

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

PRESENT: David Webber, Chair, Bruce Carson, Kathleen Ford, Stephen Schreiber, Greg Stutsman and Richard Roznoy (7:10 PM)

ABSENT: Sandra Anderson, Connie Kruger, and Rob Crowner

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

Mr. Webber opened the meeting at 7:05 PM.

I. MINUTES

Board members reviewed the Minutes for July 17, 2013. Mr. Schreiber noted that the votes for the Minutes of June 5, June 18 and June 19, 2013 should reflect that none were opposed to approval of these Minutes. Ms. Brestrup agreed to change the way the vote was recorded.

Mr. Schreiber MOVED to approve the Minutes of July 17, 2013, as amended. Mr. Stutsman seconded and the vote was 5-0.

Mr. Roznoy arrived (7:10 PM).

II. PUBLIC HEARING – SITE PLAN REVIEW & SPECIAL PERMIT

SPR2013-00013 and SPP2014-00001 – 321 Main Street, Unit 2 – Wheatberry (Adrie & Ben Lester)

Combined public hearing to consider Site Plan Review approval for seasonal outdoor dining, under Section 5.041 of the Zoning Bylaw and Special Permit approval to expand a pre-existing non-conforming use under Section 9.22 of the Zoning Bylaw (Map 14B/Parcel 28, B-N Zoning District)

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

Adrie Lester, owner of Wheatberry, presented the application. She stated that the parking lot has been repaved and provides an ideal location for outdoor seating.

Mr. Webber reviewed the paperwork that was submitted for the applications. He reviewed the Site Visit Report and noted that some questions had arisen during the site visit. One of the questions had to do with the location of a bike rack on site.

Ms. Lester reported that the bike rack is something that Kamins Real Estate, manager of the property, is responsible for installing. The approved location is on the west side of the building. Ms. Lester contended that if the bike rack is there no one will see it. At the site visit there was a suggestion to put the bike rack closer to the outdoor dining area.

Mr. Webber asked staff to invite Pat Kamins to a Planning Board meeting to speak with the Board about a bike rack location. Mr. Carson suggested that the Board could speak with Mr. Kamins about lighting over the store fronts at the same time.

Mr. Stutsman recommended that the Board provide some guidance to Kamins about the type of bike rack that would be acceptable and where it should be located. He suggested locating several smaller racks rather than one large rack.

Ms. Lester noted that there have been as many as 4 or 5 bikes parked at the same time on site. She suggested that a number between 4 and 6 would be appropriate.

Ms. Brestrup agreed to contact Pat Kamins and transmit the Board's requests on lighting and bike racks.

The Board asked Ms. Lester how many seats and tables she would like to have in the outdoor dining area. Ms. Lester stated that 10 seats would be adequate if larger tables were used. She would eventually like to have 2 larger tables and 2 smaller tables.

Mr. Webber asked about trash cans. Ms. Lester stated that employees clean up the area. Outdoor trash cans become a problem since they get filled up with cigarettes and debris from passersby.

Mr. Stutsman noted that the prior application had allowed but had not required an outdoor trash can. He also noted that there could be as many as 24 chairs in the outdoor dining area because there is plenty of space.

Mr. Tucker suggested that the number of seats could comply with the number of bathrooms.

The Board decided by consensus that the Board would not specify the number of seats allowed, but would leave that up to the Building Code requirements, if any.

Mr. Webber noted that the Management Plan was straightforward.

Laura Fitch of 120 Pulpit Hill Road spoke in support of the outdoor dining and of locating a bike rack near the area of outdoor dining. She noted that she often comes to Wheatberry with friends and that she usually arrives via bicycle.

Mr. Schreiber MOVED to close the public hearing. Mr. Carson seconded and the vote was 6-0.

Mr. Webber read the list of requested waivers:

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

Mr. Webber reviewed the Development Application Report. Mr. Schreiber noted that the outdoor seating is temporary in the sense that it can be moved indoors.

