

AMHERST PLANNING BOARD
Wednesday, May 1, 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 (7:07 PM)

ABSENT: Sandra Anderson

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

Mr. Webber opened the meeting at 7:03 PM.

I. MINUTES

The Board considered the Minutes of April 17, 2013. Mr. Webber asked that a sentence be added on page 3 to read that “There was no public comment” regarding the Fraternity Residence (R-F) Dimensions zoning amendment.

Mr. Schreiber MOVED to approve the Minutes of April 17, 2013 as amended. Ms. Kruger seconded and the vote was 7-0.

II. TOWN MEETING

A. Warrant Article 26 – Town-Gown Strategic Planning (Finance Committee) – Discussion

Town Manager, John Musante, presented Town Meeting Warrant Article 26, Town-Gown Strategic Planning. Article 26 is requesting that the town appropriate \$30,000 to work with UMass on town-gown issues. UMass will also provide \$30,000. The money will be used to hire a consultant. Mr. Musante has had multiple conversations with the Chancellor who suggested this method of working together. The effort is informed by Amherst’s Master Plan and the University’s Master Planning efforts. The consultant would look at key community development issues related to housing, housing stressors, boundary neighborhoods and economic development. This is a relatively modest request for funding. The Town Manager would like this study to result in specific action steps, for both short and long term.

Ms. Ford arrived (7:07 PM).

Mr. Musante is seeking Town Meeting support for this effort. The Chancellor has been asked and has agreed to attend Town Meeting to speak to Town Meeting members.

Mr. Musante reported that this effort is town-wide and is not limited to a specific area of town. However, there are housing issues and issues related to the University’s growth plan that relate to the neighborhoods closest to the campus. In addition there are issues related to economic development opportunities that are of joint interest.

Mr. Roznoy thanked the Town Manager for his presentation and asked questions about the wording of the article. He expressed concern that this had not been brought before the Planning Board earlier and stated that he would like some way for the Planning Board to be involved in the project.

Mr. Musante affirmed his intention to involve the Planning Board and town staff in the process at appropriate points along the way.

Mr. Schreiber asked about involving the neighboring Town of Hadley as well as the two colleges in the process. Mr. Musante stated that this particular study would be limited to the Town of Amherst and the University, but planning efforts are part of an ongoing conversation with Hadley and the colleges.

Mr. Carson asked if the study would involve a discussion about locating private student housing on or off campus. Mr. Musante stated that the study would include developing responses to “housing stressors” and that a discussion about developing taxable student housing would be part of the study.

Ms. Kruger expressed support for the study and her hope that the process or facilitation effort would involve public participation and not just data gathering. There is a need for direct citizen involvement, she said. She also noted that people have been asking “Can’t the town do this ourselves without involving a consultant?”

Mr. Musante acknowledged that there is good data available from the Housing Production Plan and the Housing Market Study and he assured the Planning Board that there will be an opportunity for public involvement in the process of this new study.

Mr. Webber thanked Mr. Musante for coming to speak to the Planning Board and stated that he was happy that the town was in dialog with Chancellor Subbaswamy about town-gown relations. He encouraged the Planning Board to take a vote to support Article 26 and stated his own support for the article.

Mr. Crouner also expressed support but was concerned that the Planning Board’s expression of support may slow momentum on the Planning Board’s zoning amendment articles. People may wish to wait on the zoning amendments in expectation of the results of this latest study.

Mr. Musante assured the Planning Board that this article was not meant to slow the momentum of the Planning Board’s efforts. The town-gown study will focus on “actionable items”.

Ms. Kruger MOVED that the Planning Board recommend approval of Article 26, Town Gown Strategic Planning, to Town Meeting. Mr. O’Keeffe seconded.

Ms. Kruger spoke in support of the motion. There is no reason to wait on this article. It is a strategic planning article and it is important for the Planning Board to make a statement. It fits with the Planning Board’s agenda. It is not related to anything that is coming before Town Meeting this spring.

Mr. Roznoy expressed support for the article but wanted to include a statement about the Planning Board’s efforts towards planning for the entire town. Ms. Kruger was not willing to amend the motion but noted that the message had been delivered to the Town Manager.

The vote was 7-0-1 (Roznoy abstained).

