

AMHERST PLANNING BOARD
Wednesday, January 16, 2013 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: David Webber, Chair; Jonathan O’Keeffe, Bruce Carson, Rob Crouner, Stephen Schreiber, Connie Kruger and Richard Roznoy

ABSENT: Sandra Anderson and Kathleen Ford

STAFF: Jonathan Tucker, Planning Director
Christine Brestrup, Senior Planner
Mr. Webber opened the meeting at 7:03 PM.

I. MINUTES

Mr. O’Keeffe MOVED to approve the Minutes of December 5, 2012. Mr. Roznoy seconded. The vote was 6-0-1 (Kruger abstained).

Mr. O’Keeffe MOVED to approve the Minutes of December 19, 2012. Mr. Schreiber seconded. The vote was 7-0.

In the absence of members of the public, Mr. Webber moved ahead in the schedule to the request of Gameplay USA because the representative was present.

IV. OLD BUSINESS

C. SPR2005-00001 – Amherst (Big Y) Shopping Center – 181 University Drive – Review of proposed signs for Gameplay USA

Adam Niksa of Sign-a-Rama presented the proposal. The sign to be mounted on the face of the building is proposed to be 28" x 16' and will be made up of LED illuminated channel letters. It will fit within the 10% allowance for signs mounted on the façade. There will be another smaller sign on the existing monument structure (directory sign) that will be made of translucent vinyl.

Mr. Webber observed that the signs appear to comply with the applicable requirements of the Zoning Bylaw.

Mr. Schreiber MOVED to approve the signs. Mr. O’Keeffe seconded and the vote was 7-0.

II. OLD BUSINESS (ZONING)

A. Zoning

1. Zoning Subcommittee – Report on Zoning Forum – Mr. Crouner reported that the Zoning Forum was held about a month ago [December 19th] and the comments that the ZSC received were similar to those they had heard this past fall. The concerns were primarily about the rental housing market and its effects on the neighborhoods. The discussion included ways to change the Zoning Bylaw to deal with the problems and change the conditions in the neighborhoods. He noted that a summary of the comments received at the Forum had been distributed to Planning Board members.

2. Review List of Potential Zoning Amendments for Spring Annual Town Meeting

Mr. Crouner reported on the discussion at tonight's [January 16th] Zoning Subcommittee meeting. The discussion tonight included all of the zoning amendments listed in the document "Annual 2013 Town Meeting – Potential Zoning Amendments – Staff Recommendations for Discussion Purposes

Only".

Mr. Crowner observed that the work of the ZSC for the last few years was unfinished in that the ZSC has not solved the problem of housing. One question is how to accommodate the demand for housing for students, elders, millennials, boomers, retirees – groups that are not currently served by traditional housing developments.

The ZSC wants to continue to focus on "centers". Members are interested in reconsidering Village Centers, possibly considering TDR, "tweaks" to the Commercial Zoning District and revisiting Form-based Design Regulations. The ZSC is interested in Atkins Corners, North Amherst and downtown and envisions that there will be one or more articles that address center development.

He recommended taking the list produced by staff and deciding which items could be brought forward for Spring Town Meeting. Mr. Crowner listed the other items that could be addressed this spring:

- Fixing the conflict between Articles 14 and 17 [Fall Special Town Meeting] regarding management standards for converted dwellings;
- Revisions to Demolition Delay [this may become a General Bylaw];
- Agricultural processing;
- Medical marijuana;
- Rezoning of the property at 400 Main Street;
- Green building and LID standards;
- Permit findings and criteria.

He recommended that the ZSC and Planning Board spend most of their time bringing back "center development or some version of it".

The ZSC is recommending that an incremental approach may work best, such as:

- Breaking Form-based design regulations away from the rezoning effort and applying Form-based regulations to the existing Village Center zoning districts;
- Changing the Commercial zoning district so that it can accommodate more residential use;
- Working with TDR (Transfer of Development Rights), although this may be difficult to accomplish.

With regard to technical fixes, staff can recommend language and the ZSC and Planning Board can assess it.

There may also be zoning amendments that come out of the Residential Rental Regulations.

Mr. Webber stated that it was not practical to bring all of the items on the list to Town Meeting and the Board would need to spend time prioritizing the items.

Mr. Tucker stated that the ZSC would assess the entire list of items at its next meeting and bring recommendations on priorities to the next Planning Board meeting.

Ms. Kruger stated that it would be helpful if the ZSC could get a sense of priorities from the Planning Board. She suggested "bundling" or "clumping" things together in logical groupings.

