

AMHERST PLANNING BOARD
Wednesday, March 19, 2014 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: David Webber, Chair, Rob Crouner, Connie Kruger, Stephen Schreiber, Richard Roznoy, Sandra Anderson, and Greg Stutsman

ABSENT: Bruce Carson and Kathleen Ford

STAFF: Jonathan Tucker, Planning Director
Rob Morra, Building Commissioner

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

I. MINUTES

Mr. Crouner MOVED to approve the Minutes of March 5, 2014. Mr. Roznoy seconded and the vote was 5-0-0.

II. PUBLIC HEARING – ZONING AMENDMENT – *continued from March 5, 2014*

A-11-14 Zoning – Accessory Home Business Uses (Planning Board)

Mr. Webber read the preamble and declared open the continued public hearing regarding this amendment to see if the Town will amend Article 5, Accessory Uses, and Article 12, Definitions, of the Zoning Bylaw in order to improve and clarify the regulation of home-based accessory business uses and related ancillary activities including parking, storage, and hours.

Mr. Morra summarized the revisions that had been made to the zoning amendment since the public hearing session on March 5th. A statement of purpose for the amendment has been moved to the front of the article. Language referring to number of employees has changed. The general regulations having to do with parking have been made more flexible. As requested, the lot size requirements for large contractors has changed and there is now a waiver or modification provision. Most of these uses are intended to be approved administratively unless they don't meet the general regulations, in which case the businesses will need a Special Permit.

Other changes noted were changes to hours of operation in residential districts, an exemption for seasonal snow plowing, gender neutral terminology, consistent reference to employees and an expanded definition of construction.

Mr. Crouner reported that the Zoning Subcommittee had reviewed and was satisfied with the changes and voted to support them. The majority of the ZSC wanted to keep the word "customary", but the consensus on that was not unanimous.

Ms. Anderson recommended that the Planning Board follow the lead of the ZSC. Mr. Stutsman stated that all of his previous concerns had been addressed.

Mr. Schreiber MOVED to close the public hearing and to recommend to Town Meeting that this zoning amendment be adopted. Mr. Roznoy seconded and the vote was 6-0-0.

V. NEW BUSINESS

A. Town Engineer, Jason Skeels – Discussion about drainage and traffic issues in northern Downtown Amherst

Mr. Webber explained that the Planning Board had invited the Town Engineer to this meeting for an update on drainage and traffic issues in the north end of downtown.

This is the start of a longer conversation. Mr. Skeels expressed his willingness to come back in May or June to discuss these issues further.

Regarding issues of drainage and traffic there have been representations by members of the public that new development in the north end of downtown will cause problems.

Drainage

Mr. Skeels responded that drainage is complicated. Most of the areas within the downtown already have 90% impervious surfaces. Development is an opportunity to improve these situations. Every applicant is required to make stormwater runoff “identical to or better” (less than) than the existing conditions prior to construction. This will reduce stresses on Tan Brook.

Mr. Skeels reported that a while ago a catch basin in this area was “blown out” during a storm event because there was a garbage can blocking the line. A year later an underground stretch of the old Tan Brook culvert collapsed. There are other problems at Fearing Street where two undersized culverts are a problem and need to be increased in size. However, installing new culvert requirements would be a major project, requiring re-routing of sewer lines, and other buried utilities, he said.

Kendrick Place is not an impervious site in its existing condition and therefore it is more challenging to deal with in terms of matching or reducing pre-development runoff. In the end, the Kendrick Place developers’ proposal will reduce the amount of off-site runoff and will make the drainage situation better in this area. Underground storage tanks are proposed to detain the stormwater on-site and discharge it slowly.

In response to a question, Mr. Skeels noted that Amherst has separate storm water and sanitary sewer systems.

Mr. Crouner asked if the solution to the Fearing Street drainage problem is the Town’s responsibility or is there a way to tie it to downtown development?

Mr. Tucker asked about changes in state and federal storm water regulations, to which the Town must respond.