A. Zoning Amendments – Last Minute Issues

Mr. Tucker reported that staff had reviewed the Warrant with Town Counsel, who had recommended changes to the motions on two of the zoning amendment articles:

Article 30 – Converted Dwellings Standards and Conditions – Mr. Tucker explained the need for this article, noting that there had been two sets of amendments regarding Converted Dwellings approved at the Fall Town Meeting. In the process of making

the motion on the petitioners' article the right text had not been transmitted to the Town Clerk. This resulted in a problem with the process. The Attorney General reviewed the results of the Fall Town Meeting and approved the language that had been given to the Town Clerk. The Attorney General recommended that the town work with Town Counsel to draft language to fix the problem at the Spring Town Meeting. The new motion is within the scope of Article 30. It would make the changes that were intended to be made last fall and the changes that are being proposed this spring.

There was extended discussion about the confusing nature of the amended motion and the difficulty in explaining it to Town Meeting. Mr. Tucker explained that the text used as the basis for the amended motion is the text that existed prior to Fall Town Meeting. The changes intended to be made by the Planning Board and the Petitioners at Fall Town Meeting are shown as changes and the changes being proposed by the Planning Board for this Spring Town Meeting are also shown.

Mr. O'Keeffe asked for clarification. He will be presenting the Planning Board's report to Town Meeting on Article 30. After further discussion it was determined that Mr. O'Keeffe will work with Mr. Webber and Mr. Tucker on the best way to present the article and the amended motion.

Ms. Kruger suggested that this article be taken out of order after the other zoning amendments. The Board expressed consensus on the recommendation that Article 30 be considered after Article 36.

Article 31 – Mixed-Use Buildings – Standards and Conditions – Mr. Tucker explained a potential change to the motion. The number of dwelling units proposed to be allowed on upper floors before triggering a Special Permit is 10. However, it would also be possible to develop ground floor units under Article 31. With the current language in Article 31, the only limit on the number of units permitted on the ground floor is the area of the building's footprint. Mr. Tucker recommended taking out the phrase "above the first floor" so that anything over 10 dwelling units in the entire building would trigger a requirement for a Special Permit. This would establish a simple consistent rule for the building, he said. He presented a generic example of floor plans for a mixed-use building with 12 units. He noted that no one has tried to construct a mixed-use building in the COM district with a Special Permit for more than 6 units.

Mr. Webber expressed support for the amended motion.

Mr. Schreiber objected to the amended motion. There was discussion about the possibility that the Article might fail if this change were not made because people were unsure about how many dwelling units might be possible on the first floor. There was discussion about the possibility of changing the number from 10 to 12 in conjunction with removing the phrase "above the first floor". Mr. Schreiber stated that the intent of this article had been to allow 11 units, one on the ground floor and 10 on the upper floors.

There was discussion about whether this change needed to be reviewed by the Moderator. Mr. Webber stated that the removal of the phrase "above the first floor" would reduce the scope of the article and in his opinion the amended motion would be allowed under the rules of Town Meeting. Mr. Tucker offered to discuss the amended motion with the Town Moderator.

Mr. Crowner MOVED that the Planning Board recommend the amended language for Article 31 to Town Meeting. Ms. Kruger seconded and the vote was 7-0-1 (Schreiber abstained).

Mr. Webber asked that public comment on zoning amendments be held until after the presentation of the Housing Production Plan.

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

III. APPEARANCE

Housing Production Plan – Housing and Sheltering Committee – presentation and discussion about draft Housing Production Plan

Greg Stutsman, Co-chair of the Housing & Sheltering Committee (HSC), and John Hornik, a member of the HSC, presented the Housing Production Plan. The Board had received an Executive Summary of the Plan, a link to the entire Plan on the town's website and a copy of the slide presentation that had been given by the consultants.

Mr. Stutsman stated that the HSC was formed about a year ago. The Committee has been working with the consultants on the Housing Production Plan (HPP) since last August. The HSC is asking that the Planning Board and Select Board vote to adopt the Plan.

The HPP has been completed. The next steps are as follows:

- The Planning Board and Select Board are asked to adopt the HPP;
- The HPP is submitted to the state for approval;
- The state certifies that the town is meeting the goals of the HPP.

Mr. Stutsman noted that in order to be certified the town would need to produce 48 dwelling units per year that would be eligible to be counted on the SHI (Subsidized Housing Inventory).

Mr. Stutsman noted that the HPP consists of three parts:

- Executive Summary;
- Needs Assessment;
- Strategies for Producing Additional Affordable Housing.

There is a final section that contains design studies for potential sites in town. It is meant to give examples of the types of structures that could be developed to meet the needs for affordable housing. This section is conceptual only and is not meant to constitute a proposal for development of any particular parcel.

