

AMHERST PLANNING BOARD
Wednesday, August 21, 2013 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: David Webber, Chair, Sandra Anderson, Bruce Carson, Rob Crowner, Kathleen Ford, Connie Kruger, Stephen Schreiber, Greg Stutsman, and Richard Roznoy

ABSENT: none

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

Mr. Webber opened the meeting at 7:08 PM.

I. MINUTES

The Minutes of August 7, 2013, were not yet ready for review.

II. ZONING

A. Zoning Subcommittee Report – Mr. Crowner presented the report.

At the direction of the Planning Board, the ZSC has been focusing on a few zoning amendments, including Inclusionary Zoning, the part of the Bylaw that encourages and compels the creation of affordable housing. Thus far it has not led to much new affordable housing. The ZSC is trying to figure out a way to make it more effective and also to promote the diversity of residential demographics in Amherst.

B. Review Potential Zoning Amendments for Fall Special Town Meeting

There are three parts to the Inclusionary Zoning amendment in its current form:

1. Redefine affordable housing in the Inclusionary Zoning bylaw to require the creation of units for those who make 80% or less of the area median income;
2. Apply Inclusionary Zoning to all residential developments and uses, not only to developments that require Special Permits; there will still be a threshold of 10 units before the requirement becomes applicable;
3. Provide options for fulfilling the requirements of Inclusionary Zoning; these options include creation of units on-site, creation of units off-site or payment into a fund in lieu of creating units on or off-site; the fund will then be used for affordable housing creation;
4. Provide density bonuses.

The ZSC is looking to the Planning Board for direction on these issues.

There is a provision allowing the Boards to modify or waive some of the requirements of Inclusionary Zoning, having to do with timing, location or dispersal. There are also density bonuses that developers can obtain for providing affordable and/or accessible units for any development method.

The ZSC hopes to work on the Multi-family Redevelopment Overlay District, but has not made progress on this amendment yet.

Mr. Crowner noted that there is also a potential petition article on rezoning of a property on Ball Lane. The ZSC plans to ask the petitioner to handle the request to rezone.

Mr. Stutsman noted that the ZSC had reviewed the “technical fix” articles and had recommended that the Planning Board go forward with these articles.

The new Inclusionary Bylaw requirements would apply only to new and redeveloped properties and not to properties that already exist, for which no change is being proposed.

The Board discussed examples of how the Inclusionary Zoning bylaw would affect projects in the future.

Vince O’Connor of Summer Street stated that he supported the restriction of the affordable units to those earning under 80% of the area median income, but he expressed concern about exemptions for projects that “add to the denominator” in terms of increasing the number of overall dwelling units in town, thus causing the number affordable units that are needed to increase. He urged the Board not to exempt non-profit organizations and asked the Board not to continue clustering affordable units in a particular location. He objected to a waiver of Section 15.14 which would require dispersal of units. Units should be dispersed, he said.

Mr. Tucker noted that the existing language of the Bylaw requires dispersal of units, and the new language would allow the Permit Granting body to adjust the dispersal.

Melissa Perot asked when the inclusionary housing requirement would “kick in”.

Mr. Crouner explained that the new Inclusionary Zoning Bylaw would apply to all developments, but would only “kick in” for developments of 10 units or more. He noted that the ZSC had also discussed other methods of providing affordable units, such as allowing accessory units by Site Plan Review rather than by Special Permit if they were affordable. However, these methods were not being proposed at this time.

Mr. Crouner reported that the ZSC had discussed the proposed Medical Marijuana zoning amendment. The town needs to create permit standards and zones in which to allow medical marijuana dispensaries. The Bylaw would be based on regulations promulgated by the state. The dispensaries would be allowed by Special Permit in the Business zones. The majority of the ZSC agreed with this approach but some members wanted to reduce the number of zones in which the dispensaries would be allowed.

The ZSC requested that staff pare down the Medical Marijuana article to include only restrictions and regulations that are in addition to those already imposed by the state.

- C. Petitioners’ Zoning Amendments – none; Melissa Perot introduced a possible zoning amendment during the public hearing for Mixed-use Buildings, later in the evening.
- D. Public Comment Period – none

III. PUBLIC HEARING – SITE PLAN REVIEW & SPECIAL PERMIT

SPR2014-00001 and SPP2014-00002 – Archipelago Investments LLC – 57 Olympia Drive (Olympia Place)

Joint public hearing to request Site Plan Review approval for a private apartment-style dormitory building with 75 units and associated interior and exterior spaces under Section 3.326 of the Zoning Bylaw and a Special Permit to modify front yard setback, maximum lot coverage, maximum building coverage, maximum floors and maximum height under Section 6, Table 3 of the Zoning Bylaw (Map 8D, Parcel 17, R-F Zoning District)

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

Dave Williams and Kyle Wilson of Archipelago Investments presented the application.

Mr. Williams stated that Archipelago Investments had developed Boltwood Place [a new mixed use building in downtown Amherst] for which they had received over 700 inquiries for 12 apartments. This shows the appetite in Amherst for more urban living in the downtown area, he stated. Archipelago Investments had recently acquired the property on Olympia Drive on which they propose to build Olympia Place.

