The house at 79 Taylor Street has caused a problem with too many cars parked along the street, she said. Many of the problem properties are already under the services of a qualified profession management company. The application process already requires a management plan, so why put that requirement in the Zoning Bylaw. Many problem properties already have management plans. She stated that she is not sure what these new regulations are doing. She urged the Board to look carefully at Special Permit uses.

Mr. Crowner noted that these regulations had been developed in the wake of 79 Taylor Street. The original proposal for 79 Taylor Street began as something that did not resemble a duplex. The result is better than the original plan. This zoning amendment will provide guidance for an applicant but allows flexibility. The new regulation would require 79 Taylor Street to receive a Special Permit. He stated that the conditions listed are not typical of Zoning Bylaw

language, but these uses need these kinds of requirements.

Mr. Schreiber stated that the presence of a management plan makes enforcement easier. The appropriate place for this requirement is in the Zoning Bylaw so that it can be enforced.

Mr. O'Keeffe stated that the new zoning amendment also requires a "response plan".

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

Board members summarized the amendments:

Delete the phrase "consistent in terms of architecture and massing" and add the phrase "compatible in terms of design" in the first paragraph;

Delete items 3 and 4 in the conditions;

Add the word "or" before "the presence of" in the second paragraph under Standards & Conditions.

There was discussion about the type of management that should be required.

Mr. O'Keeffe asked about the submission requirements for a Special Permit, noting that the applicant won't have the name of the manager at the time of application and the name will become outdated. Mr. Schreiber suggested that the applicant could come back with the information.

Mr. Crowner MOVED to recommend the Two Family Dwelling zoning amendment to Town Meeting as amended. Mr. O'Keeffe seconded and the vote was 8-0.

### **III. PUBLIC HEARING – PLANNING BOARD RULES & REGULATIONS**

#### **PBR-1-13 Planning Board Rules & Regulations (Planning Board)**

*(continued from September 5 and 19, 2012)*

Amendments to Article II seeking to clarify submission requirements

Mr. Webber read the proposed language to be added to the submission requirements from the draft dated 9/6/12.

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

Mr. Schreiber MOVED to approve the proposed language. Ms. Ford seconded and the vote was 8-0.

### **IV. PUBLIC HEARING – ZONING AMENDMENTS**

#### **A-07-13 Residential Zoning Definitions**

To amend Article 12, Definitions, of the Zoning Bylaw to amend existing definitions and add selected new definitions for terms associated with residential uses.

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

Mr. Crowner gave the ZSC report. He listed the proposed new definitions and those that are proposed to be changed:

- Dwelling unit
- Family (Household)
- Habitable Space
- Owner-Occupant
- Principal Residence
- Resident Manager.

The ZSC has chosen not to deal with the issue of "four unrelated" for now, but has proposed expanding the definition of "family".

Elissa Rubinstein expressed concerns about the qualifications of the resident manager and asked how these qualifications would be enforced.

Mr. Tucker explained that the Zoning Bylaw establishes the general definitions and that the permit body works out what the qualifications should be. There are too many circumstances to dictate specifics, he said.

Vince O'Connor, a tenant at 175 Summer Street, would like to have the regulations "focus on facts" rather than "create fictions". He objects to having boards ask for specifics such as a schedule of mowing [a reference to the change in the Planning Board's Rules and Regulations that had just been approved]. He urged the Board to stay away from specifics.

Mr. Carson MOVED to close the public hearing. Mr. O'Keefe seconded.

John Fox of Precinct 10 asked what the resident manager would be responsible for. He suggested that the proposed definition is too limited and he would like the responsibilities to include making sure that the tenants are behaving properly. Management of the property should be consistent with the conditions of any permitting authority.

There was discussion about what it means to be a resident manager and what proper property management includes. Mr. Tucker noted that the permit granting authority would decide what constitutes proper property management.

Mr. Schreiber noted that the property manager is responsible for implementing the site management plan, which is under the authority of the Planning Board. The behavior of the tenants is not specified in the management plan.

Mr. Tucker suggested language to the effect that the resident manager shall be "responsible for *the implementation of the property's management plan* and coordinating the maintenance . . ."