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 with the exception of the provisions requiring the Special Permit for expansion of a pre-existing non-conforming use, which has been applied for concurrently with the Site Plan Review;
- 11.2401 – Town amenities and abutting properties will be protected because detrimental or offensive actions are not planned for this site;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use;
- 11.2403 – Adequate recreational facilities, open space and amenities will be provided because the Site Plan provides outdoor dining for patrons of Wheatberry and is therefore improving recreational opportunities;
- 11.2410 – Unique or important natural, historic or scenic features will be protected because this site lies across from the Dickinson Museum and the seating (tables, chairs and umbrellas) will be appropriate;
- 11.2411 – Proposed methods of refuse disposal are described in the Management Plan; they are considered to be adequate; there will be no outdoor trash cans;

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- 11.2412 – The ability of the proposed sewage disposal and water supply systems to serve the proposed use is considered to be adequate; the property is connected to the town sewer and water systems; the Town Engineer has not expressed concerns with the proposal regarding these issues; the number of seats permitted for outdoor dining may be limited by the Building Code;
- 11.2413 – The ability of the proposed drainage system within and adjacent to the site to handle any increased runoff resulting from the development is considered to be adequate; the Town Engineer has not expressed concerns with the proposed system; there is no change in the amount of impervious surface;
- 11.2414 – Provision of adequate landscaping is considered to be satisfactory based on previous approvals; no change is being proposed to the landscaping on site;
- 11.2415 – N/A
- 11.2416 – Adjacent properties will be protected from the intrusion of various types of nuisances, including pollution and noise; no actions are planned that would cause or increase these types of intrusions;
- 11.2417 – Protection of adjacent properties by minimizing the intrusion of lighting has been discussed; Planning Department staff will speak with the management company about changes to the lighting that were required by previous Site Plan Reviews and Special Permits;
- 11.2418 – N/A
- 11.2419 – N/A
- 11.2420 – Although this project lies within the boundaries of the Dickinson National Historic Register District, the Board has waived the application of design principles and standards set forth in Sections 3.2040 and 3.2041 of the Zoning Bylaw;
- 11.2421 – The development is consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development;
- 11.2422 – N/A
- 11.2423 – N/A
- 11.2424 – N/A
- 11.2430 – The site has been designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties; the provision of bike racks has been discussed and Planning Department staff will invite the property manager to a Planning Board meeting to discuss the appropriate placement of bike racks;
- 11.2431 – N/A
- 11.2432 – The location and design of parking spaces, bicycle racks and drive aisles will be provided in a safe manner; the provision of bike racks has been discussed and Planning Department staff will invite the property manager to a Planning Board meeting to discuss the appropriate placement of bike racks;
- 11.2433 – N/A
- 11.2434 – N/A;
- 11.2435 – N/A
- 11.2436 – The requirement for a Traffic Impact Statement will be waived; the Board members agreed by consensus to waive this requirement;
- 11.2437 – N/A

The Board found, under Section 10.38 of the Zoning Bylaw, Special Permit, with respect to both the height and setback modifications, as follows:

- 10.380 – The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town;

- 10.381 – The proposal is compatible with existing uses and other uses permitted by right in the same district;
- 10.382 – The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features;
- 10.383 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians;
- 10.384 – Adequate and appropriate facilities will be provided for the proper operation of the proposed use,
- 10.385 – The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site;
- 10.386 – N/A
- 10.387 – The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent street, property or improvements;
- 10.388 – The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, material and equipment incidental to the normal operation of the use; there is adequate space in the parking lot to accommodate these needs;
- 10.389 – The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes and methods of drainage for surface water; the Planning Board had no concerns about these issues; trash from tables will be collected by employees of Wheatberry, or patrons may use indoor trash receptacles;
- 10.390 – N/A
- 10.391 – The proposal protects, to the extent feasible, unique or important natural, historic or scenic features;
- 10.392 – The proposal provides adequate landscaping; large planters have been placed around the edges of the outdoor dining area; the applicants plant and maintain the planters;
- 10.393 – N/A; no lighting is proposed as part of the seasonal outdoor dining;
- 10.394 – N/A
- 10.395 – The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto;
- 10.396 – N/A
- 10.397 – The proposal provides adequate recreational facilities, open space and amenities for the proposed use; the availability of seasonal outdoor dining improves recreational facilities and amenities for local citizens;
- 10.398 – The proposal is in harmony with the general purpose and intent of this Bylaw and the goals of the Master Plan.

