

AMHERST PLANNING BOARD
Wednesday, February 19, 2014 – 7:00 PM
Community Room, Police Station
MINUTES

PRESENT: David Webber, Chair, Rob Crowner, Bruce Carson, Connie Kruger, Stephen Schreiber, and Greg Stutsman

ABSENT: Kathleen Ford, Richard Roznoy and Sandra Anderson

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

The meeting, originally scheduled for the Town Room, Town Hall, was moved to the Community Room at the Police Station, because the Town Room was being painted.

Mr. Webber opened the meeting at 7:09 PM.

I. MINUTES

The Board reviewed the Minutes of the January 29, 2014, Planning Board meeting. Mr. Webber asked that the last sentence on page 1, regarding the proposed wall sconces at The Works Bakery Café, be rephrased to read: “He stated that these lights will each have a 6 watt LED lamp.” Ms. Brestrup noted an error on page 9. It was Mr. Roznoy who asked who would chose the consultant and not Ms. Ford.

Mr. Schreiber MOVED to approve the Minutes of January 29, 2014, as amended. Mr. Carson seconded and the vote was 6-0.

II. ZONING

A. Zoning Subcommittee Report – Mr. Crowner gave the ZSC report. The Planning Board needs to make decisions now regarding which zoning amendments will be brought forward to spring Town Meeting. The first public hearings on zoning amendments will be held at the next Planning Board meeting on March 5th.

The ZSC is working on several amendments, including: Inclusionary Zoning, Atkins Corners Rezoning, Home Business Accessory Use, Definition of Off-Campus Academic Residential Use and Small House Development, including a small house stand-alone infill use, a small house cluster development method and a change to the Bylaw with respect to supplemental dwelling units.

Mr. Crowner gave detailed reports on some of these amendments.

Inclusionary Zoning

- Applies to all kinds of development methods;
- Affordable units will be for those making 80% or less of Area Median Income;
- Units will be countable under state’s SHI regulations, specifically to benefit low-income households;
- Exemptions proposed include non-profits, group and congregate housing, possibly non-profit and for-profit student housing (fraternities or dormitories);
- Two levels of exemptions would apply – non-profits would all be exempt and some for-profit entities including fraternities, sororities and student housing would be exempt at a 50% level, i.e. they would need to provide 50% of the typical requirement for affordable units; the ZSC wishes to promote student

housing in the R-F district;

- There would be a “cost offset” set at 2:1 for developments with up to 50 units [allowing a developer to build 2 market-rate units for every 1 affordable unit] and a “cost offset” set at 1:1 for developments over 50 units [allowing a developer to build 1 market rate unit for every 1 affordable unit];
- The Permit Granting Authority would be able to alter the dimensional requirements to allow these “cost offset”, market rate units to be built;
- Offsets would be on a one-time only basis; i.e. calculations would not “snowball” or compound;
- Duplicative language in Article 4, Development Methods, having to do with affordable housing, would be removed; all affordable housing language would be moved to Article 15;
- There would be a provision for “payment in lieu” of constructing affordable units since, in some cases, it may not be feasible to provide affordable units as part of the project;
- Alternatives for building affordable units include building units on-site, building units off-site, donating land to the town and payment of a fee to the town or its designee (perhaps an Affordable Housing Trust) in lieu of building the affordable units.

Atkins Corners Rezoning

- The only zoning change at Atkins Corner is a map change, from B-L (Limited Business) to B-VC (Village Center Business); the area included is the Atkins Market parcel and the area in the immediate vicinity including two parcels owned by Hampshire College and parts of the town right-of-way;
- Use changes would be minimal;
- There would be some dimensional changes; the lot sizes are smaller in B-VC and there are other small dimensional changes;
- The changes will provide more flexibility for development;
- There will be no form-based design changes introduced at this time;
- There will be a forum on Saturday, March 1st, for the Atkins Village Center area; a walking tour will be held at 9:00 a.m. with a forum to be held from 10 to noon at Franklin Patterson Hall, Hampshire College;
- There will be a meeting with staff on Friday, February 21st, at 1:30 p.m. for residents of Applewood and Hampshire Village.

