

AMHERST PLANNING BOARD
Wednesday, January 30, 2013 – 7:00 PM
Town Room, Town Hall
MINUTES

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

ABSENT: Sandra Anderson and Richard Roznoy

STAFF: Jonathan Tucker, Planning Director
Christine Brestrup, Senior Planner
Mr. Webber opened the meeting at 7:02 PM.

I. MINUTES

The Minutes of January 16, 2013 were not ready for review.

II. ZONING

A. Zoning Subcommittee Report

Mr. Crowner reported on this evening’s ZSC meeting. The ZSC reiterated its preference to work on “center amendments”, believing that the village center, downtown and commercial districts are very important with regard to implementing the Master Plan and anything that the town wants to do regarding housing.

The ZSC is looking at separating Form Based design standards from the proposal to rezone the village centers. The ZSC would like to take a new look at the village center boundaries and possibly redraw them. The ZSC is contemplating changing zoning in an incremental fashion.

The ZSC plans to look at the Commercial zoning districts which are part of existing village centers in North Amherst and East Amherst and change the dimensional requirements in those districts. These changes might include building heights, number of floors, number of residential units that are allowed “by right” [by SPR] in a mixed use building and other measures that would make the Commercial district more flexible as a place for development.

Other amendments that the ZSC is proposing to work on are:

- Property owner’s request to rezone 400 Main Street;
- Agricultural processing;
- LID (Low Impact Development) requirements (separated out from Sustainable Design requirements);
- Resolution of the conflict between Articles 14 and 17 from last fall’s Town Meeting;
- Non-conforming buildings;
- Site Plan Review waiver.

A number of other articles are being worked on but are not expected to be brought forward this spring, including Permit Criteria, Parking, Functional Family and Student and Boarding House amendments.

Mr. Crowner asked for recommendations from the Planning Board that would confirm or change what the ZSC has proposed as priorities. He reported that the ZSC suggests that the ZSC (or the full Planning Board) meet with the ZBA on some of these proposed amendments before bringing them forth. The ZSC proposes spending one or two nights on easier articles and the rest of time on the "center amendments", ideally having something ready for this spring.

The ZSC proposes that the Planning Board hold the first zoning amendment public hearing on February 20th – for 400 Main Street rezoning and for the Article 14/17 Resolution.

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

Mr. Webber reviewed the list of proposed zoning amendments and read the proposed agricultural processing zoning amendment. He is a member of the Agricultural Commission and the farmers have been asking for the ability to have an agricultural processing facility nearby.

Mr. Tucker explained the proposed amendment on Agricultural Processing. The intent is to allow small or modest scale agricultural processing on smaller size properties. Where it involves the use of animal products it would be restricted to the LI zoning district. Larger properties that are farms (5 acres or more) have an agricultural exemption from zoning restrictions allowing them to engage in agricultural processing currently.

The Board discussed why the Agricultural Processing amendment was being put into Section 3.372.1, Light Manufacturing. They asked if it merited its own use category. Planning Board members agreed with this approach.

Mr. Crouner described the proposed resolution of the Article 14/17 conflict.

Mr. Tucker noted that the proposal to rezone 400 Main Street was a simple letter request by the property owner sent to the Select Board. The Planning Board is required to hold a public hearing on such a request and issue a report to Town Meeting. There was discussion about whether the Planning Board should adopt this article as its own since it purports to address issues outlined in the Master Plan. After discussion the Planning Board decided by consensus not to adopt this article as its own but to allow the property owner to present the article to Town Meeting. The Planning Board will hold a public hearing and issue a report as required.

Mr. Crouner described the zoning amendment having on Low Impact Development (LID) and stated that the ZSC would like to bring this amendment forward to Spring Town Meeting. There is more controversy about the Sustainable Design Development Standards section of this draft Bylaw so that part of the amendment will not be brought forward at this time.

The Planning Board agreed by consensus to hold the following public hearings on February 20th:

- 400 Main Street
- Resolution of the conflict between Articles 14 & 17.

Mr. Webber recommended that the Planning Board pare down the list of amendments for Annual Spring Town Meeting. He asked if there was consensus on the ZSC about the next two or three amendments.