Ms. Ford MOVED to approve the applications for Site Plan Review and Special Permit with requested waivers. Mr. Stutsman seconded. After discussion, including whether to waive the Lighting Plan or not the vote was 6-0.

III. ZONING

- A.** Zoning Subcommittee Report – There was no ZSC report because the ZSC had not met this evening.
- B.** Review List of Potential Zoning Amendments for Fall Special Town Meeting
Mr. Tucker noted that the ZSC had not been able to achieve a quorum this evening but he recommended that the Planning Board review the zoning amendments that the ZSC is considering. He suggested that the Planning Board determine priorities for moving forward to Fall Town Meeting and discuss the schedule for public hearings. He noted that the Planning Board could hold an additional meeting on September 11th and

announced that the ZSC may meet again on August 14th. Mr. Webber agreed to review the proposed amendments.

Mr. Stutsman, although not formally a ZSC member, offered to review some of the amendments since he had been attending ZSC meetings. He noted that the ZSC had been working on issues of housing diversity and affordable housing.

The Inclusionary Bylaw currently has its own section of the Zoning Bylaw and affordable housing is mentioned throughout the Bylaw. He suggested that the issue of Inclusionary Zoning could be related to the amendment dealing with Multi-family Apartment Overlay District. He noted that the Multi-family amendment focuses on providing for more density where there is already density.

Mr. Webber summarized issues related to Chapter 40B. He noted that Amherst is losing units from the inventory of affordable housing this year and that the number of affordable housing units in Amherst may drop close to or under the threshold of 10%.

Mr. Tucker stated that the Housing Production Plan will help Amherst to deal with this issue. The town will have a year's grace period if the HPP is approved by the state. He suggested an incentive such that zoning could allow an additional floor on a building if the developer provides affordable units.

There was discussion about height requirements, with some people noting that other communities allow taller buildings and others noting that Amherst has traditionally been built to a certain height and that zoning often tries to mirror what is already allowed. Mr. Tucker noted that the height limitation in the downtown area has already been increased to 5 floors.

Mr. Stutsman stated that the Housing Market Study (HMS) recommends that Amherst provide areas for more density and suggests a density of 3 to 5 times existing density in order to make it worthwhile for landowners to redevelop their multi-family apartment properties. He stated that the Multi-family Apartment Overlay District proposes to formulate districts around existing housing complexes, applying new dimensional requirements.

Mr. Tucker noted that in areas being considered for this Overlay District the existing multi-family developments consist almost entirely of two-story buildings providing developments that are not currently dense and do not make efficient use of space.

There was further discussion about the proposed Multi-family Apartment amendment and whether it could be ready for Fall Town Meeting.

Mr. Tucker reviewed other amendments that were being considered by the ZSC including:

- Bedroom mix – Adding a requirement for a certain bedroom mix in multi-family developments;
- Town Houses – Allowing townhouses to be permitted by Site Plan Review in certain districts;
- Medical marijuana – Adding regulations for the new medical marijuana facilities which will grow, process and dispense medical marijuana, in accordance with the new state law.

Mr. Tucker explained other proposed changes:

- The Mixed-use Building bylaw – clarifying the types of business and commercial uses that would be allowed in mixed-use buildings;

- A bylaw having to do with Permit Granting Bodies – clarifying which body can grant waivers for parking and off-site directional/identification sign regulations;
- Dimensional interpretation – re-enumerating sections of Article 6 and addressing where to measure setbacks.

