

**AMHERST PLANNING BOARD**  
**Wednesday, January 21, 2015 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** David Webber, Chair, Stephen Schreiber, Rob Crowner, Bruce Carson, Greg Stutsman and Christina Calabrese

**ABSENT:** Richard Roznoy

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

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

**I. MINUTES**

Mr. Carson MOVED to approve the Minutes of December 17, 2014. Mr. Stutsman seconded and the vote was 6-0-0.

**II. PUBLIC HEARING – SITE PLAN REVIEW**

**SPR2015-00009 – Sigrid Miller Pollin for Crotty Hall – 418 North Pleasant Street**  
*(Continued from December 3, 2015; request to continue to February 4, 2015)*

Mr. Schreiber recused himself.

Judy Fogg of the Research Support Fund requested that the public hearing for this Site Plan Review application be continued to February 4, 2015.

Ms. Brestrup explained that the applicant would be appearing before the Zoning Board of Appeals on January 29, 2015, for an appeal of a decision of the Building Commissioner regarding the side setback requirements for this building. A decision by the ZBA on this issue would be needed for further review of the Site Plan Review application by the Planning Board.

Mr. Carson MOVED to continue the public hearing to February 4, 2015. Mr. Stutsman seconded and the vote was 5-0-1 (Schreiber abstained).

**III. APPEARANCE**

**Update on Inclusionary Zoning and Non-zoning Incentives for Affordable Housing – John Musante, Town Manager**

Mr. Musante presented an update on the non-zoning incentives for affordable housing being developed by his office. There has been progress on an inclusionary zoning amendment as well as non-zoning incentives to create and preserve affordable housing. Affordable housing is a priority for the Town of Amherst. The town has already created and preserved affordable housing units in several locations, including Olympia Oaks and Rolling Green. The town has received an update from DHCD on the SHI affordable housing inventory which states that the SHI for Amherst is over 11%. Town Meeting authorized a Municipal Affordable Housing Trust and on January 26<sup>th</sup> the Select Board will make appointments to the MAHT.

Mr. Musante stated that unless Amherst allows and encourages new residential development, affordable housing units will not be built. He is working in parallel with the Planning Board and Zoning Subcommittee to develop a companion amendment, with the help of Judi Barrett, to create non-zoning tax incentives. There are two models:

- 1) A TIF (Tax Increment Finance Agreement) as was used at Atkins Market and Cushman Market; one or more TIF districts could be designated where properties would be eligible for tax relief over a certain number of years; this would be similar to tax abatements;
- 2) A Special Tax Agreement – that could provide meaningful tax incentives and preserve the town’s taxing capacity under Proposition 2 ½; this program could offer lower property taxes on the affordable units for a specified number of years; it would reduce the cost to the owner to create affordable units; the Assessors already take into account lower rent for affordable units and tax those units accordingly.

Judi Barrett, the town’s affordable housing consultant has urged and Mr. Musante recommends that the request for a Special Tax Agreement or TIF and the Inclusionary Zoning Bylaw amendment appear together on the Town Meeting Warrant. The Special Tax Agreement or TIF would appear first on the Warrant.

Affordable housing is one of the community’s highest priorities approaching this Town Meeting

Mr. Crowner asked if there would be an administrative piece provided by the town to cover the administration of the affordable units.

Mr. Musante stated that he had heard from the developers and from Judi Barrett that the administrative piece was important and he is actively exploring workable models so the town or its agent can provide such a resource. The timeline for this would be over the summer so that the administrative piece would be in place when the Inclusionary Zoning Bylaw and the non-zoning tax incentives became effective. The Amherst Housing Authority is a successful model for administration. A developer or the town could contract with a third party or use Amherst Housing Authority and pay them a fee. It is good to have an independent third party provide such a service. More research is needed into how other towns provide this service.

Ms. Calabrese asked about potential owner-occupied affordable units and how property tax incentives would work in that case – would they be passed on from the developer to the owner-occupant?

Mr. Musante stated that David Burgess, Assessor, and Sandy Pooler, Finance Director, are researching examples.

Mr. Webber thanked Mr. Musante for the update.

#### **IV. PUBLIC HEARING – SITE PLAN REVIEW**

##### **SPR2015-00010 – Many Hands Farm Corps – 110 Logtown Road**

Request Site Plan Review approval under Section 3.330.0 of the Zoning Bylaw for a residence for 11 individuals for a non-profit farm education program during the months of June, July and August (Map 18D, Parcel 63, R-N zoning district)

Mr. Webber read the preamble and opened the public hearing. He read a letter from the applicant requesting withdrawal without prejudice of the application. Ms. Brestrup explained that the Fire Department would require a sprinkler system for the house because it would be considered a boarding house under the Fire Code. The applicant could not afford to install a sprinkler system.