Mr. Skeels described the changes in the storm water regulations. New regulations require removal of 80% total suspended solids and flood prevention downstream. There can also be no increase in off-site runoff, he said. The rate of runoff must be the same or better than prior to construction. The practical effect of this is to reduce runoff.

Mr. Skeels noted that UMass is not subject to Amherst’s regulations. They discharge their stormwater to Hadley. Amherst College and Hampshire College are covered by Amherst’s regulations. Mr. Skeels also described some of the history of the Kendrick Park culvert.

Mr. Webber asked about the area around the intersection of East Pleasant Street and Triangle Street, and if there are any problems with runoff in that area.

Mr. Skeels said that there are problems with this area with regard to drainage which begin upstream. He noted that the Tan Brook watershed starts at the Wildwood Cemetery and includes other parts of downtown Amherst to the south. All of the downtown area is culverted.

Mr. Skeels stated that all new development must meet the new storm water regulations.

Janet Keller of Pulpit Hill Road noted that some communities in Colorado, as storms get more frequent and intense, have adjusted their regulations proactively and were glad to

have done things in advance to comply with a recent storm in excess of the 100 year storm. She asked if Amherst had thought of adjusting its regulations.

Mr. Skeels stated that the Town of Amherst defers to state law with regard to storm water regulations. He noted that the establishment of a storm water enterprise fund would be a good idea.

Mr. Skeels stated that the money for such a fund could come from a third utility bill issued to landowners. This bill could be based on the square feet of impervious surface or other indices. Putting in a rain garden or pervious pavement which recharged precipitation on-site would give a landowner a credit. Mr. Skeels also noted that the town's drainage infrastructure is over 100 years old in some places.

Traffic

Mr. Skeels reported that the Town of Amherst had partnered with UMass for the Gateway Corridor Transportation Study. This report describes the LOS (Level of Service) for the East Pleasant Street/Triangle Street intersection and numerous other intersections in the area. Each approach lane gets an individual grade and then the grade is averaged. Overall the intersection received a grade of "C". Individual legs of the intersection are not as good. These conditions could improve with better timing of the traffic lights. Future "build" conditions [includes assumptions about what might be built in in the area in the next 20 years] projected a potential "D" for the overall intersection, with an "E" grade for westbound traffic, which is considered a failing grade. A roundabout design is being looked at for this intersection, with future assumptions about "build" conditions taken into account. Projected LOS on the roundabout in the "built" condition would receive grades of B and C.

Mr. Tucker noted that roundabouts work and that there is a lot of history that backs this up.

Mr. Skeels reported that plans for the East Pleasant Street/Triangle Street intersection are in design and that the town is looking for funding from several sources.

Mr. Schreiber stated that he hoped that design for pedestrians and bicycle facilities in the intersection would be considered as a first priority.

Mr. Skeels stated that the designs for this intersection would require some land takings, with the most impact on the Bank of America property.

Mr. Roznoy observed that this intersection would be part of the work of the Transportation Plan.

Mr. Webber asked about lighting for the intersection and noted that lighting in the downtown is inadequate, especially at the crosswalks. He stated that lighting for the roundabout concept plan would require considerable work.

Maurianne Adams asked about snow removal, considering the development of Kendrick Place and the roundabout.

Mr. Skeels stated that snow would be pushed off to the edges of the road and carted away.

Mr. Webber thanked Mr. Skeels for attending the meeting and noted that it was very helpful. He would like to set up another meeting with Mr. Skeels for May.

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

III. ZONING

- A.** Zoning Subcommittee Report – Mr. Crowner presented the ZSC report. The ZSC completed its work on Atkins Corner Rezoning and Inclusionary Zoning this evening. The ZSC is still working on Small House Development. He described the changes that have been made to that zoning amendment. The ZSC has decided to postpone further work on “Pocket Neighborhood Development” for now, but is continuing to work on the other components of Small House infill development. Public hearings are scheduled for these in the next two weeks along with Off-Campus Academic Residential Uses. Staff is recommending that the Planning Board postpone action on that amendment as well, to avoid creating confusion regarding the Land Court filing and the pending applications for The Retreat.
- B.** Public Comment Period – none

VI. OLD BUSINESS

- A.** Planning Board Application Fees – Mr. Tucker reviewed the proposed changes to the Planning Board application fees. Mr. Webber recommended having no fee for the Scenic Roads application [other than the fee for the legal ad].