He noted that these last three had been identified as priorities.

There was discussion about limiting the list of zoning amendments that would go to Fall Town Meeting. Mr. Webber stated that the “technical fixes” can come directly to the Planning Board without the ZSC needing to spend much time on them.

There was discussion about how the 80% of area median income is determined. Mr. Stutsman explained that the Area Median Income for Amherst is specified by HUD and is part of the AMI for the Springfield metropolitan area. There was discussion about whether students are eligible for affordable housing. Mr. Tucker noted that they are eligible only in limited ways, one of which is that they must be economically independent. Generally students are not eligible for affordable housing, he said.

There was discussion about whether roadways would be improved to accommodate denser areas of housing. Mr. Tucker explained that the town obtains funds for roadway improvements primarily from the state. He explained several different methods for obtaining funding for infrastructure improvements.

There was discussion about which housing complexes might be included in the Multi-family Apartment Overlay District.

Janet Keller of Pulpit Hill Road asked if there had been a consideration for the use of stepped buildings in areas where the maximum number of floors was being increased. She also asked why it would be desirable or undesirable to allow Townhouses by Site Plan Review rather than by Special Permit.

Mr. Webber explained the difference between Site Plan Review by the Planning Board and Special Permit by the Zoning Board of Appeals. He noted that Special Permits are discretionary and Site Plan Review is “by right”, allowing the Board to set reasonable conditions but not to say “no”.

Ms. Keller asked if there were examples about how requirements relating to bedroom mix have worked in other communities. She also asked about uses allowed in mixed-use buildings.

Mr. Tucker stated that staff and consultants are researching the issue of bedroom mix. He explained the uses allowed in mixed-use buildings, stating that both the residential and non-residential uses were principal uses in mixed-use buildings.

Mr. Roznoy commented that he did not believe the Bedroom Mix amendment should be a high priority issue for the board to consider. In addition to market factors controlling this aspect of development, he noted the board had recently approved a mixed use facility for the Pomeroy Lane area which varied the mixture of bedrooms per residential unit due to market conditions, and these factors would likely control such decisions.

The Board discussed technical fixes.

Ms. Perot noted that if properties are proposed for “densification” a traffic study should be required. Mr. Tucker stated that any proposed use that requires a land use permit is subject to the requirement for a Traffic Impact Statement. If it is determined that

degradation in the Level of Service of traffic will occur the Board can compel the applicant to make improvements to mitigate the degradation. The applicant and consultants need to project the number of new cars that will be generated by a project.

Ms. Perot asserted that there is a move towards residential uses rather than commercial uses in the definition of the mixed-use building. There was discussion about the purpose of the COM zoning district and what types of uses can occur there. There was also discussion about what types of information must be submitted with land use permit applications, including a Traffic Impact Statement.

Mr. Webber asked the Board to set priorities regarding upcoming zoning amendments.

After discussion, Mr. Webber summarized the Board's list of priorities. These are the zoning amendments that the Planning Board would like to move forward with:

- Medical Marijuana
- Technical Fixes
- Inclusionary Zoning
- Multi-family Apartment District

There was further discussion about the amendment having to do with bedroom mix. Mr. Tucker explained why it might be useful in that it would provide a way to allow for additional dwelling units without encouraging student occupancy. Board members agreed that this might be worthwhile pursuing at a later date and that it might relate to village center rezoning. Planning Board members agreed by consensus with Mr. Webber's list of priorities for Fall Town Meeting.

Proposed citizens' zoning amendment – Ball Lane

Mr. Webber recused himself because he is an abutter to the property on Ball Lane and Mr. Carson assumed the role of Acting Chair.