Mr. Webber noted that the ZSC is also working on a Small House Amendment, a Home Business Amendment and Off-Campus Residence Amendment.

Mr. Crouner stated that the ZSC would meet next on March 5th. On March 5th the Planning Board would hold public hearings on a petition article regarding a covenant at 284 North Pleasant Street, a Planning Board version of this article and an article about the accessory uses known as “Home Businesses”.

The public hearings for the 19th will be Atkins Corner and Inclusionary Zoning. Ms. Kruger noted that the Planning Board’s meetings on March 5th and 19th would providing a chance to work on zoning amendments before Warrant language is due.

B. Public Comment Period

Barbara Ford of Flat Hills Road cautioned the Board to be selective in choosing how many complex zoning articles to bring to Spring Town Meeting.

Howard Ewert, owner of 284 North Pleasant Street, the petitioner for the zoning amendment regarding the covenant on 284 North Pleasant Street, thanked the Planning Board for bringing forward a revised version of his petition article. He agreed with the language developed by staff and asked that the word “dental” be included in the allowed uses and that all of the uses listed under Section 3.332 be included as well. Mr. Tucker agreed to include the uses described in this section.

III. PUBLIC HEARING – SITE PLAN REVIEW

**SPR2014-00008 – Boy Scout Troop 504 – 867 North Pleasant Street
(Immanuel Lutheran Church)**

Request Site Plan Review approval for installation of a 10’W x 16’L wooden equipment shed for storage of camping and other scout program equipment (Map 8A, Parcel 71, R-N zoning district)

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

Lyle Denit of Valley View Drive, a volunteer with Boy Scout Troop 504, presented the application. The scout troop meets at Immanuel Lutheran Church. The troop has a lot of equipment that it needs for its program. The equipment is currently stored in a rented space since there is no storage space inside the church building that is available to the troop. The troop would like to erect a small shed at the back of the site to store its equipment.

Mr. Webber noted that the Board had received plans and details which showed the location of the shed, behind the church building.

Mr. Carson gave the Site Visit Report. He noted that the proposed shed location is well behind the church building, it is not visible from the road and the site is wooded. The location is adjacent to a parking lot owned by the University and the other neighbors are far away. The site is very secluded.

In response to a question from Mr. Webber, Ms. Brestrup explained that the Building Commissioner had asked the applicant to obtain Site Plan Review approval for installing the shed because it is a change to the site for a use that requires Site Plan Review.

Mr. Webber noted that there is an existing Site Plan Review approval in place and that a change to the site requires Site Plan Review.

Mr. Webber asked if the Board members had any concerns about the plans. They did not have any concerns. There was no public comment.

Mr. Schreiber MOVED to close the public hearing. Mr. Stutsman seconded and the vote was 5-1 (Crownor opposed).

Mr. Webber reviewed the Development Application Report and listed the waivers that had been requested, including:

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

Board members expressed no objection to granting the requested waivers.

Mr. Webber stated that the only issue identified in the Development Application Report is related to the sign that is proposed for the door of the shed. The existing signage on site exceeds the square footage allowed in the R-N zoning district for a non-residential use. The new sign will further increase the square footage of signs on the property.

In accordance with Section 8.5 of the Zoning Bylaw, adopted by Town Meeting in the Fall of 2013, the Board found, “for reasons of public convenience, public safety, aesthetics or site design” that the proposed sign on the door of the shed is appropriate since this is a large property and the new sign will be at the back of the property. Therefore the new sign may be installed, even though the total area of signs on the property will exceed the square footage allowed in the R-N zoning district for a non-residential use.

Mr. Denit explained that the Boy Scouts will not build the shed since it would take too much time away from their other activities to teach the Scouts to build the shed and to then build it. The Scouts will buy the shed.

Mr. Webber noted that, when reviewing an application, the Board normally goes through all of the Site Plan Review criteria listed in Section 11.24 of the Zoning Bylaw, the primary purpose of which is to protect abutting properties from adverse impacts from the proposed use. In this case, given the small scope of the project, a shed at the back of a large property, he recommended that the Board declare a summary finding that the proposed project meets all of the Section 11.24 criteria, that the sign is appropriate for the site, that the expansion of the use is compatible with the previous Site Plan Review approval for this site, that there were no issues, other than the sign, that were identified and that the requested waivers may be granted.