Mr. Stutsman highlighted some of the key findings of the Needs Assessment section of the HPP. There is a huge demand for housing in town. Housing demand has far outstripped housing growth.

Mr. Webber stated that the Planning Board has had an opportunity to review the Plan. However, it would be helpful to hear more about key findings, with a focus on what to do about student housing. He noted that the town's population has risen while the production of housing has remained flat. The assumption is that people who may prefer to live in Amherst are forced to live elsewhere.

Mr. Stutsman observed that the Housing and Sheltering Committee is currently working on a Housing Market Study with RKG Associates that looks more specifically at the issue of student housing. The Market Study may provide more information on the issue of student housing than the HPP does. The consultants on the HPP had a hard time separating out the population of students from the general population who wish to live in Amherst. The HPP

was focused specifically on affordable housing.

While some of the strategies of the HPP included developing student focused housing, the HPP emphasized strategies for producing affordable housing.

Mr. Stutsman reviewed the list of Housing Strategies contained on page 15 of the slide presentation. These are considered the most pressing and “actionable” strategies, he said. He noted that the town is approaching a point where it might fall below the threshold of 10% affordable dwelling units, which would open up the possibility of a Chapter 40B development that was not in keeping with the town’s Master Plan.

Mr. Webber and Mr. Tucker explained the Chapter 40B process, often called a “Comprehensive Permit”. During a Comprehensive Permit review process, the Zoning Board of Appeals can waive certain requirements of the Zoning Bylaw, upon request of the applicant. If the Comprehensive Permit is denied by the ZBA and the town is below the 10% threshold for affordable housing the developer can appeal the decision to the state. If the town’s HPP is approved by the state and if the town is certified (i.e., is working towards its goal of providing the required number of affordable dwelling units), then the town would have protection against a Comprehensive Permit application that does not fit within the town’s planning goals.

Ms. Kruger observed that the Town of Amherst has already had two Chapter 40B projects which the town has embraced, and she further explained that Chapter 40B applications include specific requests for waivers from the requirements of the Zoning Bylaw and do not automatically cast aside the Bylaw altogether.

Ms. Brestrup stated that there is some urgency in the need for the Planning Board to adopt the HPP. The town may have an opportunity to count 48 or more affordable dwelling units at Olympia Oaks and at Presidential Apartments on the SHI inventory if the HPP is adopted by the town and submitted to and approved by the state soon.

Mr. Webber read from an email dated April 26, 2013 from Nate Malloy, Associate Planner, regarding the HPP:

“[The] adoption of the HPP by the Town of Amherst and approval by DHCD does not compel the Town to produce more affordable housing or increase its risk of liability or scrutiny. Rather, it is an acknowledgement that the content and format of the HPP meets the regulations.”

Mr. Webber asked if there would be any “downside” if the Planning Board votes to adopt the HPP.

Mr. Hornik noted that when people think about students they think about behavior issues, but there is another problem – students are taking over the housing in Amherst. This is a 20-year trend he said. The HPP allows the town to say that we want a different future for Amherst. We want to have children in school and we want to have young families. It is part of the vibrancy of Amherst. If we don’t approve the HPP then we accept the status quo. The plan includes strategies for making changes. Students are not eligible to occupy affordable housing. If the town doesn’t meet the goals of the plan there is no penalty. The upside is that the town is making a statement about where it wants to be as a community. There is no downside to adopting the Plan.

Mr. Stutsman noted that Amherst is losing its population between ages 25 and 44. Young families and empty nesters want smaller, more efficient housing.

Mr. Crouner praised the report and noted that the Planning Board had wanted to set aside time to discuss the issue of housing. He would like to approve the HPP and adopt it into the Master Plan. He noted that there is a large unmet need for low income housing. If nothing changes, it would take 25 years to meet today's unmet need.

Mr. Stutsman stated that the HPP goals are both modest [in that it will take a long time to achieve the goals] and ambitious [in that the goal for each year is large – 48 units of affordable housing].

There was discussion about the need for housing for people with disabilities, both mental and physical, and an acknowledgement that this need is currently very large. The HSC would like accessibility to be including in the Housing Production Plan. Mr. Webber noted that when state hospitals were closed years ago many people with mental disabilities were left without a place to live.

There was discussion about two of the strategies in the HPP, to modify the inclusionary section of the Zoning Bylaw and to expedite the permitting process for affordable housing. The HSC would like to work with the Planning Board on these goals.

There was acknowledgement about the overlap between the group containing people with disabilities and the groups of extremely low income and very low income people.