There was discussion about whether the Board should approve the withdrawal with prejudice due to problems with the setbacks. Setbacks need to be doubled in the case of non-profit educational or religious uses. Ms. Brestrup noted that the applicant could have applied for a Special Permit, under Footnote “a” of Table 3 of the Zoning Bylaw, in this case to modify the

front setback. The Board members agreed to approve the withdrawal without prejudice. Mr. Schreiber MOVED to accept the withdrawal without prejudice. Mr. Carson seconded and the vote was 6-0-0.

It was not yet time for the next public hearing so Mr. Crowner presented the ZSC report.

## V. ZONING

- A. Zoning Subcommittee Report – Mr. Crowner reported that the ZSC had made progress and will use Mr. Webber’s proposed draft of the Inclusionary Zoning amendment as the basis for the amendment. The ZSC is close to having a document for the public hearing. He described the proposed changes to the Webber draft. Conventional subdivisions would be exempt because they are complicated. Most new subdivisions would come in as Cluster Subdivisions, which would not be exempt from the Inclusionary Zoning Bylaw.

Mr. Webber suggested that changes could be made in the Subdivision Rules and Regulations that would make it possible to include Conventional Subdivisions in Inclusionary Zoning, in the future.

Mr. Crowner reported on changes related to provision of off-site units and changes to the modifications and waivers section.

The Board discussed why off-site units would ever be necessary. Mr. Tucker gave an explanation. Off-site units may be provided in the same zoning district within 500 feet of the original development.

Mr. Stutsman noted that there was a need to make a clear distinction between “off-site” units and “off-set” units.

There was more discussion about when off-site units should be allowed. Mr. Webber continued to urge the Board to simplify the document.

Mr. Crowner summarized the discussion and stated that off-site units should be by Special Permit, but the provision of off-site units should only apply to the Business districts.

Mr. Stutsman recommended that off-site units be dealt with under the Waivers and Modifications section.

There was discussion about whether criteria related to provision of off-site units should be dealt with in a separate document – perhaps a set of guidelines.

### B. Public Comment Period

Janet Keller of Precinct 1 urged clarity and urged the Board to make the public benefit commensurate with the developer’s benefit. She opposed payment-in-lieu and stated that provision of off-site units should require more standards. Developers want predictability and flexibility and so do citizens.

Mr. Crowner stated that the Zoning Subcommittee is still considering putting forward a zoning amendment having to do with Special Districts and would like to put it on the agenda for the ZSC’s January 28<sup>th</sup> meeting. The Planning Board agreed that the ZSC could explore putting this item on the Town Meeting Warrant for spring.

Mr. Tucker announced the upcoming Robert Burns dinner on Saturday, January 25<sup>th</sup>. He then left the meeting.

**VI. PUBLIC HEARING – SITE PLAN REVIEW (continued)**

**SPR2015-00011 – Robert Harris for Grand Chapter of Phi Sigma Kappa – 510 North Pleasant Street**

Request Site Plan Review approval under Section 3.326 of the Zoning Bylaw, restore entrance, replace front door and add decorative portico as originally designed (Map 11A, Parcel 20, R-F zoning district)

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

Mr. Schreiber disclosed that he works next to the building under consideration, but he is not an abutter.

Robert Harris, UMass alumnus and non-active member of Phi Sigma Kappa, presented the application. He is a representative of the Grand National Phi Sigma Kappa. He was accompanied by Edward Dougherty, Chapter Adviser, and three active student members of the fraternity. The Building is holding its 100<sup>th</sup> Anniversary celebration this summer. The cornerstone of the building was laid in 1914, but the house was occupied in 1915.

Mr. Harris noted that, in the past, the building had a beautiful entrance with a wooden varnished door and a decorative portico. The alumni (Classes 1957 through 1962) have donated money and would like to restore the entrance. The building has had maintenance problems over the years. The portico and door were removed. A utilitarian door was put in place of the nicer old door.

The proposed new door will be close to the original in appearance. The transom will also be new. The pieces of the new entrance, including the portico, will be pre-fabricated off-site and delivered and installed on-site. The alumni would like to get the work done before June 6<sup>th</sup>, in time for the celebration.

Mr. Harris presented a picture of what the house looked like in the past 50 years and what it looks like now. He also presented a rendering of the proposed construction. The carpentry will be done in Newport, Rhode Island. The refuse and debris will be removed.

Ms. Calabrese presented a report on the site visit. Three Board members attended and viewed the existing front door. The proposal will provide a strong improvement over the existing condition, she said.

Mr. Webber acknowledged receipt of the renderings.