Mr. Schreiber MOVED to approve the application in accordance with Mr. Webber’s recommendation. Ms. Kruger seconded and the vote was 6-0.

No conditions were imposed on this Site Plan Review approval.

IV. OLD BUSINESS

A. Signing of Decisions

SPR2014-00007 – The Works Bakery Cafe – 48 North Pleasant Street – The Board members signed the decision.

B. SPR2013-00011 – Trustees of Amherst College – 62 Boltwood Avenue (Garman House) – review of minor changes to site plan

Tom Hartman of Coldham and Hartman Architects presented the changes to the site plan for 62 Boltwood Avenue, Garman House, a dormitory owned by Amherst College. The interior mechanical work (emergency heating project) at Garman House has been completed. The College is now undertaking Phase II of the improvements to Garman House, including improvements to the site. The College has received a timed variance from the Architectural Barriers Board for providing ground floor access to the building and full variances for accessibility for the building as a whole. The assessment on the property had been very low (about \$500,000). The building has been reassessed to a value of \$2.40 million, which relates to how much of the building needs to comply with ADA regulations. A higher assessment means that less of the building needs to comply with ADA because the threshold for providing access is related to the ratio of the cost of renovations to the overall assessment.

Mr. Hartman presented the revised plan for the site, including new walkways to the front door and a new walkway connecting to the entrance on the north side of the

building. There will be an accessible parking space at the north side of the building. There will be a lift on the north side of the building, built into the porch. The lift will be enclosed in a brick structure. The air conditioning equipment (chiller) on the north side will also be enclosed in a brick structure with a stone cap. The whole area will be “nicely planted”. There will be LED wall sconces which will be downcast. The new walkway will be concrete with a brick border. The stairs to the front door may be repaired in the future. The primary change to the site plan is to continue the walkway around to the north side of the building.

Ms. Brestrup noted that that the revised project had been reviewed by the Design Review Board and that the DRB had recommended approval.

Ms. Kruger noted that these revisions resulted in better access and better movement across the site. Mr. Webber termed it a positive and creative change.

Mr. Stutsman MOVED to approve the changes to the site plan as requested. Ms. Kruger seconded and the vote was 6-0.

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

Since it was not yet 8:00 p.m. and time for the next public hearing the Board turned to review of upcoming ZBA applications.

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

ZBA FY2014-00026 – Edmund Hazzard – Special Permit to reconstruct and/or structurally alter and expand a pre-existing nonconforming barn structure, under Section 9.22 of the Zoning Bylaw, at 330 Market Hill Road (Map 3D, Parcel 20, R-O Zoning District)

ZBAFY2014-00016 – Bruce DiVirgilio – Special Permit to modify conditions of ZBA FY1999-00027 and ZBA FY2000-00031 to formalize the expansion of the existing supplemental apartment from 600 to 800 square feet under Section 10.33 and 5.011 of the Zoning Bylaw, at 5 Whippletree Lane (Map 16D, Parcel 244, R-N Zoning District)

ZBA FY2014-00019 – Joel Greenbaum – Special Permit to modify condition # 3 of ZBA FY1985-50 to allow changes to the approved parking plan and formalize the expansion from 12 to 16 parking spaces, at 8 Grove Street (Map 11D, Parcel 182, R-G Zoning District)

ZBA FY2014-00020 – Joel Greenbaum – Special Permit to modify condition # 12 of ZBA FY2002-00014 to allow changes to the approved parking plan and formalize the expansion from six to eight parking spaces, at 31-35 Hallock Street (Map 11C, Parcel 99, R-G Zoning District)

ZBA FY2014-00021 – Nathan Day – Special Permit to modify condition # 3 to remove an owner occupancy requirement, and to modify condition # 1 and #5 of ZBA FY2008-00033, at 175 College Street (Map 14B, Parcel 167, R-G Zoning District)