Mr. Wilson presented a subdivision plan from 1971 for Fraternity/Sorority Park, showing the Olympia Place property. In the 1960's and 1970's Fraternity/Sorority Park, Inc. was trying to create a location for fraternities and sororities off-campus. The developers sold five of the lots, three of which were subsequently developed. The subdivision was not successful and the undeveloped properties and the roadway were "turned back" to the Commonwealth.

There is currently a sorority, Chi Omega, to the south of the Olympia Place property and, further to the south, the former Zeta house that has become a UMass administrative building, now the admissions center. The Olympia Place property contains a fraternity building (Sigma Epsilon), which is proposed to be torn down to create space for Olympia Place. The roadways in the subdivision are in disrepair but utilities (power, water, sewer and a pump station) are on site and are available for use by the new development.

Mr. Wilson presented a rendering of the proposed project at the corner of Mather and Olympia Drives. The rendering showed the bus stop for Bus Routes 34 and 35 and also showed the entry to the building. The property is a little over an acre in size.

The applicants looked at current dormitory projects around the country and at UMass. Mr. Wilson referred to UMass' North Apartments and the UMass Commonwealth College as examples of apartment-style dormitories. There are also two projects of this type underway at UMass Lowell.

North Apartments is a series of buildings that contain four-bedroom, two-bath apartment-style dormitories. Many public institutions are building this style of unit, with kitchens and bathrooms, Mr. Wilson said. Commonwealth College has suite-style units without kitchens and apartment style units with kitchens.

Mr. Williams stated that the applicants wish to attract serious students. There will be a full-time live-in property manager and a 24-hour manned desk. Security will be high, with a "fob" required to get into the building and to use the elevators. The applicants would like to create a "substance free" environment for serious students.

The ground floor will contain a library with a mailroom, a vending space and a social space, a transit lobby for people waiting for the bus, an office and check-in desk. There will also be entrepreneurial space where professors can conduct classes and other activities can occur. There will also be a "study stair" where people can sit and study or meet.

The exterior landscaping around the building will not encourage congregating. There will be tall grass in some areas to keep people on the paths. The grove area to the rear of the building will be a "viewing court". There will be parking for over 100 bicycles.

The design of the building recalls a quad from a traditional college campus. The gabled roof and brick front look like a traditional institutional facility. The building will look like a college dormitory. The individual bricks on the façade will be 18" long.

The siding and roof material will give a more modern feel to the building and will be standing-seam metal that is powder coated. There will be three variations in the white color of the metal siding.

The PVTA circulation system will serve the building. This building is just a bit more than a 15 minute walk to the UMass campus. Biking and walking to campus or taking the bus will be convenient.

Mr. Wilson stated that the context of this proposed building is the context of dormitory and institutional buildings on the UMass campus. The Police Station and the old UMass Steam Plant are also within the context area. He showed photographs of UMass and other buildings within the context area.

The proposed building is a combination of four and five stories. There will be 236 beds in the new building.

Mr. Wilson showed the location of the manager's apartment and the security desk. He noted that having on-site management changes the behavior of the people living in the building. Mr. Wilson noted that the North Apartments at UMass also has 4-bedroom, 2-bath apartment-style units. Students in these units tend to stay in groups of 4 rather than assembling in larger groups as in the traditional dormitory style, he stated. The apartment-style dormitory contributes to safety and better management of student behavior, he contended.

Mr. Wilson presented the SVE Associates site plans, including the Existing Conditions Plan which shows the location of the existing two-story fraternity building and its accompanying paved access and service areas. The new building will continue the line of the existing building along the back of the property and have its service area on the south side, as does the existing building.

The HVAC units will be on the roof of the buildings, enclosed by structures to minimize noise. The envelope of the new building will be very efficient. The buildings will probably be all-electric and will make use of air-source heat pumps, which will reduce the amount of loading and infrastructure. Mr. Williams noted that the lack of ducting will allow the rooms to have 9-foot ceilings.

Mr. Wilson described the parking arrangements for the new building. The building will be close to UMass, adjacent to UMass parking lots, on an existing bus route and will have more than 100 bicycle parking spaces. The applicants are encouraging alternate mobility rather than mobility via automobile.

The UMass parking lots around the Olympia Drive and Authority Way area will be available for tenants of the new building with the purchase of a parking permit from UMass. Mr. Wilson showed the locations of Lots 24 and 13. There is a small lot, also owned by UMass, that is located just to the north of the existing Sigma Epsilon building that the fraternity members used for many years. It may also be available.

There are over 600 parking spaces located within 800 feet of the proposed building.

Mr. Wilson described two ways of calculating how many parking spaces are required for the new building. One section of the Zoning Bylaw [Section 7.001] requires one parking space for each bedroom. With 236 bedrooms, this section would require 236 parking spaces. Another section of the Zoning Bylaw [Section 7.0000] requires two parking spaces for each dwelling unit. With 75 dwelling units this section would require 150 parking spaces.