Board members cautioned against defining the resident manager in such a way as to put an unwieldy level of detail into the Bylaw and observed that it should be up to the discretion of the Permit Granting Authority to impose specific conditions.

Mr. Fox re-emphasized his concern that the resident manager should be responsible for controlling the behavior of those who live at the property. The proposed definition does not do this, in his opinion.

Maurianne Adams of Precinct 10 suggested putting into the definition a reference to Section 10.38 of the Zoning Bylaw, which includes criteria that are used by the Special Permit Granting Authority to determine whether to grant a Special Permit or not. The criteria include reference to nuisance due to noise.

Mr. Tucker noted that it is the task of the permit granting body to go through the criteria and impose appropriate conditions. The definition is generalized and will be "made real" by the permit granting body.

Mr. O'Keefe suggested language as follows: "A live-in resident of a rental residential use *qualified and responsible for the implementation of the management plan* and for managing and coordinating the maintenance, etc."

The Board agreed to this language by consensus.

The vote was 8-0 to close the public hearing.

Mr. Crouner MOVED to recommend approval of the Residential Zoning Definitions as amended to Town Meeting. Ms. Kruger seconded and the vote was 8-0.

**A-08-13 Replacement of Existing Structure(s) Containing Dwelling Units**

To add a new Section 3.14 prohibiting the creation of any additional dwelling units beyond the number of residential units lawfully existing on a given property prior to any demolition and reconstruction of existing residences or structures on said property.

Mr. Webber read the preamble and opened the public hearing. He read the text of the proposed zoning amendment and noted that it was a citizens' petition.

Mr. O'Connor noted that the retyped version of the text was missing some words and he referred to the original citizens' petition. He explained the intention of the amendment which is to address problems in areas where properties are being bought up, to prevent "knock downs" which create a hole in the streetscape. He also stated that the Historical Commission had recommended and the Select Board had agreed to the establishment of a Local Historic District Study Committee (LHDSC) for North Amherst Center. He offered to discuss this amendment with the Zoning Subcommittee. He suggested establishing a time-limited provision to protect areas that are being studied by the LHDSC. He suggested an amendment that would prohibit knock-downs for 2 to 3 years, during the period of study by the LHDSC. He suggested that the current citizens' petition could be modified.

Mr. Crouner reported that the ZSC did not have a discussion about this suggestion and that it seems to be beyond the scope of this article. He noted that this article would prevent growth across the board and that it doesn't seem to do what the proponents wanted it to do. The ZSC recommended defeat of this article as it stands, although the ZSC understands that the neighbors might move changes to this article on the floor of Town Meeting. He gave examples of properties where people might wish to demolish unattractive commercial buildings and build a mixed use building and that this amendment would not allow such a proposal.

Maurianne Adams explained that the intention of this amendment and the technical language proposed are not in sync. The neighbors had failed to prevent the demolition of a barn in their neighborhood and therefore developed this proposed amendment. The proponents of the amendment may wish to limit the scope of the amendment to the R-G zoning district.

Laura Fitch of Precinct 1 stated that this amendment is not suitable. It would not allow the Puffer family to do anything on their Commercial property in North Amherst.

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

Mr. Crouner acknowledged that there may be changes proposed to this amendment and that the Planning Board could discuss these changes at a meeting right before Town Meeting. Mr. Tucker stated that the Board could review this amendment as Old Business at that time and reconsider its vote.

Mr. Schreiber MOVED that the Planning Board not recommend this proposed zoning amendment to Town Meeting. Mr. O'Keefe seconded and the vote was 8-0 to not recommend this proposed amendment.

**V. PUBLIC HEARINGS – SITE PLAN REVIEW**

**SPR2013-00002/M15426, 25 South Pleasant Street – Oriental Flavor, LLC**

Request Site Plan Review approval for a change of use from a retail store to a Class I Restaurant, including renovations to the interior space and exterior renovations, including new signage and awnings, under Section 3.352.0 of the Zoning Bylaw. ( Map 14A/ Parcel 253; B-G Zoning District)

Mr. Webber read the preamble and opened the public hearing. Attorney Tom Reidy of Bacon and Wilson presented the application. He was accompanied by Chenghui Zheng and Feng Pan, applicants, and John Kuhn and Lindsay Schnarr of Kuhn Riddle Architects.