ZBA FY2014-00022 – Marilyn Denny – Special Permit to formalize an existing dwelling unit as a Supplemental Apartment, under Section 10.33 and 5.011 of the Zoning Bylaw, at 16 Chapel Road (Map 26D, Parcel 92, R-O/ARP Zoning District)

ZBA FY2014-00024 – Co-Ed Realty, LLC – Special Permit to modify conditions # 1, 5 and 6 of ZBA FY2006-00052, to allow changes to modify and expand the allowed parking from 8 to 13 spaces at 382 North Pleasant Street (Map 11C, Parcel 118, R-G Zoning District)

Since it was now 8:00 p.m. the Board turned to the scheduled Site Plan Review application.

III. PUBLIC HEARING – SITE PLAN REVIEW

SPR2014-00009 – Amherst College – 81 Lessey Street (Marsh House)

Request Site Plan Review approval for architectural and accessibility improvements to an Amherst College dormitory, including accessible parking space and walkway, replacement of railing and steps and replacement of first floor windows (Map 14B, Parcel 24, R-G zoning district)

Mr. Webber read the preamble and opened the public hearing. He noted that the applicant had submitted a letter requesting withdrawal of the application without prejudice. Mr. Hartman, the architect for the project, explained that Amherst College had determined that the financial allocation for this project had been taken by other projects with greater priority and that this project would come forward as a summer 2015 project. Mr. Hartman noted that staff of the Department of Conservation and Development had been helpful in navigating the permit process.

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

Mr. Stutsman MOVED to approve the withdrawal without prejudice as requested. Mr. Carson seconded and the vote was 6-0.

IV. OLD BUSINESS

- C. The Retreat (SUB2014-00001) – Review of Draft RFP for independent consultant to be hired by Planning Board under M.G.L. Chapter 44, Section 53G to review plans and reports related to expected Definitive Subdivision Plan and Site Plan Review applications

The Board reviewed the revised Draft RFP dated February 18, 2014.

Mr. Webber explained that Massachusetts law allows the Planning Board to require the applicant to pay for the services of a technical consultant for third party review of the Subdivision and Site Plan Review applications. The Planning Board has voted to take advantage of this option.

In order to allow the consultant to be ready when the Definitive Subdivision Plan is filed in May, the Board is working on an RFP for consultant's services now and is hoping to choose a consultant before the application is filed.

Ms. Brestrup reviewed the revisions that had been made since the January 29th Planning Board meeting.

The Board discussed the RFP in detail, including the timeframe for the consultant's work. Some members of the Board are not expecting to have the consultant's report in hand at the first session of the public hearing. Others would like to have the report in hand along with the other documents submitted with the applications prior to the first session of the public hearing.

The Board made several changes to the Draft RFP.

After extensive discussion, Mr. Webber recommended that the Preliminary Report should be due after 30 days and the Final Report after 60 days.

Board members discussed whether the consultants should be expected to be present at the public hearings, and if so, how many.

Board members noted that the consultants should be told that the Board meets on the first and third Wednesdays of the month and that the consultants should expect to attend between 2 and 4 public hearing sessions.

Tom Reidy, attorney for the applicants, stated that the Board could expect to receive a submittal from the applicants in mid-May.

Ms. Kruger noted that the Board had received a letter from Ellen Leahy Pile, undated, containing comments and requests about the RFP and the hiring of the consultant. Ms. Pile's requests included: 1) that the consultants be informed about the open Land Court case that seeks a zoning interpretation for the project; 2) that the consultant's role be limited to critiquing the project, not redesigning it, and that the consultant's communications with the applicant be documented, and that the consultant's role be limited to receiving answers and information from the applicant and not negotiation; 3) that the timeline for the consultant's review include time for the public to comment after the public has had time to read the consultant's report.