Mr. Crouner stated that the ZSC had a preference for working on "center amendments". The ZSC is trying to make mixed use centers friendlier to the types of development that the town wants.

Mr. Webber read from the list of potential amendments that was prepared by staff.

There was discussion about whether TDR (Transfer of Development Rights) or TOD (Transit Oriented Development) would be worked on.

There was discussion about the priority of working on Form-based Design Regulations, on the two existing Village Centers and on changes to the Commercial

district.

The pairing of Form-based Design Regulations might work well with a revised Commercial district, in combination with changes to the boundaries of existing B-VC and R-VC districts.

Ms. Kruger noted that the town had not been successful in doing a more comprehensive rezoning and stated that she would like to see the Commercial zoning district work better for "modern times". She favors an incremental approach.

Mr. Tucker explained that the Planning Board can create a set of Form-based Design Regulations that apply to all mixed-use centers and then develop overlays that apply to specific village centers. The Planning Board can propose to change the rules in the Commercial districts and can apply or expand the existing village center districts to portions of the Zoning Map rather than creating brand new districts.

Ms. Ford expressed concern that a general Form-based Overlay District is potentially overwhelming. She recommended using Atkins Corners and North Amherst as a testing ground for Form-based Design Regulations.

Mr. Webber read from comments submitted by Mr. Roznoy, who was not able to attend tonight's meeting, in which he stated that the Board should craft a mechanism to accommodate the need for non-single family housing.

Mr. Webber asked about TDR. He noted that the town had asked for assistance from the PVPC to develop a TDR Bylaw for Amherst and asked if TDR could be one more appropriate mechanism to help with adding more housing. He noted that a citizen had submitted comments on the draft TDR Bylaw to the Board and asked why TDR was not higher on the list of priorities.

Mr. Crouner noted that there was opposition to TDR from members of the ZSC. Some members were not certain if the purpose of TDR is mainly for land preservation or for allowing densification of centers. He acknowledged that both were goals of TDR but noted that the effect of TDR in Amherst is unclear.

Mr. Tucker explained that there are different ways to use TDR. Some of the TDR mechanisms involve transferring rights and some involve "paying into a kitty" for use in future land acquisition and preservation. He asked "How do you set the basic density regulations when TDR is involved?"

Mr. Webber asked that the issue of prioritization of potential zoning amendments be put on the agenda for the next Planning Board meeting. He noted that the ZSC doesn't need to spend time on the technical amendments because the Planning Board can address these directly.

C. Public Comment Period – no public comment

III. PUBLIC HEARINGS – SITE PLAN REVIEWS

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)

Mr. Webber read the preamble and opened the public hearing. Javier Campos of Adams & Ruxton Construction Co. and Bill Foley of CBRE presented the application for Bank of America.

Mr. Campos stated that the proposal includes removing the existing sidewalk in front and in back of the building and constructing a new sidewalk. The reason for the project is to make the sidewalk more ADA compliant with respect to grades and surface texture. The sidewalk at the back of the building will be made a little bit wider.

In addition, the parking area at the back of the building will be regraded to create a flatter surface and will be repaved. The existing metal guardrail will be removed. A curb will be installed along the sidewalk at the rear of the building. A portion of the sidewalk will be lowered to allow access from the handicapped parking spaces into an accessible entry at the rear of the building. There will also be signage related to handicapped parking and “customer only” parking added at the rear of the building.

Mr. Webber reviewed the Site Visit Report and the Development Application Report.

Mr. Webber noted that the Design Review Board had reviewed the project and had recommended approval, with the condition that the new concrete pavement at the front of the building be extended to include the area out to the outermost columns. Mr. Campos agreed to make this change.

Mr. Crowner asked if the bike rack would go back in front of the building. Mr. Campos stated that the bike rack will be re-installed at the end of construction.