Mr. Reidy reported that the space had been used as a retail store and the use will be changed to a Class I restaurant, which is permitted by right with Site Plan Review by the Planning Board. The property is in the General Business district, the Municipal Parking Overlay District and the Design Review Overlay District. There was an email from the Fire Department stating that it did not approve of having the trash stored under the fire escape. The applicants have contracted with Amherst Trucking to have the trash picked up on a daily basis. It will be stored inside the building between pick-ups. No outdoor lighting is proposed. The applicant is requesting a few waivers.

Ms. Schnarr stated that the entrance to the restaurant needs to be accessible. It will therefore shift to the west where a new door will be installed. The grade will be accessible from the sidewalk to the new door. Two awnings are proposed to fit in with the storefront along the east façade, along South Pleasant Street. The fabric will be changed to red fabric. There will also be a matching awning on the north façade over the entryway. The exterior of the building at the ground floor will be painted a white color to match the granite and to match the adjacent storefront. There will be gold trim around the windows.

Ms. Schnarr stated that the sign will be made of individually mounted letters, painted gold or made of gold metal, with a red edge. The kitchen will be at the back of the building. An exhaust hood (3'x3') will be installed and will go up through the roof. There are already mechanical systems on the roof. The light fixture at the back door will be changed. It is not a public door. Ms. Schnarr showed the Board members a catalog cut of the proposed light fixture.

Mr. Webber reviewed the Site Visit Report. He also reviewed the Development Application Report and listed the waivers that had been requested. He noted that the Design Review Board had recommended approval of the proposal without conditions.

Ms. Brestrup described the proposed signs and stated that they were within the 10% maximum size limit allowed by the Zoning Bylaw.

Mr. Webber reviewed the Management Plan. He noted that the proposed restaurant would have 38 seats with no outdoor dining. There were no comments from the Town Engineer. An email had been received from the Fire Department regarding storage of trash. There are no changes proposed to the architecture. The hours of operation will be 6:30 a.m. to 9:30 p.m. seven days a week. There will be 8 to 10 employees. Take-out will be offered but there are no current plans for delivery service. There will be no alcohol served and there will be no live music.

Mr. Reidy reported that the applicants have a one-year contract with Amherst Trucking for trash removal. The trash will be stored inside the building.

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

The Board found under Section 11.24 of the Zoning Bylaw, Site Plan Review, as follows:

- 11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw and with the goals of the Master Plan;
- 11.2401 – Town amenities and abutting properties have been protected through minimizing detrimental or offensive actions;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use as outlined in the presentation of the application;
- 11.2403 – N/A;
- 11.2410 – Protection of unique historic features is deemed to be sufficient;
- 11.2411 – Proposed methods of refuse disposal have been described during the presentation of the application; the applicant has contracted with a trash hauler to pick up trash on a daily basis; between pickups the trash will be stored indoors;
- 11.2412 – The proposed sewage disposal and water supply systems within and adjacent to the site are adequate to serve the proposed use; these systems are currently in existence;
- 11.2413 – The ability of the proposed drainage system within and adjacent to the site to handle the runoff resulting from the development has been found to be adequate; there will be no increased runoff as a result of this proposal;
- 11.2414 – N/A;
- 11.2415 – N/A;
- 11.2416 – Protection of adjacent properties has been provided for in the application;
- 11.2417 – Protection of adjacent properties by minimizing the intrusion of lighting has been provided for in the application; there is only one light proposed for the rear doorway; it has a shield and will not shine onto adjacent properties; no other exterior lighting is proposed;
- 11.2418 – N/A;
- 11.2419 – N/A;
- 11.2420 – The building is in the B-G zoning district; the proposal was reviewed by the Design Review Board and the DRB recommended approval without conditions;
- 11.2421 – The development is consistent with respect to placement of parking, entrances and exits with surrounding buildings and development; a change has been proposed to make the entrance handicapped accessible;
- 11.2422 – N/A;
- 11.2423 – N/A; there is only one building on the site;
- 11.2424 – N/A; rooftop equipment will be at the rear of the building, among other existing rooftop equipment, and it will be partially obscured from view;
- 11.2430 – There are no proposed changes to the site other than to make the entrance more handicapped accessible; this is an improvement over the existing condition;
- 11.2431 – N/A;
- 11.2432 – N/A; public bicycle racks are provided in the downtown area;
- 11.2433 – N/A;
- 11.2434 – N/A;
- 11.2435 – N/A;
- 11.2436 – The requirement for a Traffic Impact Statement will be waived;
- 11.2437 – N/A

