

AMHERST PLANNING BOARD
Wednesday, February 6, 2013 – 7:00 PM
Town Room, Town Hall
MINUTES

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

ABSENT: Sandra Anderson

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

I. MINUTES

Mr. Carson MOVED to approve the Minutes of January 16, 2013. Mr. Crowner seconded and the vote was 5-0.

Mr. O’Keeffe and Ms. Ford arrived (7:05 PM).

II. ZONING

A. Zoning Subcommittee Report

Mr. Crowner reported that there was no ZSC meeting this evening and noted that the ZSC had yet to receive a definitive recommendation from the Planning Board on which amendments to pursue for Spring Town Meeting.

Mr. Roznoy arrived (7:06 PM)

Mr. Crowner reported that the ZSC was considering whether to pursue Village Center rezoning, Commercial and Mixed Use zoning or a combination of the two. The ZSC was also considering Form Based regulations.

Mr. Tucker noted that today was the deadline for submittal of citizen petition zoning articles. The owner of 400 Main Street had submitted both a letter to the Select Board and a petition regarding the rezoning of 400 Main Street.

Mr. Tucker listed other amendments that were being considered and suggested priorities for working on these amendments. Among these amendments was the Converted Dwelling amendment (the resolution of the conflict between Articles 14 and 17) from Fall Special Town Meeting. Mr. Tucker noted that the ZBA would be holding an administrative meeting to talk about how to determine the qualifications for a resident manager.

Mr. Webber read the list of other potential amendments and asked which ones would be practical to bring to Spring Town Meeting.

Ms. Kruger stated that the ZSC considered that all of the “center zoning” was related. The ZSC felt that changes to the existing Business and Commercial districts are a good idea whether or not map changes are proposed at this time. She noted that the ZSC was considering a draft of general Form Based regulations. General Form Based regulations could be applied to existing Business and Commercial districts. Basic Form Based design regulations might be adequate at this point, without adding specific Form Based regulations for North Amherst and Atkins Corners.

Mr. Tucker explained what specific Form Based regulations would mean for the two Village Centers – North Amherst and Atkins Corners. He noted differences between these two Village Centers and the urgency of developing Form Based regulations for Atkins Corners. He noted that Form Based regulations could also be developed for

other Village Centers in town.

Ms. Ford stated that she still had lots of questions about Form Based zoning and she would prefer to see the Planning Board and ZSC work on general Form Based regulations first and then apply specific Form Based regulations to specific Village Centers at a later date.

Mr. O’Keeffe agreed with the “step-by-step” approach. He would like to see Form Based regulations introduced first in a general way. This would not preclude specific Form Based regulations being developed for specific Village Centers in the future.

Mr. Webber asked if Form Based regulations would impose additional restrictions on the development of the Business and Commercial zoning districts. He expressed skepticism about making development in town more difficult for businesses to locate or relocate here. He stated that Form Based regulations would need a balancing factor to encourage development, such as flexibility in dimensional requirements.

Ms. Brestrup noted that a combination of general Form Based regulations and changes to the dimensional requirements for the Business and Commercial zoning districts would give these incentives.

Mr. Tucker stated that the intent of the Form Based regulations was to allow developers to be able to read and understand the regulations and for the town to create a more standardized set of regulations about design. He noted that the boards now often need to make design judgments on a case by case basis.

Mr. Schreiber noted that the proposal to change the zoning of 400 Main Street from R-G to B-N could provide a first case study, if the dimensional changes for Business districts and the general Form Based regulations were adopted. He would like to see these guidelines in place as a guide to review the development of the 400 Main Street site. Form Based regulations could be helpful rather than restrictive.

Ms. Kruger stated that the Planning Board, in crafting Form Based regulations, should state its preferences and recommendations. She likened Form Based regulations to imposing design review and “ramping up design review regulations”. Right now, the Design Review Board is not a permitting body. These changes would link design review more closely to the permitting process.

Mr. Webber noted that the previous version of Form Based regulations had a “discretionary out” in that the provisions could be waived by the permitting authority. He agreed that the 400 Main Street site could be better developed with design guidelines in place.