Mr. Wilson presented the UMass parking map and referred to the Campus-wide Parking Vision Plan prepared by VHB. He noted that the parking demand ratios in the Vision Plan

indicate that the number of parking permits issued for faculty and staff is one permit per person. The number of parking permits issued for students is 0.137 per person. This new building is proposed to be a student housing development, so therefore the parking demands will be minimal, he said. Mr. Wilson stated that he expects that the parking demand will be about 25 to 30 parking permits rather than 150 or 236 parking permits as indicated by the zoning requirements.

Mr. Wilson presented a map showing Bus Routes 34, 35 and 37 which serve the Olympia Drive area.

Mr. Wilson presented a map showing the Olympia Oaks [affordable housing] development that will be constructed adjacent to Olympia Place.

Mr. Wilson noted that Olympia Drive is proposed to be paved with a base coat in the fall and the top coat will be installed after the construction of the Olympia Oaks housing development is completed. Olympia Oaks is hoping to get its foundations in the ground before the winter freeze.

Mr. Wilson noted that there is a small town-owned portion of the parking lot north of the Sigma Epsilon property and that a trail head has been proposed for this site leading to hiking trails in the area.

He stated that there is a small finger of wetlands that comes up behind the Olympia Place building. He showed that the footprint of the existing fraternity building (a two-story building with a basement) protrudes into the setback normally required from a wetland. He showed photographs of the existing building.

Mr. Wilson stated that the new building would have an interior trash and recycling compactor so there would be no outdoor storage of trash. There will be recycling totes and a trash chute for tenants. The removal of trash and recycling will be handled by Amherst Trucking.

Mr. Wilson described the proposed site lighting, including street lighting, building-mounted light fixtures to illuminate the entry courtyard, taped LED lights at the benches and down-lighting at the canopies over the doorways.

Mr. Webber reviewed the Site Visit Report and noted that no questions arose from the site visit.

Ms. Anderson asked if the applicants had had a discussion with UMass regarding planning for the project, parking and transportation.

Mr. Wilson stated that the applicants had met with UMass. This project fits within the mission of the institution and the municipality, he asserted.

Ms. Anderson asked what the applicant is requesting or proposing regarding parking for this project. Is the applicant proposing to enhance an existing parking lot?

Mr. Wilson showed a map of the existing parking in the area, all owned by UMass. There are 625 parking spaces within 800 feet of the proposed building location. He stated that according to UMass documents, the lots in the Olympia Drive area have only 40% utilization. He asserted that there are at least 150 to 236 parking spaces available for tenants of the new building within these adjacent lots. The applicants have limited ability to improve parking lots that are located on UMass property. Tenants will be able to purchase tickets or permits from UMass to park in the nearby lots.

Ms. Anderson stated that this is a good project in the right location. It is something the town needs.

Mr. Schreiber agreed that this is an exciting project and an exciting plan. He asked about parking and if it is possible to limit the tenants to UMass students only.

Mr. Wilson stated that students are not a protected class. Many private dormitories constructed around the country have a direct relationship with the university that they serve, unlike this project. However, the applicants believe they have the ability to restrict the building to students within the Five-College system through leasing to current students. He noted that these are four-bedroom, two-bath units in about 1,100 square feet, with a small kitchen/living area. There is no dining area. The applicants propose to restrict the tenant population to students at UMass, Amherst College and Hampshire College.

Mr. Schreiber stated if the building is not limited to UMass students then parking becomes a problem. Only UMass and affiliates can purchase parking tickets, he stated.

Mr. Wilson stated that the Five-College system includes the UMass community. A member of the UMass community can purchase a parking ticket, he asserted.

Ms. Anderson stated that UMass historically has sold parking tickets to members of the Five-College community in remote lots.

Mr. Schreiber asked whether accessible units and accessible parking would be provided. He noted that UMass cannot be compelled to comply with requirements for accessible parking in this location.

Mr. Wilson stated that within the building the applicants are providing accessibility. The building will comply with all federal and state requirements with regard to accessibility.

The property will be lowered in order to build the new building. This will make it more accessible and will allow walkways to be constructed at a slope of 1:20. There will be accessible sidewalks and curb cuts. Access from the site to the building will be easy, he said. Mr. Wilson likened the building to the buildings in the Municipal Parking District in the downtown area, where tenants are permitted to park on the streets and in the Boltwood Garage and other town-owned lots.

Mr. Roznoy suggested that the Board obtain clarification from representatives of UMass present at the meeting. He also suggested that the proposed lease include information about parking and that the lease should note that it is the tenants' responsibility to take care of parking. There should be a parking rider on the lease, he said. The developers should know who is bringing a car.

Mr. Wilson noted that it costs \$235 per year to obtain a parking permit from UMass and that the developers of this project intend to keep track of which tenants have a car. The applicants intend to amend the lease to clarify the issue of parking.

Mr. Williams stated that there is a trend among younger people that they choose to pay for a laptop and college tuition rather than a car. He also noted that Boltwood Place has four tenants who do not have cars. The trend nationally is to reduce reliance on cars. He predicted that the trend will continue and he noted that this project will be completed in 2015.