Mr. Schreiber MOVED to approve the new fees as proposed. Mr. Roznoy seconded and the vote was 7-0-0.

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

Mr. Webber reviewed what had transpired during the meeting up until 8:15 p.m. with regard to Accessory Home Business Uses and the conversation with the Town Engineer, for those who had attended Town Meeting and were now present for the Planning Board meeting.

IV. PUBLIC HEARING – ZONING AMENDMENTS

A-12-14 – Zoning – Atkins Corners Rezoning (Planning Board)

To see if the Town will amend the Official Zoning Map as shown on Figure 1, by changing the zoning designation from Limited Business (B-L) to Village Center Business (B-VC) for parcels 25B-51, 25B-52, 25B-58, 25B-R1, 25B-R2, and portions of adjacent public ways in Atkins Corners village center.

Mr. Webber read the preamble and opened the public hearing. Mr. Crower presented the ZSC report on this amendment. This is a very simple zoning change, involving changing the zoning from B-L to B-VC for three properties. He described the history of previous attempts at rezoning the Atkins Corner area. This proposal is much more limited in scope than those previous attempts. Mr. Crowner referred to two maps during his presentation – a map of a larger area showing the potential village center study area and a smaller, more detailed map. He noted that only the changes shown in blue on the larger area map were being considered at this time. The more detailed map shows the proposed changes.

The biggest differences between B-L and B-VC are in their dimensional requirements. With B-VC zoning, tighter, denser development is possible. Hampshire College hopes to develop the land along the loop road that is proposed for rezoning. Feedback from the public has emphasized pedestrian connections to and from the Atkins Farm Market and future crosswalk safety. Pedestrian infrastructure improvements can be done as part of the development by the developer, or by the Town. At this time, the Town is only looking at zoning changes. The ZSC recommended this zoning amendment to the Planning Board unanimously.

There was some question and discussion about the rezoning of the sliver of property south of the Ives house.

Board members discussed improvements to the illustrative maps to make clearer what was being proposed with this zoning amendment.

Mary Streeter thanked the Board for keeping the public hearing open to allow Town Meeting members to participate in the discussion. She stated that it was not good practice to rezone part of a lot and that she had never seen rezoning of the entire width of road rights of way. She was concerned that this was an attempt to encourage future rezoning of adjacent properties. She asserted that the borders of zoning districts were usually drawn at the border of the properties or in the middle of the road. She asked about plans for the Hampshire College properties. Ms. Streeter stated that sidewalks could be built without rezoning the area along the roads.

Alice Swift thanked the Board for limiting the rezoning proposal to the core of the village center. She made suggestions about improving the graphic presentation and stated that the Saturday morning tour conducted by the Board had been very helpful.

Janet Chevan also thanked the Board for the tour but admonished the Board about holding public meetings on Saturday mornings when some people are at religious services. She suggested Saturday afternoons as a better time. She asked whether land on the other side of the road would be taken or included in the rezoning, and Mr. Tucker responded that it would not.

Mr. Schreiber MOVED to close the public hearing and to recommend approval of this article to Town Meeting. Mr. Stutsman seconded and the vote was 7-0-0.

A-13-14 Zoning – Inclusionary Zoning (Planning Board)

To see if the Town will amend Article 4, Development Methods, Article 12, Definitions, and Article 15, Inclusionary Zoning, of the Zoning Bylaw in order to expand the residential uses and developments required to provide affordable housing, selectively increase the rate of such housing to be provided, simplify density bonuses, re-organize inclusionary provisions of the Bylaw, and make other related changes.

Mr. Webber read the preamble and summarized the proposed zoning amendment.