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 – N/A;
- 11.2402 – N/A;
- 11.2403 – N/A;
- 11.2410 – N/A;
- 11.2411 – N/A;
- 11.2412 – N/A;
- 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 and acceptable; the Town Engineer did not express any concerns about this issue; it is a flat site and there will be no additional impervious surface added; Mr. Campos stated that, to his knowledge, there had been no problems with drainage in the past;
- 11.2414 – N/A;
- 11.2415 – The Board agreed by consensus to grant the waiver from the requirement to submit a Soil Erosion Plan;
- 11.2416 – Protection of adjacent properties has been provided for in the application; there will be very little change as a result of this project;
- 11.2417 – Protection of adjacent properties by minimizing the intrusion of lighting has been provided for in the application; no additional exterior lighting is proposed;
- 11.2418 – The site and surroundings will be protected from flood hazards; the extent of

- paving and the method of drainage will not change;
- 11.2419 – N/A;
- 11.2420 – The project is in the B-G zoning district and has been reviewed by the Design Review Board; the Design Review Board has recommended approval of this project;
- 11.2421 – The development is consistent with respect to placement of parking, entrances and exits with surrounding buildings and development; no substantial changes will be made to these site features;
- 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 will be no substantial changes to any of these features; the bicycle rack will be reinstalled;
- 11.2431 – N/A; the location and number of curb cuts is not changing;
- 11.2432 – The location and design of parking spaces, bicycle racks and drive aisles will be provided in a safe and convenient manner; the location of parking spaces will not change, the existing bicycle rack will be reinstalled; the drive aisle will not change but is considered adequate to serve the needs of the bank;
- 11.2433 – N/A;
- 11.2434 – N/A;
- 11.2435 – N/A;
- 11.2436 – The Board agreed by consensus to grant the waiver from the requirement to submit a Traffic Impact Statement;
- 11.2437 – N/A

Mr. Crowner MOVED to close the public hearing. Mr. O’Keeffe seconded and the vote was 7-0.

Waivers

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

Conditions

- 1) A bike rack shall be re-installed at a safe location.
- 2) The new concrete pavement in front of the building shall be extended out to the farthest columns.
- 3) Four copies of the final revised plans shall be submitted to the Planning Department.

Mr. O’Keeffe MOVED to approve the application with waivers and conditions as noted. Ms. Kruger seconded and the vote was 7-0.

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)

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

Jim Kruidenier, Executive Director, Seren Derin, Chief Financial Officer, and Diane Dempsey, Manager of the Fiscal Intermediary Program, presented the application.

Mr. Kruidenier explained that Stavros processes payroll for 12,000 Personal Care Attendants

(PCA's) who work around the state. Approximately 4,000 people use PCA's throughout the Valley. Stavros has a contract with the state to process payroll for all of the people who act as PCA's. Every week Stavros issues 6,000 to 7,000 paychecks. People are paid every two weeks so Stavros issues 12,000 to 14,000 paychecks every month. The state is concerned that payroll gets processed in a timely manner. Stavros has a "continuity of operations plan" as part of its agreement with the state. The vulnerability of the operation was underlined by the October snow storm of a year ago when Stavros lost power for 8 hours. If this had happened on a payday, thousands of people would not have gotten paid. "This is a high pressure operation", he said.

Stavros would like to install a generator. It will be fed off a gas line that goes into the building. If there is a power outage a generator will help the payroll operation to keep going.

The payroll operation is located in one wing of the building. The generator will power that wing along with keeping the hot water flowing through the pipes in the building to prevent damage during cold weather.

The generator will be installed on an existing concrete pad behind an existing fence on the northwest side of the building. The pad and fence have been in place for 35 years. The decibel level of the generator will be 61 db (A). It will need to be tested once a week for about 15 minutes. It doesn't surge when started up. It can be tested anytime on a weekly basis. The decibel level will be about the level of normal conversation. It won't be disruptive and it won't be seen. The generator will not be seen or heard from the street.

Mr. Webber noted that the generator will improve the ability of Stavros to meet its deadlines.

Mr. Webber reviewed the Site Visit Report.

Ms. Derin stated that the concrete pad is already empty. The air conditioning unit that was there has been removed.

Ms. Kruger stated that she supports the installation of the generator. However, she has concerns about landscape maintenance. She drives by the site often and hopes that the landscape maintenance will improve, especially on the street side of the building. Mr. Kruidenier agreed to address this issue.

Ms. Derin stated that Marney Electric in Florence would be doing the installation for Stavros. She reiterated that the generator would only operate the payroll part of the business.