Mr. Carson stated that during review of the last version of Form Based Code people seemed to be “fixated” on the architectural aspects of Form Based regulations. People were worried about everything looking the same. This time the Form Based regulations should focus on where buildings are and where parking should be, and architectural guidelines should be “pared down”.

Mr. Webber noted that the last version of Form Base Code included streetscape pictures, which might be more suited to working on a perfectly flat plane on a grid of streets. Many people did not think that the streetscape graphics were realistic.

Mr. Crowner stated that the proposal being considered for rezoning of the Village Centers involves only changes to the maps, not the development of an overlay district. It is not as much change as originally proposed. Maybe only parts of the map changes would actually be proposed, such as the rezoning of the area immediately around Atkins Market.

Mr. Webber stated that it would be too much, at this time, to tackle Form Based regulations along with the rezoning of North Amherst and Atkins Corners.

Mr. Tucker explained that there were several types of proposed zoning amendments currently being considered including:

- Form Based regulations
- Changes to the maps of the two Village Centers (North Amherst and Atkins Corners) using existing zoning districts
- Dimensional changes that would affect the B-L, B-VC and COM districts
- LID requirements
- Agricultural processing uses
- Other

The ZSC wanted to work on all of these and see how far they could get with them and then recommend some to take forward to Town Meeting.

Mr. Crouner stated that the changes to the B-L, B-VC and COM districts were very important, especially as they would affect North Amherst and East Amherst Village Centers. It is an alternative approach to Village Center rezoning that would take what is there now and make it work better.

Ms. Kruger suggested working on the B-L, B-VC and COM district dimensional changes along with general Form Base regulations. Since there is less pressure for development in the Atkins Corners area and more pressure for development in North Amherst she would lean towards working on amendments that would guide development in North Amherst.

Mr. O’Keeffe agreed that the number of amendments brought to Town Meeting should be kept low. He agreed that general Form Based regulations, combined with changes to dimensional regulations in the B-L, B-VC and COM districts had high priority.

Mr. Tucker stated that Planning staff and the Building Commissioner would like the Board to consider permitting for Non-conforming Structures. He explained why this was an important article. There are different histories of interpretation of how to deal with non-conforming structures in different zoning districts in town. Many of the properties in the center of town are non-conforming. It is better to apply the Zoning Bylaw with respect to non-conforming properties in a uniform manner across all zoning districts.

The Board discussed a list of zoning amendments to go forward with for Spring Town Meeting. There was discussion about Low Impact Development (LID) requirements, the Agricultural Processing use category, resolution of the Converted Dwelling conflict, permitting for Non-conforming Structures and 400 Main Street rezoning. There was discussion about whether to include the Mixed Use Center amendments and Form Based regulations. Ms. Kruger noted that the LID requirements and Agricultural Processing did not seem to have large constituencies and did not seem to be presenting any problems currently. There was discussion about the need to schedule public hearings for the zoning amendments.

The Board discussed dropping LID and Agricultural Processing in favor of moving ahead with Form-based regulations and Mixed Use Center amendments.

The Board decided by consensus to authorize the Zoning Subcommittee, at its meeting meeting on February 13th, to determine two public hearings to schedule next, with the provision that they not include the map changes to North Amherst or Atkins Corners.

Melissa Perot of Precinct 1 summarized the results of the Planning Board discussion. She asked why there was an emphasis on mixed use since the Commercial district already allows mixed use. She questioned why Cinda Jones' proposed development in North Amherst was required to have such large rental units, with 4 bedrooms.

Mr. Tucker explained how the Mixed Use building regulations limit development in the Commercial district. More than 6 dwelling units require a Special Permit. In Ms. Jones' case the lot is not big enough to accommodate more than 4 dwelling units under current zoning regulations.

III. PUBLIC HEARINGS – SITE PLAN REVIEWS

SPR2013-00007/M16642, 61 Strong Street – Ronald Bohonowicz for Wildwood Day Care

Request Site Plan Review approval for roof replacement and to convert the ground level univent system to a roof-top ducted system. (Map 11B/Parcel 146; R-N Zoning District)

Mr. Webber read the preamble and opened the public hearing. Mr. Roznoy recused himself.