Mr. Crouner presented the ZSC report. The ZSC has been working on this article for more than a year. He referred to the zoning draft amendment dated March 18th. Mr. Crouner described the current Inclusionary Zoning bylaw and noted that it only applies to projects that require a Special Permit and that it provides affordable housing for both low and moderate income individuals and households.

The new zoning amendment focuses on low income housing. It changes the definition of affordable housing to include only those dwelling units that are SHI eligible. It applies to all residential uses and developments. It increases the affordability requirement to 15% in all cases except for single family developments and developments in the B-G zoning district, where the requirement would be 10%. There are several options for provision of affordable units; the determination of the preferred option would be up to the permit granting body. Mr. Crouner described the calculation for the fee-in-lieu (FIL) option. He noted that there are cost offsets to balance the cost of providing affordable units where the units are actually provided. In districts where there are no lot requirements per unit, cost offsets would allow greater building coverage. The amendments to the B-G District which had been included in a separate Part D in previous versions of the warrant language were being incorporated back into the general amendment. The intent of the amendment is to increase the rate of provision

of affordable housing.

Ms. Anderson stated that the amendment was complicated and asked that an illustration be provided to show the effect of the proposed changes on an existing development.

Ms. Kruger suggested that Presidential Apartments be used as an example. Recently this development was required to provide 6 affordable units out of 54 new units.

Mr. Stutsman stated that the new zoning amendment had been significantly simplified and streamlined and that it was one of the top recommendations of the Housing Production Plan and a top priority of the Housing and Sheltering Committee.

Mr. Crowner reported that the Zoning Subcommittee had unanimously supported recommending this amendment to the Planning Board.

Jim Oldham expressed support for the requirement that Inclusionary Zoning apply to all development and that it apply only to the provision of low income units, as opposed to both low income and moderate income units. He expressed concern about the cost offsets. The modifications of the dimensional standards may cause some Town Meeting members to oppose the article. He expressed concern about the lower affordability requirements for the B-G zoning district. The requirement for 7.5% affordable units seems insufficient. He believes that provision of affordable units in all zoning districts is important for low income people. He was also concerned about the possibility of a 6th floor.

Ms. Kruger noted that the Zoning Subcommittee had spent a long time working on this amendment and had sought out expert help. The consultant had made it clear that for affordable units to be built, the Town has to offer a reasonable offsets. She warned that because the Town is seeking to apply these requirements to by-right residential uses, it could find itself in court facing a takings lawsuit if the cost offsets are not adequate. Further, without adequate offsets, the requirements could dampen Town center development that the Town wants to encourage. The ZSC has developed this amendment with a lot of thought about balancing all of the components.

Mr. Webber noted that the limit on the number of floors in the B-G district is now 5 and that the B-G district is already extensively covered in terms of building and lot coverage.

Mr. Stutsman stated that the requirement for affordable units in the B-G district is proposed to be 10%, not 7.5%.

Ms. Streeter stated that she did not see the need to treat the B-G district differently from other districts. Development is happening there and she does not want the district to become gentrified. She encouraged the town to allow a robust affordable neighborhood to develop.

Mr. Oldham expressed concern about allowing additional offset units anywhere, especially in the B-G district. However, he agreed with some of the proposed cost offsets.

Mr. Crowner agreed with many of the comments but stated that he is interested in having an inclusionary bylaw that works to provide affordable housing. The ZSC was asked to exempt the B-G district but chose not to do so. He noted that the difference in the requirement is not between 10% and 15% [proposed] but between 10% and 12% [currently required].

Ms. Adams asked about the effective date of the amendment and was told that it was the date of the Town Meeting vote.

Ms. Keller suggested that the town rely on bonuses and incentives rather than a number of detailed amendments. She asked for a simpler approach and suggested tax incentives for downtown. She asked if private residence halls would be included and recommended that

they not be exempted.