Board members discussed Ms. Pile's comments and requests. After discussion the Board determined that it would not be germane to include reference to the Land Court law suit in the RFP, because the Board is seeking technical assistance from the consultants in evaluating the design of the project, not assistance with the interpretation of the Zoning Bylaw with respect to the use of the property. Ms. Brestrup explained that neighbors are asking the Land Court to interpret the Zoning Bylaw to determine if the proposed use of the property is allowed by the Zoning Bylaw. That is not something that the Planning Board is asking the consultants to evaluate. Interpretation of the Zoning Bylaw as to the use of the property will be up to the Zoning Enforcement Officer (the Building Commissioner) and the Planning Board.

In response to a question about how the consultant would be paid, Ms. Brestrup explained that the consultant will be paid from an escrow account that is set up prior to the hiring of the consultant. The applicant will be asked to put money into an escrow account to pay for the hiring of the consultant. The money will then be available when the consultant signs the contract.

The Board determined that the consultant should not communicate directly with representatives of the applicant but should submit questions and requests for information through town staff.

Board members discussed the need for concurrent review of the Definitive Subdivision Plan and the Site Plan Review application. They determined that concurrent review would be beneficial. Board members concluded that the timeframe that they were developing for the consultant's work would allow for public comment after the consultant's review was made public.

Melissa Perot of Summer Street stated that she had found the discussion very informative. She now better understands the consultant's role in the process, that the consultants will be evaluating the Definitive Plan submitted by the applicant. She commented on the use being separated from the technical design and noted that the question of use was an important one since if the use isn't applicable to the site then the design isn't applicable either.

Ms. Brestrup noted that the Planning Board would be discussing the use of the property during the Site Plan Review process, but it is not something that the Board is asking the technical consultant to evaluate.

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

V. NEW BUSINESS

- A.** Planning Board Application Fees – no discussion on this issue
- B.** Topics not reasonably anticipated 48 hours prior to the meeting – Mr. Carson reminded the Board members that they had asked to meet with the Town Engineer, Jason Skeels, to discuss issues related to drainage in the vicinity of Kendrick Place. Mr. Carson would like to be proactive on this issue so that it does not impede progress in the development of the northern part of downtown.

Mr. Webber agreed and noted that he would also like to hear from former Town Engineer, Jim Smith, who had given a detailed geological assessment of an area on University Drive that had been proposed for rezoning.

Ms. Kruger would especially like to hear from the current Town Engineer with respect to drainage as well as traffic impact in the vicinity of Kendrick Place. She noted that the intersection of Triangle Street and East Pleasant Street is a problem area in terms of traffic but those problems existed prior to the proposal to develop Kendrick Place.

Mr. Carson asked if the town has plans to extend the sidewalks and lamps to this northern part of downtown and he would like to discuss this issue with the Town Engineer.

Mr. Webber stated that he would also like the topic of economic development to be included on an upcoming Planning Board agenda. Board members asked to meet with the Town Manager, the Chamber of Commerce and the BID regarding economic development.

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – none

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Bruce Carson – no report

Community Preservation Act Committee – Sandra Anderson – no report

Agricultural Commission – vacant – no report

Transportation Plan Task Force – Richard Roznoy and Rob Crowner – Mr. Crowner reported the TPTF had met recently and had elected Richard Roznoy as the chair. The TPTF had finalized the RFP for a consultant to help them prepare a Transportation Plan for the town. The original RFP had been let out a year ago, but there was only one response and the TPTF had decided to put the RFP out again. The RFP has been rewritten and will be released soon. The TPTF plans to hire a consultant and have a Transportation Plan done by the end of 2014.

Amherst Redevelopment Authority – Constance Kruger – no report

Design Review Board – Kathleen Ford – no report

Housing and Sheltering Committee – Greg Stutsman – no report

Town Gown Study Steering Committee – David Webber and Greg Stutsman – Mr. Webber reported that the TGSSC would meet next week. The selection committee had received 5 to 7 responses to the

RFP and had selected a subset to interview. The consultant would be chosen soon and the interviews will be held in open session. The meetings of the TGSSC are posted on the town website.

Master Plan Implementation Committee – vacant

X. REPORT OF THE CHAIR – Mr. Webber reported that there is too much snow.

XI. REPORT OF STAFF – no report

XII. ADJOURNMENT

The meeting was adjourned at 9:31 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Senior Planner

David Webber, Chair

DATE: _____