Ron Bohonowicz, Director of Facilities for the Town, the Schools and for the Regional School System and the Town of Pelham School, presented the application. The Day Care Center is located on town-owned land leased by Community Action for day care for children who are infants up to the age of 5 years old. The Day Care Center has been leasing this building for 10 to 15 years. The town has an opportunity to obtain CDBG (Community Development Block Grant) money to do work on the building because of the use and the occupants. In the last year or two CDBG funds helped to pay for new carpeting, flooring and repainting of both the interior and exterior of the building.

Mr. Bohonowicz reported that the exterior of the building was repainted in a more monochromatic color scheme than that which had been in place originally. The accent color is now only a few shades different from the main color of the building.

Now the town is proposing to replace the roof and renovate the HVAC system using CDBG funds. The existing HVAC system picks up air from near the ground. Because of debris and mold on the ground the air quality is therefore not the best. The existing AC units are aging and rusting. They are enclosed with old pressure-treated wood fences. The town is proposing a "packaged rooftop system", with heating, ventilation and air conditioning that will be piped through ductwork that runs throughout the building. The new system will mix air from the outside with air from the inside. The intake will be placed on the roof to provide better quality air. Also, in order to assure the air quality, an existing chimney will be extended five feet higher than the air intake. Five existing condenser units and five enclosures currently located on the ground will be removed. The look of the building will change as a result of adding the rooftop units and extending the chimney. In addition, the town would like to change the roof shingle color when the new roof is installed. The current color is a brick red. It will be toned down to a more earth toned shingle color.

Mr. Bohonowicz explained that the current system runs on oil. He plans to bring a natural gas line to the building. The roof top unit will run on propane for the next one to one and a half years. After that it will run on natural gas. The town has a plan to convert Wildwood School and the Day Care Center to natural gas.

Natural gas will provide a huge cost savings over oil, he said. Natural gas will improve the carbon footprint of the schools, will help the town economically and will increase reliability.

Mr. Webber reviewed the Site Visit Report.

Ms. Kruger, a former member of the Planning Department staff, made some comments and offered clarifications regarding the Site Visit Report. She noted that the building had

originally been paid for by Block Grant funds. She also noted that the building was designed by Bill Austin, a partner in the design firm of Kitchell and Austin. The building was designed to be a beautiful, playful, colorful child care environment, run by Hampshire Community Action, providing affordable child care to members of the community. The HVAC system never really worked correctly, she said. The changes proposed to the HVAC system will be good changes.

Ms. Ford reported that the Design Review Board had heard the same presentation from Mr. Bohonowicz about the proposed work. There had been a little discussion about the height of the chimney. The DRB had no concerns or objections to the proposal. The DRB had been shown samples of the proposed roofing material. There had been a range of choices proposed.

The Planning Board members discussed the proposed roof color. Mr. Carson asked if the roof color would be a factor with heat absorption.

Mr. Bohonowicz stated that in this environment, with the cold weather lasting longer than the warmer weather, a darker roof color is better in term of heat absorption.

Mr. O’Keeffe asked about the noise level of the rooftop units.

Mr. Bohonowicz reported that the public would hear nothing from the units. There are now five residential-style units scattered around the building. These will be removed. The new rooftop unit will have two insulated fans and will make less noise than the existing units. The new units will be smaller than those currently existing at the Bangs Center. The noise will be less than the existing condition. He stated that the most probable choice for the new roof color would be “Weatherwood” a brownish color.

Mr. Bohonowicz reported that there is a need to build new infrastructure within the building to support the weight of the new system.

Mr. Bohonowicz stated that there is plastic and wood siding on the existing building. The siding on the new roof structure will match the siding on the building. There will be louvers to block the view of the rooftop unit. The louvers will be silver, which will be somewhat invisible against the color of the sky.

Mr. Webber reviewed the Development Application Report and listed the waivers that had been requested. There were no objections to granting the waivers as requested.