Laura Fitch of Precinct 1 spoke as a representative of Pioneer Valley Co-housing and presented a rezoning proposal for a property at the corner of Ball Lane and Montague Road (Route 63). There is a "sister community" of Pioneer Valley Co-housing in formation which would like to develop a new co-housing project in the area. The co-housing group has been looking at the property owned by Matuszko Trucking. The property is now zoned R-N and R-LD/FC. The proposal involves changing the zoning of the property (possibly using "contract zoning") to R-N with a PURD Overlay District. This would allow a more environmentally friendly type of development to occur since it would promote development of the already-disturbed area and the preservation of the area that is now farmland. It would also echo the zoning that lies across the street to the north and allow a similar pattern of development. Ms. Fitch stated that the new group has a strong interest in senior co-housing. She stated that the new development would be a medium-sized co-housing development with between 24 and 30 dwelling units. The current co-housing community has 32 units. The new development would be denser than the current one and the units would be more attached to one another to promote handicapped accessibility.

Mr. Tucker explained the concept of "contract zoning", and gave the example of a property at the corner of McClellan Street and North Pleasant Street which was rezoned in exchange for restrictions being placed on the uses that could occur within the building.

There was further discussion about what the layout of the new co-housing development might be and how the new development might affect the environment.

Mr. Tucker explained that the proponents of this zoning amendment could pursue it as a citizens' petition or the Planning Board could take it on and work with the citizens on a Board-sponsored amendment.

Board members agreed by consensus that this amendment should be handled as a citizens' petition. Mr. Tucker noted that the deadline for submission of citizens' petitions regarding zoning is September 9th. The deadline for Planning Board zoning amendments is September 23rd.

Mr. Tucker stated that staff would be willing to work with the citizens' group on language and other issues related to this zoning amendment. He noted that the amendment could be discussed again with the ZSC and with the Planning Board on August 21st. Mr. Webber resumed the role of Chair.

- C. Discussion about use of Master Plan funds – Mr. Tucker stated that there are residual Master Plan funds available to the Planning Board. The ZSC has discussed the idea of using these Master Plan funds to hire a consultant to facilitate a process of talking about Village Center rezoning. This process could get started in November.

- D. Public Comment Period – none

V. NEW BUSINESS

- B. Amherst College – Powerhouse Renovation – Student Center in ED zoning district – Submittal of plans in accordance with Section 3.211 of the Zoning Bylaw

Tom Davies, Assistant Director of Facilities for Amherst College, presented plans for the Powerhouse Renovation. He noted that the project is in the ED zoning district and therefore the College is required to submit plans to the Planning Board 60 days prior to the start of construction. Mr. Davies stated that the Powerhouse is a 1920's coal-fired boiler plant that has been used as a garage since the 1960's. The College proposes to renovate the building similarly to the Mass MoCA building, keeping its industrial feel. The building will house theatrical productions, poetry readings and will provide a flexible indoor space with good acoustics for student activities.

The building is near the railroad tracks and near the facilities office. The building will provide one large interior open space which works well with the existing structure and there will be one small addition for bathrooms. Construction is slated to begin in November and completed in May.

Mr. Webber thanked Mr. Davies for his presentation and expressed his support for the project.

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

- A. UMass Amherst – Expanded Environmental Notification Form – University of Massachusetts Amherst – 2012-2021 Capital Improvement Projects – dated June 2013 – submitted to Executive Office of Energy and Environmental Affairs

The Board acknowledged receipt of excerpts from the UMass Expanded ENF on proposed capital improvement projects for the next decade. Mr. Schreiber noted that the PVPC had expressed concerns about Historical Preservation and about the Mill River Watershed, especially the impacts to Mill River and Lake Warner. Board members noted that there was no new housing on the list of proposed capital improvements. Mr. Webber noted that there was no time for the Board to make comments but that individual members could make comments if they wished to do so. Comments are due by August 9th.

Mr. Webber noted that it would be important for members of the Town Gown Study Steering Committee to become familiar with the contents of this document.