Waivers

- Landscape Plan
- Lighting Plan
- Soil Erosion Plan
- Traffic Impact Statement

Conditions

- 1) If external trash storage is contemplated the applicant shall meet with the Planning Board at a public meeting for review and approval of a revised trash storage plan.
- 2) All exterior lighting shall be dark sky compliant. Exterior lighting shall be downcast and/or shielded and shall not shine onto adjacent properties or streets.
- 3) Four copies of the final revised plans shall be submitted to the Planning Department.

Ms. Kruger MOVED to approve the Site Plan with conditions and waivers as noted. Mr. O’Keeffe seconded and the vote was 8-0.

**SPR2013-00003/M15469, 271 South Pleasant Street – Amherst College**

Request approval for renovation of the interior for business use; addition of a sloped walk for an accessible entry and other site improvements, under Section 3.330.0 of the Zoning Bylaw. (Map 14C/Parcel 91; R-G Zoning District)

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

Tom Davies of Amherst College presented the application. He was accompanied by Tim Eagles, an architect with EDM, and Peter Jessop of Integrity Development and Construction.

Mr. Eagles described the proposal – to convert the existing residential building to business use for Amherst College. Exterior improvements will include the addition of a sloped walk. Because the work will exceed \$100,000 the property will need to be made accessible.

The College does not wish to change the exterior and the front façade. They are proposing to build a sloped walk with no railings. It will consist of a concrete walk and a sloped porch deck. There will be new railings on the stairs coming down from the porch. The existing overgrown vegetation in front of the building will be removed and replaced with new plantings.

Mr. Davies noted that Amherst College will maintain the property. Trash will be stored in the garage. Parking spaces will be added to the site. Minimal signage will be added to the front of the building. It has not yet been designed. The signs will be similar to those at other Amherst College buildings. The snow will be plowed by the College.

Mr. Webber reviewed the Site Visit Report. No site lighting is planned but there is an existing light on the porch and there is street lighting across the street. He reviewed highlights of the Site Visit Report. The Management Plan is straightforward.

Mr. Davies stated that the offices will be used for the visiting scholars program.

Ms. Kruger asked questions about the use of the building.

- How many employees will there be?
- How many visiting scholars will use the facility?
- Will there be events, seminars or workshops held at the building?
- What is the amount and impact of the use and how does this relate to parking?

Mr. Davies stated that the floor plan of the house will not change. It contains seven rooms and a kitchen. It can hold as many as 10 people for office space. There is no space to house events. The main campus, which is right across the street, will handle any events that are associated with the use.

Ms. Kruger asked where cars will park. She noted that the applicant had asked for a waiver of the parking requirement. She asked how much additional parking would be added and where people will park. She asked about a lighting plan and noted that lighting would be important, especially with the addition of a handicapped accessible walk. There is currently inadequate lighting for those walking from the main sidewalk to the building.

Mr. Carson noted that there is a streetlight, but it is a long distance away, across the street.

Mr. Eagles stated that it would be possible to add lighting, but that the College would like to keep it “low key” and residential in feel on that side of the street. There is room for five cars in parking spaces at the rear of the building. The rest of the parking will be accommodated on other parts of the campus.

Mr. Webber listed the waivers that had been requested:

- Landscape Plan
- Lighting Plan
- Sign Plan
- Soil Erosion Plan
- Traffic Impact Statement.

There were no comments from the Fire Department or the Town Engineer on this application.