Mr. Roznoy agreed with the idea of lumping things together. He noted that housing is malleable and if it is not available in one place it will go elsewhere. He expressed concern about student housing and housing to fit other demographic groups. The Gateway area could accommodate a number of housing units. The town needs to figure out how to accommodate this need.

Mr. O'Keeffe noted that the Market Study is being done. It will serve to give the town a way to talk about these issues. He expressed concern with going back to Town Meeting with village center zoning amendments before the Market Study is done. He also noted that the Safe and Healthy Neighborhoods Working Group will be presenting its findings/work to Spring Town Meeting.

There was discussion about TDR. Some members of the ZSC did not want to pursue it. They thought that "center development" was more feasible and had a clear path forward. TDR is new and it is not clear that it would achieve the purpose of increasing housing and developing the centers. The town needs to find capacity for housing development. It may be better to make housing possible, rather than try to incentivize it.

Ms. Kruger suggested continuing to work on village centers, but scaling back the vision, and making the decision about whether to bring it to Spring Town Meeting at a later date.

Mr. Tucker noted that the Housing Production Plan is almost finished. The draft HPP confirms that there is a substantial housing need. The town is currently in negotiations with a consultant regarding the scope of the Housing Market Study. The town hopes to have this work done prior to Spring Town Meeting. The traffic study from UMass that was recommended as part of the Gateway study is almost ready.

Mr. Crouner noted that the ZSC and Planning Board had received a copy of a letter from the owner of 400 Main Street who wants to rezone the property and sell it to Amherst Media. This is a request by a property owner and as such it will be on the Warrant for Spring Town Meeting. He asked if the Planning Board would like to spend time on this item and have it be a Planning Board article or merely hold a public hearing and take a position on the article as it now stands.

Mr. Webber requested that Planning Board members review the list before the next meeting and sort it according to their priorities. Ms. Kruger asked that the Planning Board formally prioritize the list at its next meeting.

Mr. Schreiber suggested that the ZSC make recommendations to the Planning Board with regard to priorities.

Mr. O'Keeffe cautioned the Board members that time is short between now and the time that the Warrant needs to be signed.

3. Public Comment Period – no members of the public offered comments

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

III. APPEARANCE

ZBA2013-00009 – 179 Northampton Road, Wilson Properties Group, LLC – Review of ZBA application proposing a two-family house (Map 14A, Parcel 100)

Mr. Webber introduced the topic. He noted that the Zoning Board of Appeals will be considering the Special Permit application but that the Planning Board had requested that the applicant present the project for possible comment and recommendations to the ZBA. He noted that the Planning Board members had received copies of the application materials.

Attorney Tom Reidy of Bacon and Wilson presented the project on behalf of Wilson Properties Group LLC. He introduced the applicants, Pete and Harry Wilson, and noted that they are local people who live in Pelham. They own and manage other rental properties in surrounding communities.

The Wilsons are seeking a Special Permit from the ZBA under Section 3.321 of the Zoning Bylaw, for a non-owner-occupied two family dwelling. The Wilsons met with the Design Review Board in October and have revised their plans based on feedback from the DRB.

Mr. Reidy noted that the town had recently changed the Zoning Bylaw with respect to two-family dwellings and the ZBA had continued the public hearing to wait for the new Bylaw to be decided upon by Town Meeting. The applicants had gone to the Historical Commission with regard to a demolition permit. The Historical Commission had voted 6-0 to allow demolition and not to impose a demolition delay. The house is in a state of disrepair. The ZBA offered comments at its meeting last week and the ZBA requested that the applicants return with a plan for how to deal with the shade trees along the road, a landscape plan, a lighting plan, a parking plan, a fence plan and a driveway plan.

The applicants are a Massachusetts-based LLC. They have been involved in construction and property management since 1986. They own and manage 5 properties in Pelham and 1 in Hadley and they live 15 minutes from the site on Northampton Road.

The current house was built around 1886. It was a two-family at one time and in 1986 it became vacant. In May 2006 a new owner bought the property and emptied the house. In November 2006 the Wilsons purchased the property and determined that the house couldn't be salvaged.

Mr. Reidy stated that the property is 29,987 square feet in area, large enough for a two-family dwelling in the R-N zoning district. The house sits on a corner lot in a prominent neighborhood and appears to be associated more with Northampton Road than it is to the side street, Blue Hills Road.

Mr. Reidy referred to the lease and a new complaint response plan. The lease is fairly detailed. Among other things it forbids tenants from parking on the grass. The applicants are presenting a thoughtful project. They do not wish to maintain a problem house.