Mr. Williams stated that Kendrick Place, another project proposed by Archipelago Investments, although not required to have cars, will have four Zipcars on site for tenants to use.

Ms. Kruger stated that she was impressed with the overall design aspects and intent of the project. However, parking is an issue to be resolved. The applicants do not own the parking lots that they are proposing for their tenants' use. She asked what will happen if UMass decides to use the land on which the parking lots are located for another use in the future.

Also, Ms. Kruger expressed concern as to whether the building is an apartment or a dormitory. She asked how these units would count in the census – as apartments or as group quarters. She expressed concern about whether this project met the requirements of the current Zoning Bylaw and whether the Bylaw would need to be amended to allow this building to be approved.

Mr. Tucker stated that this project falls within the use category of “Fraternity or Sorority building or social dormitory, and similar uses”. This project is being proposed as a “similar use”. This is a student housing project that is proposed to function the way that dormitories function on a college campus. He referred to recent student residential facilities that had been built on the UMass campus and other campuses regionally and throughout the country that included apartment-style dormitory units.

Ms. Brestrup reported on a recent conversation with the Building Commissioner with regard to the use category of the building and the parking proposal.

In that conversation, the Building Commissioner stated that if the preponderance of the tenants of the building were required to be students and others associated with the UMass/Five College system he would consider the building to be similar to a dorm use in that it would serve the same purpose as a dorm has traditionally served in the past. However, he would recommend that the Planning Board impose a condition to that effect, that the majority or all of the tenants be required to be students and others (individuals or families) associated with the UMass/Five College system.

The Building Commissioner also made a recommendation with regard to parking. He recommended that the Board impose a condition that the parking scheme that is described by the applicant will be in place as long as this building is operating as a dormitory. The Building Commissioner would be able to enforce such a condition. If UMass then came and built a building in the location of the parking lots and the parking spaces were no longer available for parking by tenants of Olympia Place, then the building would not be able to be used for this particular use without the owners coming back to the Planning Board for a change in the Site Plan Review approval.

Mr. Wilson observed that the definition of “dormitory” is antiquated. The types of dormitories that are being built across the country are the same as the type being proposed here. The proposed student residence building meets a need that is before the town now. In terms of parking, he also noted that the recently-prepared UMass Master Plan does not include plans for buildings or other uses in the location of these parking lots. This project is unique. It takes advantage of a property that was the site of a former fraternity coming on the market for the first time in 40 years. It is one of only two such parcels in the R-F zoning district in this part of town.

Mr. Webber stated that this is a great project. He noted that there was a recent change in the dimensional requirements for the R-F zoning district that allows this building to happen. It is one of the few places in town identified for this type of housing. It is a high-quality design, intended to be a LEED-certified building. Private developers are not currently able to build and operate dormitories on UMass land. He complimented the applicants for finding a place to build a private dormitory. The location is close to campus and is served by the bus. Mr. Webber did not see a problem with the parking proposal. The intended tenants are students and the tenants of the building will be a “self-selected” group of people. Anyone who has a car will either need to find someplace else to park and take the bus or get a UMass parking permit. One of the great needs of the town is to find a place for UMass students to live, he said. He asked about emergency services.

Ms. Brestrup reported that the Fire Department had not submitted a written report. However Assistant Fire Chief Don McKay provided comments on the application in a telephone conversation. Assistant Chief McKay stated that the access for emergency vehicles and water supply to the project were good. The building will be sprinklered. The alarm system that is proposed is good. The design of the site will limit gatherings of large groups which he approved of. The Management Plan is good. The existing fraternity had caused the Fire Department untold difficulties and this project will be an improvement.

Mr. Carson agreed that this is a good project. However, he stated that there are gaps in the town sidewalk system on East Pleasant Street. He asked if there had been a discussion about this with the town, in light of the Olympia Oaks project as well as this one being proposed.

Mr. Tucker stated that there is a list of sidewalk projects that is being worked on by the town. He stated that these sections of missing sidewalk are on the list. Chapter 90 funds (from the state) are available to construct sidewalk and roadway improvements.

Mr. Schreiber observed that the length of missing sidewalk is quite small. Except for this missing piece there is a sidewalk all the way from Olympia Drive to downtown.

Mr. Crouner commented on the Special Permit. He agreed that this is a very good project, but he expressed concern that it was relying on a Special Permit to modify dimensional requirements that Town Meeting was told was intended for the R-F zoning district on North Pleasant Street. He would rather see this project permitted "by right" without Special Permits. He would rather bring appropriate zoning amendments to Town Meeting that would allow this project to happen (dimensionally) without Special Permits.

Mr. Webber suggested that this project could be approved via Special Permit and then appropriate dimensional changes for the R-F zoning district could be brought to Town Meeting. He stated that he is in favor of granting the Special Permits as requested. The size of the building allows the owners to staff it 24 hours a day and to have an on-site manager. This would not work as well with a smaller building. To have staff on site makes a huge difference.

Ms. Kruger expressed concern about how this project fits into the Zoning Bylaw. She stated that it would be better if the town could approve a Bylaw that contemplated privately owned dormitories. She expressed concern about the characterization of this building as a dormitory rather than an apartment.