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, including noise, because the Board is satisfied that the noise of the proposed HVAC system will be less than the noise of the existing system;
- 11.2403 – N/A;
- 11.2410 – N/A;
- 11.2411 – N/A;
- 11.2412 – N/A;
- 11.2413 – N/A;
- 11.2414 – N/A;
- 11.2415 – N/A;
- 11.2416 – Protection of adjacent properties has been provided for; there will be no change to the site other than the removal of the existing AC units; the changes to the building

will be on the roof; the new HVAC units will be quieter than the existing ones;

- 11.2417 – N/A;
- 11.2418 – N/A;
- 11.2419 – N/A;
- 11.2420 – N/A;
- 11.2421 – N/A;
- 11.2422 – N/A;
- 11.2423 – N/A;
- 11.2424 – Screening (in the form of louvers) will be provided for rooftop equipment;
- 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 – N/A;
- 11.2437 – N/A

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

Waivers

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

Conditions

- 1) 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. Mr. Carson seconded and the vote was 7-0.

Mr. Roznoy returned to the meeting (8:28 PM)

IV. OLD BUSINESS

- A.** Letter to ZBA – Review of ZBA2013-00009 – 179 Northampton Road, Wilson Properties Group, LLC – Mr. Webber read the draft letter. The Board agreed by consensus with the letter as drafted, recommending the project to the ZBA.
- B.** Letter to ZBA – Review of ZBA2013-00014 – 950 North Pleasant Street (Presidential Apartments), Toby Cohn Family Investments – Ms. Brestrup noted a change to the draft letter regarding the link to North Village. Ms. Kruger asked whether the Board had made a decision about the number of affordable units that should be provided. Mr. Crowner stated that while his personal preference would be that the ZBA should require that all of the units to be affordable to low income individuals and families, the letter as written expressed the intent of the Board.
- C.** Topics not reasonably anticipated 48 hours prior to the meeting – none

V. NEW BUSINESS

- A.** Planning Board schedule – The Board will meet on February 20th and will hold public hearings on 400 Main Street rezoning and Converted Dwellings. The Board will meet again on March 6th and hold public hearings on other zoning amendments.

- B. Agenda for upcoming Planning Board meetings – see above
 - C. Topics not reasonably anticipated 48 hours prior to the meeting – none
- VI. FORM A (ANR) SUBDIVISION APPLICATIONS** – none
- VII. UPCOMING ZBA APPLICATIONS** – The Board declined to review the following ZBA applications:
- ZBA FY2013-00016 – John S. Lane & Son, Inc.** –To renew Special Permit, ZBA FY2008-00019, in accordance with condition #10, and continue quarry operation
- ZBA FY2013-00017 – Todd Michaels d/b/a J Gumbo’s Restaurant** – For a Special Permit to extend hours of operation from 11:30 p.m. to 2:00 a.m. thereby establishing a Class II r restaurant
- VIII. UPCOMING SPP/SPR/SUB APPLICATIONS** – none to report
- IX. 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 reported that the Ag Com struggles with quorum issues. The Commission had not met recently.
- 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 application of the Unitarian Church to expand its building into the parking lot behind the existing church building. Kuhn Riddle Architects is the design firm. It is a nice adaptation of the architectural features of the existing building. There is an issue regarding the removal of trees, particularly two large oaks on Kellogg Avenue, one of which is already slated for removal by the town. The tree removal will change the character of Kellogg Ave. However the building addition will be an improvement to the site. Ms. Ford noted that the DRB needs one more member, for a total of five members, particularly since members need to periodically recuse themselves from deliberations. It has become difficult to achieve a quorum.
- Housing and Sheltering Committee – Constance Kruger reported that the HSC is planning to host a meeting on Tuesday, March 5th, from 7 to 9 p.m. on the Housing Production Plan. The HSC has recommended that the town revise the inclusionary section of the Zoning Bylaw and has offered to work with the ZSC on this amendment.
- Safe and Healthy Neighborhoods Working Group – Sandra Anderson was not present. Ms. Brestrup reported that the Working Group has been meeting on a weekly basis and that there is now a draft of the document that they have been working on. Planning Board members expressed interest in receiving copies of the draft document.
- X. REPORT OF THE CHAIR** – Mr. Webber reported that there was snow outside.
- XI. REPORT OF STAFF** – none
- XII. ADJOURNMENT**
- The meeting was adjourned at 8:45 p.m.
- Respectfully submitted: Approved:

Christine M. Brestrup,
Senior Planner

David Webber, Chair

DATE: _____