The Board found under Section 11.24 of the Zoning Bylaw, Site Plan Review, as follows:

- 11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw and with the goals of the Master Plan;
- 11.2401 – Town amenities and abutting properties will be protected through minimizing detrimental or offensive actions;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use;
- 11.2403 – N/A; the property is part of the Amherst College campus and there are adequate recreational facilities, open space and amenities on campus;
- 11.2410 – Unique historic features will be protected because the exterior of the existing house will not be changed;
- 11.2411 – Proposed methods of refuse disposal were described in the Management Plan and during the presentation; trash will be stored in the garage and collected weekly by Amherst College Facilities Department;
- 11.2412 – The proposed sewage disposal and water supply systems within and adjacent to the site are adequate to serve the proposed use; the Town Engineer reviewed the application and did not express any concerns;
- 11.2413 – The proposed drainage system within and adjacent to the site is adequate to serve the proposed use; no external changes other than the addition of a walkway are proposed; the Town Engineer reviewed the application and did not express any concerns;
- 11.2414 – Provision of landscaping, including screening of adjacent residential uses, will be adequate;
- 11.2415 – N/A; the requirement for a Soil Erosion Plan will be waived; there is minimal excavation and filling proposed;
- 11.2416 – N/A;
- 11.2417 – Protection of adjacent properties by minimizing the intrusion of lighting has been discussed; a condition of the approval will require the submission of a Lighting Plan showing the locations of all exterior light fixtures; exterior lighting shall be downcast and/or shielded;
- 11.2418 – N/A
- 11.2419 – N/A
- 11.2420 – N/A

- 11.2421 – The development is consistent with respect to placement of parking, entrances and exits with surrounding buildings and development;
- 11.2422 – N/A
- 11.2423 – N/A
- 11.2424 – N/A
- 11.2430 – The site has been designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties; there is no proposed change to vehicular access and the new sloped walkway will improve accessibility for people with disabilities;
- 11.2431 – N/A; no change is proposed;
- 11.2432 – The location and design of parking spaces, bicycle racks and drive aisles will be provided in a safe manner; a bicycle rack will be required as a condition of this permit;
- 11.2433 – N/A
- 11.2434 – N/A
- 11.2435 – N/A
- 11.2436 – The requirement for a Traffic Impact Statement will be waived;
- 11.2437 – N/A

Ms. Kruger proposed that additional adequate lighting be added. She asked to have a lighting plan for the handicapped route submitted to the Planning Board for review and approval.

Mr. Davies stated that the College could add lighting at the porch. Mr. Eagles suggested that a directional light could be mounted on the building that would light the path and that a porch light could be added.

Ms. Anderson asked that the applicant consider lighting the parking lot. Mr. Eagles noted that there is lighting at the rear of the building.

There was discussion about the need for a parking plan. After discussion the Board decided by consensus that a parking plan was not needed, but that a bike rack should be added to the site. Bicycles may also be stored in the garage.

The Board will require the submission of a Lighting Plan as a condition of the approval. The Lighting Plan shall address lighting in the rear parking area and lighting of the sloped walkway in the front.

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

Waivers

- Landscape Plan
- Soil Erosion Plan
- Sign Plan
- Traffic Impact Statement

Conditions

- 1) A Lighting Plan shall be submitted to the Board for review and approval. The Lighting Plan shall address the issue of lighting of the parking lot at the rear of the building and the lighting of the sloped walkway at the front.
- 2) All exterior lighting shall be dark sky compliant. Exterior lighting shall be downcast and/or shielded and shall not shine onto adjacent properties or streets.
- 3) A bicycle rack shall be provided.
- 4) Four copies of the final revised plans shall be submitted to the Planning Department.

Mr. O’Keeffe MOVED to approve the application with the conditions and waivers as noted. Ms. Anderson seconded and the vote was 8-0.

**VI. OLD BUSINESS**

**A. Rental Registration Amendment – Reconsideration.**

Mr. Webber stated that, on advice of Town Counsel, the Planning Board needed to withdraw its recommendation to add a rental registration requirement to the Zoning Bylaw.

Ms. Ford MOVED that the Planning Board withdraw its recommendation to Town Meeting on the rental registration amendment. Ms. Anderson seconded and the vote was 8-0.