Mr. Stutsman stated that this is an excellent project and a suitable use. He acknowledged that there is vagueness in the definition as to the use category. He suggested that the Board could craft conditions that would allow this project to work. He stated that he would be strongly in favor of granting the Special Permit as requested.

Mr. Schreiber noted that fraternities and sororities are essentially private dormitories. This building could be characterized as a "secular" fraternity or sorority.

Ms. Ford agreed that the Special Permit should be granted. She stated that it could become a showcase or an example of how the Bylaw could be changed to allow other developments of this type.

Ms. Anderson asked about accessible parking. She noted that handicapped parking needs to be on a paved space and the closest parking to the building. There needs to be accessible parking for residents and visitors. She asked if there were accessible bathrooms and accessible suites.

Mr. Wilson stated that the building would meet all state and federal requirements with regard to accessibility. The opportunity for accessible parking could be met to the north in the lot that was used by the fraternity for decades. This parking lot is adjacent to the building. It is owned by UMass and UMass would need to agree that it could be used for accessible parking.

Mr. Stutsman encouraged the applicants to consider offering a car-share program.

Ms. Kruger asked about the view from Olympia Oaks of the proposed building. How will this building visually relate to Olympia Oaks? Are any of the bike racks covered?

Mr. Wilson noted that the new building will be the same distance from the property line as the existing fraternity building. The wetlands will remain as a buffer. There will be both deciduous and evergreen trees between the two developments. This tree buffer will be maintained. The applicants have chosen not to have covered bike racks because that would increase the amount of structures on the site and these structures would be too close to the property lines.

Maurianne Adams of Beston Street stated that this is a terrific project. She asked about egress for cars from Olympia Oaks and how it might be affected by this new project.

Mr. Wilson showed a plan of the roadways and described how the egress for Olympia Oaks and Olympia Place would work. Both projects will use Olympia Drive for egress onto East Pleasant Street. He noted that while Olympia Drive is now a town road, Authority Way is still controlled by UMass.

Mr. Tucker stated that the Town of Amherst has accepted Olympia Drive as a town way and that the town has easements over utilities and drainage in Authority Way.

Tammy Radlowski, representative of the housing corporation of the Chi Omega sorority, asked about the potential for glare from the white metal siding on the building. She also asked about the mechanical equipment on the roof and whether it would produce noise. She asked about grading and possible drainage issues.

Mr. Wilson stated that the white coating on the standing seam metal would have a matte finish. He stated that the mechanical equipment on the roof would be “dropped within the roof trusses” and will not project above the roof line, so any noise will be contained by the surrounding roof structure. Mr. Wilson stated that grading for the project would cause the first floor of the building to be lower than the existing building is now, and that the drainage system will be improved. The storm drainage will be managed on site, with retention structures and drywells.

Mr. Wilson presented the Landscape Plan. There will be native understory shrubs, single stem specimen trees and grasses that will absorb stormwater runoff.

Mr. Webber noted that the Board had received a letter, dated August 14, 2013, from Jason Skeels, Town Engineer, stating that he was satisfied with the drainage plan and noting some minor technical issues that need to be addressed. He recommended approval of the plans.

Ms. Radlowski asked about the schedule for construction.

Mr. Wilson stated that construction would start in the spring of 2014 and be completed by the fall of 2015, for move-in by the students.

John Fox of Precinct 10 asked questions about the 24/7 management of the property. What type of authority does the town have over the continuing management of the property? If the project were sold, what ability does the Board have to impose this obligation? What kind of

standards will be imposed with regard to management? Will the management be professional management?

Ms. Brestrup stated that if the Board imposes a condition stating that the project shall be managed in accordance with the Management Plan then the Building Commissioner can enforce the condition. He can issue an enforcement order or a cease and desist order. He can cause the building to close if it is not managed in accordance with the Management Plan.

Mr. Webber noted that the applicant had submitted a Management Plan that states that the property will be managed by a resident manager and have a front desk that is manned 24 hours a day.

Ms. Ford asked if the Board could require that this Management Plan remain in effect even if the building is sold.

Mr. Tucker suggested that one of the conditions could be that if the property is sold, the new owner needs to submit a new, revised Management Plan for review and approval by the Board.

Clare Bertrand of Bay Road expressed her support for the project. It is a high-quality, "green" project that serves a population of students who deserve good housing. She acknowledged that the Board was challenged as to how to characterize the use of the building, but stated that the project is in the spirit of privately owned denser student housing, not traditional but fitting within the spirit of the law. It will provide tax revenue for the town, quality student housing and will get students out of family neighborhoods.

Pat Holland of North Amherst asked if people who are applying to live in this building will need to prove that they are students. She asked if students with families would be allowed to live in the building and if students are expelled will they be required to leave. She noted that there are fewer students in the summer and asked whether the units would be rented to non-students in the summer.

Mr. Wilson read from the lease that the tenants will need to have status as a student. He stated that the lease term will be 12 months, but there may be subletting allowed in the summer. Tenants will need to be students, but there are no restrictions on families of students living in the building.