Mr. Webber noted that it is a large capacity generator (70 kW). Ms. Dempsey stated that the building contains many computer servers, many (40) computer stations, a telephone system and it has a boiler to provide heat for the building. There are 48 people who work in the payroll section of the building.

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

Mr. Webber noted that 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 – The project will protect Town amenities and abutting properties through minimizing detrimental or offensive actions because the generator will be located behind a fence which will help to block any noise that might be produced by the generator; the noise from the generator will be minimal;
- 11.2402 – The project will protect abutting properties from detrimental site characteristics resulting from the proposed use, including noise or visually offensive structures

because the generator will be located behind a fence which will help to block any noise that might be produced by the generator and will also screen the generator from view;

The Board discussed appropriate testing times for the generator and resolved to impose a condition that would limit test time to normal business hours.

11.2403 – N/A;

11.2410 – N/A;

11.2411 – N/A;

11.2412 – N/A;

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 and acceptable; the Town Engineer did not express any concerns about this issue; there will be no substantial change to the site as a result of this project;

11.2414 – Adequate landscaping exists on the site; the applicant has agreed to improve maintenance of the existing landscaping;

11.2415 – N/A; the Board agreed by consensus to grant the waiver from the requirement to submit a Soil Erosion Plan;

11.2416 – Protection of adjacent properties has been provided for in the application; issues of noise and screening have been addressed by the applicant during the public hearing and in the application;

11.2417 – N/A; no changes are proposed to site lighting;

11.2418 – N/A;

11.2419 – N/A;

11.2420 – N/A;

11.2421 – N/A; no changes are proposed;

11.2422 – N/A;

11.2423 – N/A;

11.2424 – Screening has been provided for the generator; the generator will be installed behind an existing fence and will not be visible from the street;

11.2430 – N/A;

11.2431 – N/A;

11.2432 – N/A;

11.2433 – N/A;

11.2434 – N/A;

11.2435 – N/A;

11.2436 – The Board agreed by consensus to grant the waiver from the requirement to submit a Traffic Impact Statement;

11.2437 – N/A

Waivers

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

Conditions

- 1) Testing of the generator shall occur during normal business hours.
- 2) Four copies of the final revised plans shall be submitted to the Planning Department.

Mr. O’Keeffe MOVED to approve the application with waivers and conditions as noted. Ms. Kruger seconded and the vote was 7-0.

It was not yet time for the Appearance by Toby Cohn Investments, so the Board turned to Old Business.

V. OLD BUSINESS

A. Letter to ZBA – Review of ZBA2013-00009 – 179 Northampton Road, Wilson Properties Group, LLC – The letter was not yet ready for discussion, but will be presented for signature at an upcoming Planning Board meeting.

B. Master Plan Implementation Committee – Planning Board representative

Mr. Webber began the discussion by referring to a letter received from Richard Roznoy (who was not present) regarding the Master Plan Implementation Committee (MPIC). Mr. Roznoy stated that MPIC should be tabled. It has not been a high priority thus far. Existing committees are already implementing the Master Plan.

Mr. Webber noted that the Planning Board’s representative to MPIC can be someone that the Board designates and does not need to be a Planning Board member. The Select Board is the appointing authority for this committee.

Ms. Ford recommended Bill Gillen, a local architect who was a member of the Comprehensive Planning Commission, as the Planning Board’s representative. Mr. Schreiber stated that the Planning Board’s representative should be someone who has been a member of the Planning Board or who has a strong connection to the Planning Board.

Mr. O’Keeffe noted that in Mr. Roznoy’s opinion the Committee should not exist.

Ms. Kruger suggested that the Board step back, look at the Master Plan and reaffirm the need to have this Committee. The Board should articulate what is important about the Committee and why it is important to have the Committee.

Mr. Carson agreed with Mr. Roznoy’s opinion and suggested that a member of the Planning Board could report once a year on progress in implementing the Master Plan. This function does not need a whole committee, he said.

Mr. O’Keeffe stated that the Committee should take a larger role than reporting on implementation. He suggested that Planning Board members read the Implementation Section of the Master Plan. MPIC should coordinate town bodies, prioritize steps to implementation and encourage others to take the steps. He stated that there is valid work to be done by MPIC. He also agreed that this is not a pressing action and there is a dearth in the community of people who wish to serve on many of the existing committees.