**B. Signing of Decision**

SPR2013-00001 – 4 Boltwood Ave, Town of Amherst (Town Hall Parking Lot)

The Board held a lengthy discussion about the conditions of the Site Plan Review Decision. The Board agreed that the conditions as written did not reflect the discussion that had been held on October 3<sup>rd</sup>. The Board members declined to sign the decision and asked that Planning Department staff rewrite the conditions. Planning Board members will plan to visit the site at night to evaluate the existing lighting. The Board provided detailed instructions as to how the conditions were to be revised as follows:

Conditions

Barriers, landscaping and parking space numbering

- 1) Provide a low barrier (approximately 3 foot high fence or plantings) along the east edge of the parking lot to screen headlights from shining into windows of the adjacent property. The location of this barrier shall be shown on the final revised site plan. If the barrier is to be a fence, a photograph or sketch of the proposed fence shall be submitted to the Board for its review and approval at a public meeting. If the barrier is in the form of plantings, information on the number, size and species of plants to be installed shall be shown on the final revised site plan.
- 2) The numbers of parking spaces 12 through 18 shall be painted on the barrier or fence along the east edge of the parking lot, or a similar solution found enabling the numbers to be visible when snow obscures the numbers painted on the pavement. A similar solution for displaying the numbers for spaces 1 through 11 shall be implemented. Alternatively, the Town could consider mounting a sign near the central parking machine displaying a site plan of the parking lot showing the locations and numbers of parking spaces.
- 3) Consider installing a planted screen between the generator and the street to screen the generator from view. Proposed plantings shall be shown on the final revised site plan.

- 4) Landscaping shall be installed in accordance with the Landscape Plan [in this case the final revised site plan] and, once installed, shall be continually maintained.

Lighting

- 5) A final revised site plan, including lighting, shall be submitted for review and approval by the Board at a public meeting. The final revised site plan shall show the locations of the two new pole-mounted lights and existing light fixtures mounted on the building (in the alley going out to Main Street and in the alley going out to Boltwood Avenue).
- 6) Lighting shall be installed at the parking machine so that the parking machine is readable at night.
- 7) All exterior lighting shall be dark sky compliant. Exterior lighting shall be downcast and/or shielded and shall not shine onto adjacent properties or streets.

Other

- 8) The generator shall be painted to match the noise dampening enclosure and the building (brick red).
- 9) Four copies of the final revised plans shall be submitted to the Planning Department.

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

**VII. NEW BUSINESS**

A. Chapter 61 Removal Request – Flat Hills Road – Lot 4 – W. D. Cowls, Inc.

Mr. Webber reported that the Board had received a copy of the Chapter 61 Removal Request for a W.D. Cowls property on Flat Hills Road, shown as Lot 4 on the plan submitted with the request.

Mr. Webber stated that he does not support the town spending money to buy this lot.

Mr. Crowner MOVED as follows:

"I move that the Planning Board convey to the Select Board a 'finding' that the lot proposed for removal from the Chapter 61 program meets the minimum qualifications for preservation in that it is not in an existing village center, there is no public transportation or pedestrian infrastructure connecting it to a center and its use for other than residential development has been incentivized by the state. The Planning Board's preference is to encourage residential growth in accordance with Master Plan goals through center rezoning and transfer of development rights, and it acknowledges that other factors beyond its purview will influence a decision on exercising the town's right of first refusal."

Mr. O'Keefe seconded.

Ms. Kruger and Mr. Webber expressed respect for Mr. Crowner's position but stated that they would not be able to support it.

Mr. Webber reported that the Board had received an email from Cinda Jones of W.D. Cowls stating that W.D. Cowls has sold lots and has used the proceeds to purchase, by tax free exchanges, over 400 acres of timberland in Pelham. Ms. Jones requested that the Board be informed that while they are enabling economic development they are also enabling landscape level regional conservation.

The vote was 1-7 (all except Mr. Crowner opposed).

Mr. Schreiber MOVED that the Planning Board does not recommend that the town exercise its right of first refusal on this property. Ms. Anderson seconded and the vote was 7-1 (Crownor opposed).

**B. Planning Board schedule – Including zoning amendment public hearings**

Mr. Crownor announced that the Zoning Subcommittee would not meet on the following Wednesday [October 24<sup>th</sup>].

There was extensive discussion about the upcoming Planning Board schedule. Highlights of the discussion were that the next Planning Board meeting, on November 7<sup>th</sup>, will have three public hearings – two for proposed zoning amendments (citizen petitions) and one for a Site Plan Review for a proposed two-family house at 42 Shumway Street.

Mr. Webber requested that the PVPC presentations be postponed until December.