Ms. Kruger noted that these numbers rely on census data and have not been field tested. Mr. Hornik explained that all of the numbers in the HPP are estimates, but it is better to have an estimate than no number at all.

Mr. Roznoy commended the HSC and Ms. Kruger on an excellent project. He asked about a reference in the HPP that over half of the land in Amherst is unavailable for development because of conservation land and agricultural preservation. He asked for a comparison with other towns and a statement as to whether this number is high for Amherst. He asked for how this number compares with that in other college towns.

Mr. Hornik and Mr. Stutsman offered to ask the consultant for this information.

Ms. Ford praised the report and noted that it is true that smaller housing units, although desirable, are not available. She asked how to create this type of housing without it being taken over by students.

Mr. Stutsman and Mr. Hornik stated that the HPP has a goal of creating 48 units of “affordable housing” per year, available to people with 80% or less of the AMI (Area Median Income), to meet the state requirements for an affordable housing plan. Other housing for students and others can and should also be created. Students are excluded from “affordable housing”.

Mr. Webber praised the HPP report and stated that it will be followed by a Housing Market Study.

Mr. Hornik noted that implementation of the plans will also be important and will involve collaboration between the Planning Board and the Housing and Sheltering Committee.

Mr. Tucker stated that he hopes to have some preliminary information from the Housing Market Study available for Town Meeting. This also ties in with the Town Manager's plan to work with the University on housing issues. He noted that the Planning Board has been working on these issues for years.

Melissa Perot of Precinct 1 praised the HPP as a “good report”. It will be helpful to the town and it connects with other studies that have been and are being done. There is a need to coordinate the information and work on it. She appreciates having the information.

Mr. Tucker encouraged the Board to adopt the Plan and to incorporate it into the Master Plan.

There was discussion about whether to incorporate the HPP into the Master Plan at this time, since this topic had not been on the Planning Board’s agenda for tonight’s meeting.

Mr. O’Keeffe MOVED that the Planning Board adopt the Town of Amherst Housing Production Plan dated March 2013. Mr. Carson seconded and the vote was 8-0.

Mr. Crowner MOVED that the Planning Board incorporate the Housing Production Plan into the Master Plan by reference. Mr. O’Keeffe seconded.

There was further discussion about whether this should be done at this time.

The Board decided by consensus to consider the incorporation of the HPP into the Master Plan at a future Planning Board meeting, when they have had time to think about the issue and to review the Housing Chapter of the Master Plan. The topic could then be included in the Planning Board’s agenda so the public would have an opportunity to comment.

Mr. Crowner WITHDREW the motion. He asked that the topic be put on an agenda for a future meeting.

IV. OLD BUSINESS

- A. Signing of Decision – SPR2013-00010/M17206, 121 North Pleasant Street – Unitarian Universalist Society of Amherst – The Planning Board signed the decision.
- B. Sign Review – SPR2005-00001 – Amherst (Big Y) Shopping Center – 175 University Drive – Review of proposed signs for Wings over Amherst

Harold Tramazzo of the Hangar Pub and Grill presented the proposed signs. He explained that he is separating the delivery and pick-up portion of the business from the restaurant. He is locating the delivery and pick-up business in the Big Y Shopping Center. He explained that this separation will alleviate the parking problem at the Hangar and will attract new customers to his pick-up and delivery business.

There are two signs proposed for the new business, one on the wall at the front of the building, which will be backlit, and one on the directory sign.

Mr. Schreiber MOVED to approve the new signs. Mr. Carson seconded and the vote was 8-0.

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

V. NEW BUSINESS

- A. Roadway Acceptance – Recommendation to the Select Board on acceptance of Alteration of Layouts of Bay Road, West Bay Road and West Street

Guilford Mooring, Superintendent of Public Works, explained that this was the final step in the reconstruction of the intersection of the Atkins Corner intersection. The town needs to accept the new layout. He presented plans showing the areas of the old roadway layout that will be transferred to adjacent property owners and the new layout that will be taken by the town. He explained that the service loop road around Atkins Market is included in the alteration of layout. The Select Board needs to give

an opinion on this alteration to Town Meeting. Town Meeting needs to vote on the Warrant articles approving the alteration in layout [Articles 10 and 11]. The Select Board has requested a recommendation from the Planning Board on the alteration of roadway layout.

Mr. O’Keeffe MOVED that the Planning Board recommend to the Select Board that the alteration of layouts of Bay Road, West Bay Road and West Street be recommended to Town Meeting. Ms. Kruger seconded and the vote was 8-0.