Mr. Webber asked that this topic be tabled but put on the agenda for the Planning Board meeting scheduled for March 20th.

Mr. Schreiber noted that there will be three “at large” members of MPIC and suggested that Mr. Gillen might be interested in serving in that capacity.

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

IV. APPEARANCE

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)

Mr. Webber explained that the Planning Board’s role in this review is purely advisory and that it has no vote in this matter. The Planning Board asked the applicants to come and make the presentation

because this is a large project and the Planning Board has an interest in and oversees the creation of amendments to the Zoning Bylaw.

Attorney Peter MacConnell of Bacon and Wilson presented the application. He was accompanied by Attorney Tom Reidy, also of Bacon and Wilson, Mike Schafer of Huntley Associates, site engineer, and Allen Cohn, owner of Presidential Apartments.

The proposal includes adding 54 dwelling units to Presidential Apartments. Mr. MacConnell showed on a plan the location of the proposed apartment buildings. He noted that the property is surrounded by other apartment complexes, including North Village, Pufton, Brandywine, Town House Apartments and Crestview. There are approximately 1,100 rental units in the area, he said. Mr. MacConnell referred to a large plan that showed all of these apartment complexes in relation to each other. There will be nine new buildings added to the site, with 12 one-bedroom units and 42 two-bedroom units.

In 1963 Mr. Cohn's father obtained a Special Permit from the Zoning Board of Appeals to construct the apartment complex. Eighty-five units were constructed. He then obtained a Special Permit in 1966 to construct an additional sixty units, which were never built.

At that time apartments were allowed in the R-N zoning district with a Special Permit. Then the zoning changed in the mid-1970's. The apartment complex is now considered a pre-existing non-conforming use. The development complies with all of the other zoning requirements except for the mix of units, frontage and use. The proposal is in a suitable location, it is close to heavily traveled roads, close to the center of town and adjacent to an educational use. The property is abutted by UMass on two sides. It is already developed for multi-family homes. The proposal will fulfill the need for good, new, decent homes for students and others.

The ZBA has received favorable letters from the Police Department and the Fire Department. The Presidential Apartment complex has been a good neighbor, Mr. MacConnell said.

The project is in keeping with the Master Plan since it proposes development in an already developed area. It will provide taxable student housing, relieve pressure on residential neighborhoods and preserve the sensitive land areas at the rear of the property. There will be six affordable units included in the development. There is a bus stop nearby on North Pleasant Street. The project is within walking distance of the University. The proposed bike path at the rear of the property will link the complex to UMass. The walkways will tie the neighborhoods together. This is a good project with respect to land use and transportation, he said.

Mr. MacConnell reported on the Traffic Impact Study, prepared by Huntley Associates. The study counted the number of cars that come in and out of the site currently and counted the cars going northbound and southbound as they exit the site. The counts were done when school was in session and when it was not in session. Counts were done at different intersections and at the entry to Presidential Apartments. The conclusion is that there will be a minimal traffic impact on nearby intersections, although there will be a 64% increase in the amount of traffic at the entry to Presidential Apartments.

There will be five handicapped apartments and six affordable apartments.

The project received a favorable letter from the Fire Department because it will provide adequate turnarounds for the fire equipment and there will be an emergency access connection to North Village at the rear of the property. This will alleviate the problem of dead-end roadways at these two complexes. The project will also have a water line that loops and connects with the water line at North Village. This will improve the fire service and the quality of the water. The project will comply with the parking requirements of the Zoning Bylaw.

Mr. Schafer presented information on the Traffic Impact Study. He stated that he is a licensed structural and civil engineer, licensed to practice in Massachusetts. He described the methods used to count existing traffic and to project proposed traffic. The study focused on three hour periods in the

morning and evening on days in August and February at three adjacent intersections. The conclusion was that the increase in the number of units would increase traffic at the Presidential Apartments driveway by 64%. Other than at the driveway, the net effect will be minimal, he said.