Ms. Ford noted that the proposal for 42 Shumway Street had already been presented to the Design Review Board.

Ms. Kruger asked about the Planning Board's intentions with regard to meeting with the Town Meeting Coordinating Committee. Mr. Crownor volunteered to attend the TMCC meeting and speak about the articles on behalf of the Planning Board.

Ms. Kruger asked if the Planning Board would like to reach out to the community about zoning amendments, either in the Precinct meetings or in another format. She will be away during Town Meeting but offered to help during the time leading up to it.

Mr. O'Keefe reported that the Select Board had decided to start each session of Fall Town Meeting at 7:00 p.m. rather than 7:30 p.m.

Mr. Schreiber announced that the Trivia Bee would be on Thursday, October 25<sup>th</sup>. The Planning Board has a team that will compete at the Trivia Bee.

Ms. Kruger announced that the Housing & Sheltering Committee would be holding a public forum on November 1<sup>st</sup> in the evening, at 7:00 p.m. in the fifth floor meeting room at the Ann Whalen Apartments.

**C. Fall Special Town Meeting – Movers and Speakers**

The Board decided on Movers and Speakers for Town Meeting Warrant articles:

	<u>Mover</u>	<u>Speaker</u>
Art 10 – Public Water Supply Protection (Plan Bd)	Schreiber	Webber
Art 11 – Lodging or Boarding House Definition (Plan Bd)	Webber	Schreiber
Art 12 – Single Family Dwellings (Plan Bd)	O'Keefe	Crownor
Art 13 – Two Family Dwellings (Plan Bd)	Schreiber	Schreiber
Art 14 – Converted Dwelling (Plan Bd)	O'Keefe	Crownor
Art 15 – Residential Zoning Definitions (Plan Bd)	O'Keefe	O'Keefe
Art 16 – Two Family Dwellings (Citizens' Petition)	Petitioner	
Art 17 – Converted Dwelling (Citizens' Petition)	Petitioner	
Art 18 – Replacement of Existing Structure(s) Containing Dwelling Units (Citizens' Petition)	Petitioner	Schreiber

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

**VIII. ELECTION OF OFFICERS AND PLANNING BOARD REORGANIZATION**

Mr. Schreiber MOVED that the existing officers and committee and subcommittee representatives be reappointed. Ms. Anderson seconded and offered an amendment about her own assignments.

Ms. Anderson noted that she prefers not to be reappointed to the Transportation Plan Task Force since she is already serving on two other committees. Ms. Anderson is interested in serving on the new incarnation of the Safe and Healthy Neighborhoods Group. Mr. Crowner volunteered to take Ms. Anderson's place on the TPTF.

Mr. O'Keeffe stated that he supports the slate of officers and thanked the Chair, Mr. Webber, for his exceptional handling of the Planning Board's agenda this evening, getting through seven public hearings.

The vote was 8-0 in support of the amended motion.

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

**X. UPCOMING ZBA APPLICATIONS –** The Planning Board requested a presentation and an opportunity to review and comment on the following ZBA application at the Planning Board meeting scheduled for November 7<sup>th</sup>:

**ZBA FY2013-00009 – Wilson Properties Group, LLC –** For a Special Permit to construct a new two family dwelling, under Section 3.321 of the Zoning Bylaw, at 179 Northampton Road (Map 14A, Parcel 100, R-N Zoning District)

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

**XII. PLANNING BOARD COMMITTEE & LIAISON REPORTS – none**

Pioneer Valley Planning Commission – Stephen Schreiber  
Community Preservation Act Committee – Sandra Anderson  
Agricultural Commission – David Webber  
Transportation Plan Task Force – Richard Roznoy and Rob Crowner  
Amherst Redevelopment Authority – Constance Kruger  
Design Review Board – Kathleen Ford  
Housing and Sheltering Committee – Constance Kruger  
Safe and Healthy Neighborhoods Group – Sandra Anderson

**XIII. REPORT OF THE CHAIR**

**XIV. REPORT OF STAFF**

**XV. ADJOURNMENT**

The meeting was adjourned at 10:55 p.m.

Respectfully submitted:                      Approved:

\_\_\_\_\_  
Christine M. Brestrup,  
Senior Planner

\_\_\_\_\_  
David Webber, Chair

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