Harry Wilson stated that the existing house is a large prominent structure. The new building will have a similar structure and footprint to what is there now. There will be a garage under the building. Most houses in the neighborhood along Northampton Road have gables facing the road and this house will follow that pattern. Details will be similar to houses along Northampton Road. The trim and frieze boards will be white. There will be "nice sized" decks and architectural shingles on the roof. The lighting will operate on motion sensors. There will be recessed lighting on the porches and lighting on the decks and motion-sensor lighting at the garages. Each unit will have one garage space that runs the length of the house (34 feet). The other section of the basement will be for utilities, boilers, electrical panels, hot water tanks, etc. The storage area will not be heated. While not habitable, it is not expected to fall below 45° in the winter.

Ms. Kruger asked about lighting and how people will walk from the parking area into the building.

Mr. Wilson stated that there will be coach lights at the doorways and motion-sensor spotlights at the garage area. Each unit will have its own doorway near the garage for entry into the

building. The paved area for parking is connected to the building. There is no need for sidewalks at the rear of the building. The lighting will be set to shine only within the parking area and not onto adjacent properties. The parking lot faces towards the street. There is a street light across from the driveway and also one across Route 9.

Mr. Webber commented that it was good to see that someone was doing something with this property. He noted that it had been in poor condition for decades.

Mr. Reidy gave a detailed description of the lease and the complaint response plan. He noted that the lease would clearly spell out tenant responsibilities and stated that there would be no more than 4 unrelated people allowed to live in the units. The applicants are hoping to rent to families. Section 5 of the lease spells out requirements regarding care of the property, cleanliness and conduct. There is a requirement to let the landlords know about gatherings in advance. Gatherings will be limited to 10 people. Tenants' cars will be towed if not parked in designated spaces. The landlords will seek a parental guarantee for undergraduate tenants. Tenants will be responsible for fines.

Mr. Reidy described the complaint response plan. He noted that this is the first complaint response plan in Amherst. He explained the tiered response plan.

Mr. Roznoy asked about the word "qualified" with respect to the on-site manager. The concept is that the on-site manager will have the ability to deal with problems. He encouraged the Wilsons to upgrade the authority of the on-site manager.

Mr. Reidy explained that under the Bylaw, the site could be managed by a resident manager or a management entity. The Wilsons do not wish to designate one of their tenants as an "agent" but rather as a "point of contact". The Wilsons differentiate between a resident manager and an on-site manager. On other properties the Wilsons have an informal relationship with the on-site manager. It would cause problems for them if the on-site manager made decisions in place of the owners. The Wilsons prefer to maintain control over decisions regarding their properties.

Mr. Webber stated that the response plan is thorough but hard to read. He recommended that it be written in plain English.

Mr. O'Keeffe stated that the lease was "terrific" and he applauded the Wilsons for addressing so many important issues. However the complaint response plan seems to impose a burden on the complainant, who is not a party to any of the agreements.

Mr. Reidy stated that it was unclear what effect the complaint response would have on a potential rental permit. Would a violation cause the applicants to lose their permit or be subject to fines?

Ms. Brestrup asked if the complaint response plan would be distributed to neighbors. How would the neighbors be informed about the complaint response plan?

Mr. Reidy suggested that the complaint response plan could be filed at the Registry along with the Special Permit.

Mr. Webber asked about the nature of the "agent". Will the on-site manager know whether to call the police? Should the on-site manager actually be designated as an "agent" of the owner in exchange for reduced rent or other compensation? He questioned whether the "on-site manager" would be someone like an RA in a dormitory and be a point person for issues and problems that arise and he asked what type of authority the "on-site manager" would have.

Pete Wilson gave further clarification on the nature of the "on-site manager". It would be one member of the group with whom he would work closely, who has an interest in the group, needs to abide by the lease and has a vested interest in what goes on at the property. The lease is thorough with regard to what can and can't happen on the property. The house will

be new, so there will not be a lot of decisions to be made by the “on-site manager” regarding the house.

After further discussion, Mr. Webber acknowledged that the Wilsons are local landlords who will be actively involved in management of the property. They are not a third party management company and are not “from out of town”. It is an appropriate project for where it is being built. It represents a good-faith effort to comply with the Bylaw. He asked that the Planning Board members consider whether they would like to offer general recommendations to the ZBA that the project is in the spirit of the Zoning Bylaw changes.

After further discussion, Mr. Crouner stated that the word “qualified” in this case applies to Wilson Property Management and that the lease is set up well.