Mr. Cohn noted that Louis Cohn had built Colonial Village and Presidential Apartments. His family has also owned other apartment complexes and has been active in Amherst for 50 years. The properties are managed by Kamins Real Estate. The projects look good and are well-maintained. The police reports have not been bad. This project is adjacent to other complexes and is not part of a single-family neighborhood.

Mr. O’Keeffe asked about the mix of units in the existing complex. Mr. Cohn stated that the mix is similar to that of the proposed expansion, except that the existing complex contains some three-bedroom units. However, three-bedroom units require too much parking and tend to create problems with regard to density of tenants, he said. Two-bedroom units are the ones that are most in demand. In a one-bedroom unit there might be one or two people living. In a two-bedroom unit there might be two to four people living.

Ms. Kruger asked about the architectural design of the new buildings. They look like the existing buildings, she noted. Mr. Cohn stated that the owners would like to maintain architectural integrity throughout the complex. He noted that the affordable units and the handicapped accessible units were independent of each other, although there could be an affordable unit that was also handicapped accessible.

Ms. Kruger stated that she has mixed feelings about the proposal. It is in the right location, in an already developed area. It has affordable units and handicapped accessible units. The second means of egress from the complex will be a real plus. But she is concerned about the fact that there is no storage provided, no recreational facilities and she expressed disappointment that the applicants are using a 50-year old style of architecture. Ms. Kruger concluded by stating that she supports the development of the units.

Mr. Schreiber asked about the credentials of the consultants as to the architectural design. He noted that there is no mention of an architect. State law requires that an architect should be involved in a project of this scope, he said. He stated that he would recuse himself as an architect from the discussion because of this issue. He expressed concern that the project apparently involved the unlicensed practice of architecture.

Mr. Crowner noted that there would be six affordable units. He asked that the Planning Board convey to the Zoning Board of Appeals their concern about the SHI (Subsidized Housing Inventory) count. He asked if more than three units could be made affordable to low income individuals and families. The town needs to keep up its numbers on the inventory (10% of total dwelling units) in order to avoid an unfriendly 40B (Comprehensive Permit) application.

Ms. Brestrup explained that in order to be eligible to be counted in the SHI a unit needs to be affordable to a family or individual making 80% or less of the Area Median Income (AMI).

Mr. Crowner noted that if 54 units were added to the total number of dwelling units in town, but less than 10% of them were eligible to be counted on the SHI, the town would begin to fall behind in its SHI counts. He encouraged the applicants to consider making more of the units affordable to those with low incomes. Only three have to be counted.

Ms. Brestrup explained that 49% of the affordable units need to be eligible to be counted as “low income” units (affordable to those making 80% or less of the AMI), according to our Zoning Bylaw. The other 51% can be counted as affordable to those earning 120% of the AMI, according to our Bylaw.

Mr. Crowner noted that the ZSC is considering changing the Inclusionary Zoning Bylaw (Section 15 of the Zoning Bylaw) to require more units to be counted on the SHI.

Ms. Kruger stated that she would like to see all six affordable units able to be counted on the town's affordable inventory. She asked if any of the units would be available for families and noted that if a family has children of different sexes they need separate bedrooms for their children and thus need a three-bedroom apartment. She asked if there could be one or more three-bedroom units included in the new project for families. She also asked how the owners would manage the mix of tenants if there are both students and low income families living in the complex.

Mr. MacConnell stated that the current mix of tenants includes 58 undergrad apartments, 10 graduate student apartments and 17 apartments inhabited by "non-students". Children do live there, he said. The applicants hope to continue with the current mix, which includes 35 one-bedroom, 46 two-bedroom and 4 three-bedroom apartments.

Mr. MacConnell noted that he had trouble interpreting the Inclusionary Zoning section of the Zoning Bylaw with respect to the requirements for affordable units. The applicant is in discussion with the ZBA and town staff about this topic. It may be possible to have a three-bedroom unit in the older section, he said.

Mr. O'Keeffe stated that he hoped that more than three units would be eligible to be counted on the SHI. He hoped that at least 10% of the units would be affordable to low-income individuals and families.

Mr. Webber commended the property owner for building more student housing. It will relieve the pressure on residential neighborhoods. The town needs to identify appropriate places where student housing can be built that are compatible with their surroundings. This is an appropriate location, he said. He noted that the design for this project is not modern, but cost may be a concern. He also noted that the Fire Department was pleased that the land was being developed because this would stem the tide of brush fires in the area.