Mr. Webber noted that the project falls within the Rental Registration Bylaw.

Vince O'Connor of Summer Street distributed a written statement. He also submitted a copy of Rolling Stone magazine with an article about the high cost of college. This is not a project that meets a use definition in the Bylaw, he asserted. With regard to taxes, this project could be turned over to UMass (which is working on legislation to allow public/private partnerships) and thus the opportunity to collect taxes will be lost. He urged circumspection about this project. He urged the Board to require covered bike racks. He stated that the Board would need to waive the entire parking requirement because there is no on-site parking. The Board should require information about the view from the affordable housing development. The applicant should be required to contribute to the construction of a sidewalk along Olympia Drive, if one is not being provided as part of reconstruction of the road. He urged the Board not to approve the project. He noted that there was a family housing project developed and designed for the area now covered by parking on this site. It was never developed. The new Chancellor may decide to use the parking lots for another use and they would no longer be available for parking. He asked if the available parking is close enough to the building. He urged the Board to require that the applicant enter into an agreement with UMass to allow the construction of handicapped parking on UMass property,

since there needs to be parking for those who are disabled. There is no provision for visitor parking. He asked how a person who is not a student can obtain a permit to park in one of these lots. He stated that Town Meeting was assured that a five-story building would not be appropriate on this site. The project should not be approved without a Town Meeting zoning amendment providing a definition for this type of project. There is a need to amend the Bylaw to allow this project to be constructed and the parking must be defined if this project is to be approved. He asserted that approval of the Special Permits would be a breach of trust between the Planning Board and Town Meeting.

Andy Churchill of North Amherst, a Town Meeting member, encouraged the Board to support this development. Student housing in town displaces families in neighborhoods. The town has lost 45% of family aged households between 1990 and 2010. The site is adjacent to UMass, near the Fire Department and the UMass Police Station, it has on-site management, it is on a bus line and has design elements to prevent unmanageable gatherings. The project will provide the town with additional tax revenues. The number of beds provided for students [236] will relieve pressure on about 60 family homes. He urged the Board to approve the project.

Asha Kapur, a student at UMass and a Town Meeting member, expressed support for the project. Students need and want a nice place to live.

The Board discussed whether to close the public hearing or continue it to a date certain.

Mr. Wilson stated that there is a sidewalk proposed along the full extent of Olympia Drive. There is also parallel parking along the street, which will remain in place when the road is repaved. This is town parking along a town way.

There was discussion about whether these parallel parking spaces could be used as handicapped spaces. Mr. Tucker recommended that it would be better to work on the lot to the north of the building and make an agreement with UMass that it be used for handicapped parking and also for visitor parking.

The Board discussed whether to continue the public hearing.

Dennis Swinford, Director of Campus Planning at UMass Amherst, stated that UMass will sell parking permits to UMass students, faculty and staff. That doesn't include other members of the Five College Community. The parking lots near the proposed building are "yellow" student parking lots. Students with permits can park at any "yellow" student parking lot.

Ms. Anderson noted that parking permit requirements are not enforced after 5:00 p.m., on weekends, nights and holidays in these lots. Therefore visitors can park in these lots during those times.

Mr. Tucker suggested that the town might be able to provide one handicapped parking space along the street with a crossing leading to the entry. Or the town could provide a "pull-off" adjacent to the building within the public way.

Mr. Roznoy MOVED to close the public hearing. Mr. Schreiber seconded and the vote was 6-1-2 (Crownor opposed; Kruger and Ford abstained).

The Board decided by consensus to deliberate and craft conditions at the September 11, 2013, Planning Board meeting.

SPR2014-00002 – Ron Bohonowicz, Director of Facilities, Town of Amherst – Amherst Regional Middle School, 170 Chestnut Street

Request Site Plan Review approval for refurbishing existing tennis courts on existing footprint under Section 3.330.0 of the Zoning Bylaw (Map 11B, Parcel 124, R-N Zoning District)

Mr. Webber read the preamble and opened the public hearing. In the absence of the applicant, the Board decided to continue the public hearing without taking any testimony.

Mr. Roznoy MOVED to continue the public hearing to September 11, 2013. Mr. Carson seconded and the vote was 9-0.

IV. PUBLIC HEARING – ZONING AMENDMENTS

A-01-14 Mixed Use Building

To amend Section 3.325 of the Zoning Bylaw to clarify the range of non-residential uses permitted to co- occur with dwelling units in a mixed use building.

Mr. Webber read the preamble and opened the public hearing. He stated that this is a technical amendment requested by town staff. The amendment proposes a new definition for mixed-use buildings. He read the proposed language.

Mr. Crowner explained that the intention of the mixed-use building will stay the same. The changes include changing the title to “Mixed-use Building”, clarification that only one residential unit is required for a mixed-use building and clarification that the other uses allowed in a mixed-use building can include a variety of non-residential uses.