- B.** PVPC – DLTA Program – consideration of a request to PVPC for Direct Local Technical Assistance (DLTA) on developing a model bylaw for medical marijuana

Mr. Tucker explained that the Medical Marijuana referendum passed last fall had resulted in a new state law allowing the use of medical marijuana. The Department of Public Health was developing regulations. The new regulations would be functional in late fall of this year. The PVPC has also been working on the issue of medical marijuana. The Amherst Planning Department has been discussing this issue with Inspection Services and the Health Department. PVPC has contacted four towns (Amherst, Northampton, Easthampton and Holyoke) to determine if they would like to work together on a model bylaw.

There was discussion about outstanding issues that the Planning Board and Planning Department have with PVPC as a result of work that was done on Transfer of Development Rights. The Planning Board has not yet brought a TDR bylaw to Town Meeting. Some Planning Board members expressed reluctance to ask for more technical assistance from PVPC until action has been taken on TDR.

Mr. Tucker noted that the town had signed an agreement with PVPC with regard to TDR. He noted that PVPC would like the town to bring TDR to Town Meeting, but that this is a political process and does not have a guaranteed end product.

Mr. Tucker stated that the town already has a draft of a medical marijuana bylaw, so participation in this project with the PVPC is not essential. However, the town staff would like to be able to participate in the regional effort to develop a medical marijuana bylaw.

There was further discussion on the issue.

Ms. Kruger MOVED that the Town of Amherst request Direct Local Technical Assistance from PVPC for development of a model zoning bylaw for medical marijuana as part of the regional effort with other towns, but that Amherst reserves the right to do something separate from the regional effort, if it that is deemed more appropriate for Amherst. Mr. Carson seconded and the vote was 8-0.

- C.** Planning Board schedule – Mr. Webber asked staff to post Planning Board meetings for May 13th, 20th, 22nd and 29th at 6:00 p.m. at Amherst Regional Middle School to discuss possible issues that might arise during Town Meeting with regard to zoning amendments.

Mr. O’Keeffe noted that Town Meeting would consider a consent calendar which is a package of articles that could be considered together and that this may speed up the schedule of Town Meeting. Town Meeting sessions will again be starting at 7:00 p.m. The Rental Regulation article will be considered on May 20th.

- D.** Topics not reasonably anticipated 48 hours prior to the meeting

Mr. Webber noted that he had received a postcard from PVPC regarding its 51st Annual Meeting which would occur on Thursday, June 13th, at Look Park in Florence.

Mr. Webber also noted that the Planning Board had received for its information a letter from MassDevelopment regarding a revenue bond for Loomis Communities, for projects on properties owned by Loomis Communities, Inc.

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VII. UPCOMING ZBA APPLICATIONS

The Planning Board declined to review the following ZBA applications:

ZBA FY2013-00023 – Presidential Apartments - For a Special Permit to modify conditions of ZBA FY1963-16 and ZBA FY2008-00008, at 950 North Pleasant St

ZBA FY2013-00024 – Paul DiBenedetto - For a Special Permit to use an existing detached structure as a converted dwelling at 286-288 Belchertown Road

ZBA FY2013-00025 – Zbylut Motor Works - For a Special Permit to modify conditions of ZBA FY2005-00026 at 398 Northampton Road

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS

SPR2013-00009/M16948, 417 West Street – Ronald LaVerdiere (*scheduled for 6/5/13; continued from 4/17/13*) Request Site Plan Review approval for Phase 2, Amherst Office Park, mixed-use building

SPR2013-00011/M17940, 62 Boltwood Avenue (Garman House) (*scheduled for 5/15/13*) – **Trustees of Amherst College** Request Site Plan Review approval for construction of an accessible entrance while an emergency mechanical renovation is undertaken, including exterior mechanical equipment

SPR2013-00012/M17941, 155 South Pleasant Street (College Hall and Morgan Hall) – Trustees of Amherst College (*scheduled for 5/15/13*) Request Site Plan Review Approval to add an accessible entrance while an emergency mechanical renovation is undertaken, including exterior mechanical equipment and an accessible parking space

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS – no reports

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

X. REPORT OF THE CHAIR – Mr. Webber expressed support for the bomb victims in Boston and offered good wishes to all who were affected by the event.

XI. REPORT OF STAFF – none

XII. ADJOURNMENT

The meeting was adjourned at 9:10 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Senior Planner

David Webber, Chair

DATE: _____