Mr. MacConnell stated that the existing buildings were designed by an architect in the beginning. He further noted that the applicant didn't want to make the development look like two different complexes.

Mr. MacConnell noted that the project had received an Order of Conditions from the Conservation Commission.

Mr. MacConnell stated that the applicant had met with UMass to discuss the potential connection to the future bike path behind the complex, which will be an amenity to the tenants.

Mr. Crowner noted with amusement a comment in the 1966 ZBA public hearing narrative to the effect that the number of apartments was sufficient in North Amherst [in 1966] and the decision about new apartments should wait until after a Master Plan was adopted. He noted that a Master Plan had finally been adopted in 2010!

Mr. Webber suggested that the Planning Board make a statement that the concept as presented is in accordance with the scope of the Master Plan in terms of the proposed use and location and will alleviate pressure on the residential neighborhoods by providing appropriate rental housing for students and others. Mr. O'Keeffe agreed with the statement.

Ms. Kruger MOVED that the Planning Board make a statement to the ZBA strongly endorsing the addition of 54 units at this location because it meets some of the pressing housing needs of the town, it includes 6 affordable housing units, there will be a link to the bike path to UMass, there will be emergency egress for this development through North Village and it will add 5 handicapped accessible units. Mr. Carson asked that the statement include the fact that the complex is in a walkable neighborhood and is within walking distance to UMass. Mr. Webber asked that the statement include the fact that the management appears to be good and that there is a history of responsible management on the property. Mr. Crowner asked that the statement include a recommendation that the ZBA seriously consider requiring family housing, including some larger units to accommodate families, and that more of the affordable units be eligible to be included on the SHI. Board members also asked that a statement be included that an architect should be involved with the project.

Mr. MacConnell stated that the applicant would abide by all state and local statutes.

Mr. Schreiber reported that Mass General Law Chapter 112, Section 60A through 60L states that an architect should be involved. Anything larger than a two-family house or containing more than 35,000 cubic feet of space should involve an architect. The Board acknowledged issues of life safety with regard to this topic. Mr. MacConnell stated that the buildings will be sprinklered.

Ms. Kruger agreed to add the suggested amendments to the motion. Mr. Carson seconded and the vote was 6-0-1 (Schreiber abstained).

VI. NEW BUSINESS

- A.** Planning Board schedule – Mr. Webber reported that there were several upcoming public hearings – for a Site Plan Review for the Wildwood Day Care Center (on February 6th) and for two zoning amendments – 400 Main Street rezoning and the Converted Dwelling – Article 14/17 resolution (on February 20th)

There will also be Planning Board meetings on March 6th, March 20th, April 3 and April 17th.

Town Meeting begins on May 6th. March 11th is the deadline for the staff and committee list of warrant articles.

- B.** Agenda for upcoming Planning Board meetings – see above
C. Topics not reasonably anticipated 48 hours prior to the meeting – none

VII. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VIII. UPCOMING ZBA APPLICATIONS – none

IX. UPCOMING SPP/SPR/SUB APPLICATIONS – see VI. A. above

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Stephen Schreiber – no 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 reported that the DRB had reviewed the proposal for the Wildwood Day Care Center. The proposal includes a new roof and the addition of a sizable roof-top unit.

Housing and Sheltering Committee – Constance Kruger – no report

Safe and Healthy Neighborhoods Working Group – Sandra Anderson – Mr. Webber reported that he had been present at the public forum on January 22nd. It was well-attended. The Working Group is proposing a new General Bylaw which would implement a permit or license requirement for rental units. The group is grappling with how to deal with inspections. They do not have a working draft of the document yet, but an outline has been prepared. Mr. Webber stated that he hoped that the Planning Board would have input on this matter.

XI. REPORT OF THE CHAIR – see Mr. Webber's report on SHNWG, above

XII. REPORT OF STAFF – none

XIII. ADJOURNMENT

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

Respectfully submitted:

Approved:

Christine M. Brestrup,
Senior Planner

David Webber, Chair

DATE: _____