Melissa Perot of Precinct 1 stated that she had no problem with the definition having a requirement for only one residential unit. However, she expressed concern about the wide range of retail uses and activities that would be allowed in the COM zoning district, which abuts Eastman Brook in North Amherst. She stated that the purpose of the COM district is not to create dense residential uses. The community in North Amherst needs services. She asked that the definition restrict the number of residential units allowed and revert to a maximum of six units in a mixed-use building. She is opposed to “densifying” residential uses in North Amherst. She referred to the Trolley Barn project and asked that the Planning Board members stop inappropriate development in North Amherst.

Mr. Webber stated that he lives in North Amherst, next to a garage that does diesel truck inspections. He also has experience dealing with students. He sees the mixed-use building as a positive addition to North Amherst and would like to see buildings such as the one just approved for the Amherst Office Park [in South Amherst] built in North Amherst.

Ms. Perot objected to the construction of three-story buildings in North Amherst.

Board members disagreed with Ms. Perot’s assessment and noted that Town Meeting had already acted on the maximum number of residential units allowed in a mixed-use building without a Special Permit.

Mr. Stutsman MOVED to close the public hearing. Mr. Roznoy seconded and the vote was 9-0.

Mr. Crowner stated that the Zoning Subcommittee had recommended this zoning amendment unanimously.

Mr. Crowner MOVED to recommend that the Planning Board recommend to Town Meeting that this zoning amendment be adopted. Ms. Kruger seconded and the vote was 9-0.

A-02-14 Permitting Boards

To amend Sections 7.9 and 8.41 of the Zoning Bylaw to clarify which permit granting bodies have jurisdiction over the waiver of parking regulations and the permitting of directional or identification signs.

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

Mr. Crouner explained that language was being added to clarify which Board (Planning Board or Zoning Board of Appeals) can grant a modification of parking requirements or a Special Permit for directional or identification signs that are off-site. Signs that are on-site are already covered by the Bylaw.

There was discussion about what constitutes a directional or identification sign that serves a geographic destination but not a specific land use. A private sign on private property on the southbound side of Route 116 near the Auction Barn, to direct people to North Amherst, was offered as an example. Mr. Tucker noted that billboards are prohibited in Amherst and that signs in the public way are in the province of the Select Board and are not affected by zoning.

There was discussion about the proposed amendment. There was discussion about whether some language needed to be added if the sign is not proposed at the same time as the project to which the sign refers.

Mr. Stutsman MOVED to close the public hearing. Ms. Ford seconded.

Mr. Roznoy stated that the zoning amendment should be edited by staff to reflect the discussion that the Planning Board had just held prior to voting on a recommendation to Town Meeting.

Mr. Tucker reread the edited zoning amendment, adding the words "Permit Granting Board or the" after the word "where" in the first line.

The vote was 8-1 (Roznoy opposed).

Mr. Crouner MOVED that the Planning Board recommend that Town Meeting adopt the amended zoning amendment. Mr. Carson seconded and the vote was 8-0-1 (Roznoy abstained).

A-03-14 Dimensional Interpretation

To amend, reorganize and re-enumerate Section 6.1 of the Zoning Bylaw in order to improve the organization of the section, to clarify the point of measurement on a building for front, side and rear setbacks, and to add a section regulating and interpreting Minimum or Maximum Floors.

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

Mr. Crouner reported that the ZSC had unanimously recommended approval of this zoning amendment as well as the previous article. He explained that this section of the Bylaw is not organized as well as it should be and this zoning amendment is an attempt to reorganize and renumber sections. The changes involve how the setback is measured (it would now be measured up to the face of the building) and the addition of a section defining "floor", "story" and "half-story".

Mr. Carson suggested the addition of the words "architectural elements" after the word "gutters", in Sections 6.120, 6.130 and 6.140.

There was discussion about the use of the word "half-story"

Mr. Tucker suggested adding the word "required" to Sections 6.181 and 6.182 before the phrase "means of access".

Ms. Kruger MOVED to close the public hearing. Mr. Carson seconded and the vote was 9-0.

Mr. Webber reviewed the proposed changes to the zoning amendment, including changes to Sections 6.120, 6.130 and 6.140 and Sections 6.181 and 6.182.

Ms. Ford MOVED to that the Planning Board recommend that Town Meeting adopt this zoning amendment as amended, including the words “with required means of access” in Sections 6.181 and 6.182. Mr. Carson seconded and the vote was 9-0.

V. OLD BUSINESS

- A. Signing of Decisions – The following decisions were not ready to be signed.
SPR2013-00013, 321 Main Street, Unit 2 – Wheatberry (Adrie & Ben Lester)
SPP2014-00001, 321 Main Street, Unit 2 – Wheatberry (Adrie & Ben Lester)
- B. Topics not reasonably anticipated 48 hours prior to the meeting – none

VI. NEW BUSINESS

Topics not reasonably anticipated 48 hours prior to the meeting

- A. Ms. Brestrup reported that the Town Meeting Coordinating Committee requested that Planning Department staff distribute to Planning Board members a draft Zoning Primer that has been revised by the TMCC. The TMCC asked that Planning Board members review and comment on the Zoning Primer, so that it can be published prior to Town Meeting.