Ms. Kruger MOVED that the Planning Board recommend to the ZBA that this application be approved because it complies the Zoning Bylaw and it is the right use in the right location. Mr. Carson seconded and the vote was 7-0.

Ms. Brestrup will draft a letter from the Planning Board to the ZBA.

IV. OLD BUSINESS

- A.** SPR2010-00011/M5254 – 1150 West Street – Atkins Farms Market – review of minor changes to site plan

Jeff Squire of The Berkshire Design Group appeared on behalf of Atkins Farms Market. The project was approved last spring and most of the improvements have been completed.

Mr. Squire explained that the pedestrian access to the site from West Bay Road (from Hampshire College) will need to change slightly as a result of a change in the grade of the roadway. The grade on the road was lowered and so the pedestrian access shown on the original plan will no longer work as an ADA compatible pathway.

There will need to be a new walkway coming from the driveway serving as the truck/warehouse entrance that will run along the north side of the driveway and connect to a crosswalk leading to the building. "Do Not Enter" signs for cars have been installed at the truck/warehouse entrance, so that the only vehicles entering there will be trucks making deliveries to the warehouse. This will become a "Service Entry Only".

The Board members discussed and asked questions about the need for striping of this walkway, where it connects with the sidewalk along the road, the lighting in the area and whether residents of Applewood would use this walkway. Board members determined that striping of the new walkway and crosswalk is necessary.

Mr. Crouner MOVED to approve the amended sidewalk plan. Mr. Carson seconded and the vote was 7-0.

- B.** SPR2012-00007 – Trustees of Amherst College – 79 South Pleasant St – Review of proposed changes to exterior panels

Chuck Roberts of Kuhn Riddle Architects and Tom Davies of Amherst College presented the proposed changes.

Mr. Davies explained that during the construction process it became apparent that the choice for the cladding system for the addition became "non-viable". The system needs to be a thin material in order to allow for thick insulation.

The alternative panel chosen for the addition is a terracotta panel. There are a series of brick structures surrounding the existing church building. The terracotta panels

will be compatible with the color of the brick structures.

The applicants presented photographs of the surrounding buildings with an image of the new addition superimposed on the photographs.

Ms. Brestrup reported that the applicants had met with the Design Review Board and had received a recommendation for approval of the terracotta panels.

Mr. Roberts described the texture of the proposed panels and the shadow line between them.

Mr. Schreiber MOVED to approve the changes to the exterior panels. Mr. O'Keeffe seconded and the vote was 7-0.

D. Signing of Decision

SPR2013-00005 – 768 North Pleasant Street, Dan Johnson for The Amherst Project

The Planning Board signed the decision.

E. Executive Session – Discussion regarding litigation

Mr. Webber announced that the Board needed to adjourn its regular session and convene an Executive Session in order to discuss matters related to litigation. He stated that the Board would resume Open Session at the adjournment of Executive Session.

Mr. O'Keeffe MOVED that the Board enter into Executive Session. Mr. Roznoy seconded. A roll call vote was taken:

Roznoy – Aye
O'Keeffe – Aye
Webber – Aye
Kruger – Aye
Schreiber – Aye
Carson – Aye
Crownner – Aye

The Board entered into Executive Session.

Mr. Carson MOVED that the Board close the Executive Session and reconvene the regular session. Mr. O'Keeffe seconded. A roll call vote was taken:

Roznoy – Aye
O'Keeffe – Aye
Webber – Aye
Kruger – Aye
Schreiber – Aye
Carson – Aye
Crownner – Aye

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

VI. FORM A (ANR) SUBDIVISION APPLICATIONS

The Planning Board signed the following ANR plans:

ANR2013-00011 – Shaul Perry – 136 Mechanic Street, 691 Bay Road

ANR2013-00010 – William C. and Zaneen DeGowin – 1731 South East Street

V. NEW BUSINESS

A. Master Plan Implementation Committee – Committee Charge

Mr. Webber stated that in October of 2011 the Planning Board had forwarded a draft charge for the Master Plan Implementation Committee to the Select Board. It has been voted on by the Select Board with minor changes. The town can now appoint members to the committee. Anyone can submit a Citizen Activity Form to request appointment to this committee. Mr. Webber reviewed the charge. The Select Board is the appointing authority. There will be one member or designate from the Planning Board. He recommended that the Planning Board members consider whether they would like to serve and the topic can be discussed at the next meeting. Mr. Crowner suggested that it might be useful for someone who served on the original Master Plan Committee to serve on this new committee as the Planning Board representative.

Ms. Brestrup noted that the Planning Board representative does not need to be a member of the Planning Board.