Mr. Crowner acknowledged the difficulty in dealing with the issue of exemptions. In the end, the ZSC decided to include only those developments that increase the countable housing stock in the requirement to provide affordable units. The definition of affordable housing had the effect of not affecting developments that are not countable under the state's SHI. DHCD's rules for SHI-eligible housing does not include units or group housing that is not considered year-round housing under the U.S. Census.

Mr. Tucker noted that the exemption [for student housing] only applies to student group housing uses in the R-F zoning district. Any new residential uses in other districts which included dwelling units would be included.

Ms. Kruger explained the process by which housing units are countable on the SHI.

There was discussion about the fact that residential uses can change over time and questions about how these requirements would work if the uses change.

Mr. Tucker explained that the bylaw comes into play each time a use changes.

Helen Berg asked if affordable units are available to students. The answer was "not what's being proposed".

Ms. Keller asked the Board to ensure that the town is getting more public benefit for what is being offered to developers. She acknowledged the difficulty of the effort. She would like all developers to contribute to "this pressing problem" of a lack of affordable housing. She expressed disappointment that student housing is not included. She noted that downtown is becoming an attractive place for development.

Mr. Tucker explained two dimensional changes that were being proposed.

Ms. Kruger noted that the requirement for affordable housing is being extended to by-right uses. Town Counsel has said that we can create a universal mandate for affordable housing but there is no case law to support it. She stated that she doesn't want "the perfect to be the enemy of the good". She recommended supporting this amendment now and amending it later if it needs to be amended.

Barry Roberts, President of the Business Improvement District (BID), stated that the BID preferred that the buildings not be allowed to go to 6 stories but, if they do, then the bylaw should allow them to be 72 feet in height.

Ms. Anderson noted that the BID memo did not support 6 floors, but it did support 72 feet if 6 floors were allowed.

Ms. Streeter noted that the town sometimes holds a Special Town Meeting in the middle of the Annual Town Meeting. She would really like the Inclusionary Zoning bylaw to pass and she encouraged the Planning Board to consider requesting a Special Town Meeting to deal with changes to Inclusionary Zoning.

Mr. Webber praised the Zoning Subcommittee for its work on this amendment, for having done its due diligence and striking a balance. As we put in new housing the scale should tip towards affordable housing, he said. The proposed incentives are reasonable. He expressed support of the amendment as it is and would like to see it go forward.

Mr. Schreiber MOVED to close the public hearing and to recommend to Town Meeting that this zoning amendment be approved. Mr. Crowner noted that what was being moved is what has been described in the public hearing. Mr. Stutsman seconded and the vote was 7-0-0.

VII. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VIII. UPCOMING ZBA APPLICATIONS – none

IX. UPCOMING SPP/SPR/SUB APPLICATIONS – none

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Bruce Carson – no report

Community Preservation Act Committee – Sandra Anderson reported that CPAC has completed its recommendations and she will forward the report.

Agricultural Commission – vacant

Transportation Plan Task Force – Richard Roznoy and Rob Crowner – Mr. Roznoy reported that the TPTF had met with consultants who were responding to the RFP early in the day and that bids were due soon.

Amherst Redevelopment Authority – Constance Kruger – no report

Design Review Board – Kathleen Ford – no report

Housing and Sheltering Committee – Greg Stutsman reported that the HSC was pursuing the establishment of a Housing Trust Fund and would be bringing an article about this to Town Meeting.

Town Gown Study Steering Committee – David Webber and Greg Stutsman – Mr. Webber reported that the TGSSC had selected a consultant and that it looks like a good team. He noted that the town election was coming up and he encouraged people to vote on the 25th.

Master Plan Implementation Committee – vacant

XI. REPORT OF THE CHAIR

Mr. Crowner, Chair of the ZSC, reported that the order of zoning articles on the Town Meeting Warrant would be Inclusionary Zoning first, then Atkins Corner, followed by the other zoning articles.

XII. REPORT OF STAFF – Mr. Tucker noted that the next Planning Board meeting would be held on April 2nd.

XIII. ADJOURNMENT

The meeting was adjourned at 10:00 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Senior Planner

DATE: _____
David Webber, Chair