Ms. Brestrup also reported that the TMCC would like to hold a forum for Town Meeting members prior to Town Meeting to help them understand zoning and to ask questions about upcoming zoning amendments, after the Warrant is written and signed but separate from the Warrant Review meeting. The TMCC would like Planning Board members and Planning staff to attend and participate in this forum.

Board members suggested that Town Meeting members should attend public hearings regarding zoning amendments.

Mr. Webber asked if You Tube recordings of Planning Board meetings could be linked to the Town Meeting website so that Town Meeting members would have easy access to watching Planning Board meetings at which zoning amendments are discussed.

Mr. Tucker noted that all of the Planning Board meetings are recorded and broadcast by Amherst Media. The Planning Board publishes reports on all zoning amendments which are mailed to Town Meeting members.

Mr. Roznoy suggested that the ListServ for Town Meeting members could provide members with more notice of public hearings about zoning amendments.

Ms. Kruger noted that prior to the last Town Meeting she had attended two Precinct meetings and the Warrant Review meeting for Spring Town Meeting. She suggested that the Warrant Review meeting is the appropriate place for people to ask questions about zoning amendments.

Mr. Tucker noted that staff and Board members also go to other meetings, such as the Finance Committee and Select Board meetings, where they disseminate information about zoning amendments prior to Town Meeting.

Mr. Webber agreed that the Zoning Primer could be improved and he welcomed the opportunity to review it and encouraged other Board members to do the same.

- B. Mr. Stutsman reported that the Housing and Sheltering Committee (HSC) would like to meet with the Planning Board before meeting with the consultant on the Housing Market Study (HMS) to have public input on the final draft. The HSC is still waiting for a draft of the HMS. He suggested a joint meeting of the HSC and the Planning Board outside of the normal Planning Board meeting schedule.

Mr. Stutsman also reported that Denise Le Duc of the Amherst Housing Authority had received notice that Rolling Green will pay down its mortgage on 204 units. These units are in jeopardy of being taken off the SHI [affordable housing] inventory. This adds urgency to the Board's work on affordable housing, he said.

VII. PLANNING BOARD REORGANIZATION

Ms. Brestrup reported that the Board had voted Mr. Webber as its Chair at the last meeting on August 7th. The Board also voted Mr. Schreiber as Vice-chair and Mr. Carson as Clerk. Mr. Stutsman was appointed as a member of the Zoning Subcommittee.

The Board continued its discussion of Planning Board reorganization.

At the last meeting Mr. Carson was appointed as the PVPC liaison. Ms. Anderson agreed to continue as CPAC representative. Mr. Webber can no longer serve as representative to the Agricultural Commission, but no Planning Board member stepped forward to take his place. The position will remain vacant for now. Mr. Roznoy and Mr. Crowner were recently reappointed as members of the Transportation Plan Task Force. Ms. Kruger is willing to continue to serve on the Amherst Redevelopment Authority, although it has been dormant lately. Ms. Ford agreed to continue to serve on the Design Review Board. Mr. Stutsman will assume the role of liaison with the Housing and Sheltering Committee, since he is Chair of the HSC. The Safe and Healthy Neighborhood Work Group has completed its work and no longer requires a representative from the Planning Board. Mr. Webber and Mr. Stutsman have been appointed to the Town Gown Study Steering Committee.

Board members asked about the Master Plan Implementation Committee. Staff was asked to add that Committee to the next agenda.

Board members agreed by consensus to the slate of representatives as outlined above.

VIII. FORM A (ANR) SUBDIVISION APPLICATIONS – The Planning Board endorsed the following ANR plans:

ANR2014-00002 – Luke Zbylut – 398 Northampton Road

ANR2014-00003 – Paul K. and Gayle A. Metevia – 93 High Point Drive

ANR2014-00004 – Virginia Lewis – 129 Gray Street

IX. UPCOMING ZBA APPLICATIONS – The Board declined to review the following ZBA application:

ZBA FY2013-00004 – Virginia Lewis - For a Special Permit to create a buildable lot, as a Flag Lot, under Section 6.3 of the Zoning Bylaw, at 129 Gray Street (Map 11D, Parcel 113, R-G Zoning District)

X. UPCOMING SPP/SPR/SUB APPLICATIONS – Ms. Brestrup reported that the Planning Board would be reviewing another application from Archipelago Investments for a mixed-use building at the corner of Triangle and East Pleasant Streets as well as a mixed-use building proposed for North Amherst, being developed by Trolley Barn Development LLC.

XI. PLANNING BOARD COMMITTEE & LIAISON REPORTS – no reports

Pioneer Valley Planning Commission – Bruce Carson

Community Preservation Act Committee – Sandra Anderson

Agricultural Commission – vacant

Transportation Plan Task Force – Richard Roznoy and Rob Crowner

Amherst Redevelopment Authority – Constance Kruger

Design Review Board – Kathleen Ford

Housing and Sheltering Committee – Greg Stutsman

Town Gown Study Steering Committee – David Webber and Greg Stutsman

XII. REPORT OF THE CHAIR

XIII. REPORT OF STAFF

XIV. ADJOURNMENT

The meeting was adjourned at 10:40 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Senior Planner

David Webber, Chair

DATE: _____