B. PVPC Top Ten Resolves for 2013

Mr. Schreiber reported that Mr. Tucker had made a suggestion to add language to Resolve #6 regarding advocacy for the Central Corridor passenger rail service. He read the language which is similar to that requested by the Planning Board in the past.

“ . . . including advocacy for study and improvement of the north-south corridor of the Central Corridor along the New England Central Railroad (NECR) line via a connection at Palmer, for both significant upgrading of freight capacity under the priorities of the Massachusetts Freight and Rail Improvement Plan, and for new passenger rail service and connections between significant population and educational centers in Vermont, western Massachusetts, and central-southern Connecticut.”

Mr. Webber stated that this was a good idea, the language is fine and he would like to see improvements to rail connections in Amherst.

Mr. Crowner MOVED that the Planning Board request that PVPC add the language recommended by Mr. Tucker to Resolve #6 of the Top Ten Resolves for 2013. Mr. Carson seconded and the vote was 6-1 (Roznoy opposed).

Mr. Roznoy explained that he was opposed because this was not a proper allocation of limited resources, either for the study or improvements to the corridor itself. The Central Corridor is not a practical approach.

Mr. Schreiber stated that he would email Tim Brennan of the PVPC with the Planning Board's recommendation.

C. Planning Board schedule – Mr. Webber listed the upcoming meetings as January 30, February 6 and February 20. He stated that the Planning Board would continue with the open discussion of zoning issues.

D. Agenda for upcoming Planning Board meetings – see above

E. Topics not reasonably anticipated 48 hours prior to the meeting

Ms. Brestrup reported that the Planning Board had received a letter from Mass Development Finance Agency regarding funding of Olympia Oaks, asking if the Planning Board had any comments regarding the proposed project as to whether it conflicts with an existing local or regional comprehensive plan. After discussion the Planning Board declined to offer any comments.

VII. UPCOMING ZBA APPLICATIONS

After discussion the Planning Board requested that a presentation on the following ZBA application be scheduled for January 30 to provide an opportunity for the Planning Board to offer recommendations to the ZBA:

ZBA FY2013-00014 – Toby Cohn Family Investments - For a Special Permit to extend, alter and enlarge a pre-existing non-conforming use by adding 54 apartments to the Presidential Apartments, under Section 9.22 and 3.323, at 950 North Pleasant Street (Map 8A, Parcel 1, R-N Zoning District)

The Planning Board declined to review the following ZBA application:

ZBA FY2013-00015 – Joshua Schaefer – For a Special Permit to garage/park more than one commercial vehicle under Section 5.0152 and/or a home occupation tree service business under Section 5.013 of the Zoning Bylaw, at 15 Deepwoods Drive (Map 22A, Parcel 135, R-N Zoning District)

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup reported that the following Site Plan Review applications had been received and public hearings will be held on January 30:

SPR2013-00006/M16171, 1 South Pleasant Street – Adams & Ruxton Construction Co. for Bank of America – Request Site Plan Review Approval for construction of new ADA compliant ramps and sidewalk. (Map 14A/ Parcel 255; B-G Zoning District)

SPR2013-00008/M16536, 210 Old Farm Road – Stavros CIL – Request Site Plan Review Approval for installation of a 70 KW stand-by generator placed on an existing concrete pad, behind an existing solid wood fence. (Map 18C/Parcel 91; PRP Zoning District)

A Site Plan Review application has also been received for the Child Care Center on Strong Street, which is proposing to install a new roof and a new roof-mounted HVAC system. The public hearing will be held on February 6.

In addition, there is a project that has been before the Conservation Commission for a mixed-use building at 417 West Street. The applicant is expected to submit a Site Plan Review application to the Planning Board shortly.

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Mr. Schreiber had already given the report.

Community Preservation Act Committee – Sandra Anderson – no report

Agricultural Commission – David Webber – no report

Transportation Plan Task Force – Richard Roznoy and Rob Crowner – no report

Amherst Redevelopment Authority – Constance Kruger – no report

Design Review Board – Kathleen Ford – no report

Housing and Sheltering Committee – Constance Kruger reported that the HSC had met that morning and had reviewed a draft of the strategy section of the Housing Production Plan. The HPP is nearing completion.

Safe and Healthy Neighborhoods Working Group – Sandra Anderson – no report

X. REPORT OF THE CHAIR

XI. REPORT OF STAFF

XII. ADJOURNMENT

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

Respectfully submitted: Approved:

Christine M. Brestrup,
Senior Planner

_____ DATE: _____
David Webber, Chair