IV. OLD BUSINESS

- A.** Signing of Decisions – The Board members signed the following decisions:
SPR2013-00009/M16948, 417 West Street – Ronald LaVerdiere
SPP2013-00001/M18703, 417 West Street – Ronald LaVerdiere
- B.** Housing Market Study – discussion regarding draft report and presentation by RKG Associates on June 18, 2013 – The Board members decided to postpone discussion of the HMS until the revised draft is available for review.
- C.** Topics not reasonably anticipated 48 hours prior to the meeting – none

VI. ELECTION OF OFFICERS AND PLANNING BOARD REORGANIZATION

The Board discussed election of officers for the next year. Mr. Webber stated that he would be happy to continue as Chair unless someone else would like to assume that role.

Mr. Schreiber MOVED to nominate Mr. Webber as Chair. Ms. Ford seconded and the vote was 6-0.

Mr. Roznoy MOVED to nominate Mr. Schreiber as Vice-Chair. Mr. Carson seconded and the vote was 6-0.

Mr. Roznoy MOVED to nominate Mr. Carson as Clerk. Ms. Ford seconded and the vote was 6-0.

Mr. Carson MOVED to nominate Mr. Stutsman to serve on the Zoning Subcommittee. Mr. Roznoy seconded and the vote was 6-0.

Board members agreed by consensus that the Zoning Subcommittee now has the following members:

- Mr. Stutsman
- Mr. Carson
- Mr. Schreiber
- Ms. Kruger
- Mr. Crowner.

Mr. Webber stated that he no longer wishes to serve on the Agricultural Commission. It is difficult for him to attend meetings since the meeting night does not fit in with his schedule. He stated that the Ag Com meets on Tuesday nights and that it is a “nice group and the chair is great”. None of the Board members who were present volunteered to serve on the Ag Com. The Board acknowledged that this position would remain temporarily vacant.

Mr. Carson stated that he would be interested in serving on the PVPC.

The Board decided to postpone consideration of other committee and subcommittee roles until the full Board was present.

Mr. Crowner and Mr. Roznoy are still interested in serving on the TPTF and have been reappointed by the Town Manager.

Ms. Ford stated that she is still interested in serving on the DRB and that the DRB has a new member.

Board members acknowledged that the Safe and Healthy Neighborhoods Working Group had concluded its work.

Mr. Schreiber MOVED to nominate Bruce Carson as the Planning Board's representative to the PVPC. Ms. Ford seconded and the vote was 5-0-1 (Carson abstained).

VII. FORM A (ANR) SUBDIVISION APPLICATIONS – The Board endorsed the following ANR plan:

ANR2014-00001 – Michael Rudd and Genelle Taylor – 38 West Pomeroy Lane

VIII. UPCOMING ZBA APPLICATIONS – The Board declined to review the following ZBA applications:

ZBA FY2014-00003 – Joshua Hornick - Special Permit to convert a portion of an existing dwelling into a Supplemental Apartment at 94 Summer Street

ZBA FY2014-00002 – Jeanne Esposito - Special Permit to convert a dimensionally non-conforming detached barn into a dwelling unit at 71 Middle Street

IX. UPCOMING SPP/SPR/SUB APPLICATIONS – Ms. Brestrup reported on the following upcoming Planning Board applications:

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

Site Plan Review approval for a private apartment-style dormitory building with 75 units and associated interior and exterior spaces and Special Permit to modify front yard setback, maximum lot coverage, maximum building coverage, maximum floors and maximum height

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

Site Plan Review approval for refurbishing existing tennis courts on existing footprint

X. 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 – Constance Kruger
Town Gown Study Steering Committee – David Webber and Greg Stutsman

XI. REPORT OF THE CHAIR – none

XII. REPORT OF STAFF – none

XIII. ADJOURNMENT

The meeting was adjourned at 9:45 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Senior Planner

David Webber, Chair

DATE: _____