Mr. Harris stated that the building had a beautiful colonial revival design and the alumni were hoping to bring it back to the way it looked in the past.

Mr. Webber reviewed the Development Application Report. He noted that there was a request to waive the Sign Plan, but the drawings that were submitted can be accepted as the Sign Plan. The proposal calls for putting Greek letters above the door.

Mr. Harris stated that the sign is to be made of bronze and will be permanently affixed to the building. There is a light at the entrance which will remain in place. The present lighting is sufficient, he said. The light is centered on the door, about 18" above the transom on the brick. It will be under the portico. The light can be seen in the photographs behind the letter "Σ".

Mr. Schreiber stated that the alumni are generous and that this will be a huge improvement. With regard to the Management Plan, he asked that a condition be placed on this project requiring that the sidewalk be plowed by the landowners and that attention be paid to the whole front of the building. Mr. Webber noted that it is a Town of Amherst requirement that property

owners keep the sidewalks clear.

Mr. Harris agreed to address these issues.

Mr. Harris acknowledged that the landscape around the building is bare. He is not sure how much the work on the entrance will cost but it is possible that some money will be left over. He would like to landscape the front of the building if there is any money left. He may be able to get a student from the Department of Landscape Architecture or the Stockbridge program to prepare a Landscape Plan.

Mr. Webber acknowledged the fact that the fraternities have made an effort to do community service and he appreciates their efforts. He stated that the community notices the efforts of the fraternities and cares about their efforts.

Mr. Schreiber MOVED to close the public hearing and that the Board finds that the proposal meets the relevant sections of the Site Plan Review Criteria in Section 11.24 of the Zoning Bylaw, and to approve the application, with waivers and conditions as discussed. Mr. Stutsman seconded and the vote was 6-0-0.

#### Waivers

- Landscape Plan (unless the applicant decides to install plants in front of the building; see Condition #2)
- Erosion Control Plan
- Lighting Plan
- Traffic Impact

#### Conditions

1. Snow and ice shall be cleared from the sidewalks in front of the building in accordance with the Bylaws of the Town of Amherst.
2. If the applicant decides to install plants in front of the building a Landscape Plan shall be submitted to the Department of Conservation and Development for approval by Planning Department staff.
3. The Sign Plan shall be accepted as submitted.

## **VI. OLD BUSINESS**

### **A. Signing of Decisions**

SPR2015-00006 & SPP2015-00002 – 134 Montague Road – Atkins North – The Board signed the Site Plan Review and Special Permit decisions.

### **B. SPP2015-00001 & SPP2015-00003 – Archipelago Investments LLC – 1 East Pleasant Street (the Carriage Shops) – Acknowledge receipt of Appeal of Special Permit decisions and schedule Executive Session if necessary – The Board acknowledged receipt of the Appeal and decided that scheduling an Executive Session to discuss the Appeal was not necessary at this time. Mr. Webber stated that the Board would want to receive updates.**

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

## VII. NEW BUSINESS

A. American Planning Association, Massachusetts Chapter – Workshop on “Inclusionary Zoning Solutions” – January 28, 2015, Plymouth, MA – Ms. Calabrese encouraged members of the Board and staff to attend the Inclusionary Zoning workshop and noted that Judi Barrett, consultant for the town, would be coordinating the sessions.

B. PVPC (Pioneer Valley Planning Commission)

1. Top Ten Resolves for 2015

Mr. Carson read highlights from the Top Ten Resolves for 2015. He stated that at the next meeting Commissioners would be voting to approve the Resolves. There was an emphasis on the rail project and commuter rail service was planned for the next 3 to 5 years.

2. Land Use Priority Plan for Pioneer Valley Region

Mr. Carson stated that the state favors grants that create density. Applications for stated funds that favor density will be preferred.

Mr. Schreiber noted that Amherst usually makes an annual statement about the rail link going south to Palmer and north to Brattleboro via Greenfield. Mr. Carson stated that there was a feasibility study done and that there was not enough patronage projected to pursue this plan. Mr. Schreiber stated that it was important to continue to bring up this topic with the PVPC.

Mr. Schreiber noted that at the time the rail service was moved from Amherst to Northampton there had been discussion about providing a link from Amherst to the Northampton Rail Station. Mr. Carson acknowledged that this idea had been discussed in the newspaper. The PVTA thought that there was enough service available already. But he will bring up the topic at the next PVPC meeting.

Mr. Webber stated that it would be helpful to have a bus link that was tied to the time of the train arrival and departure.

Ms. Brestrup reported that Amherst is part of an ongoing Regional Bike Share study with the PVPC.

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

## VIII. FORM A (ANR) SUBDIVISION APPLICATIONS

The Board endorsed ANR2015-00005 – Catherine S. Bickford – 181 & 189 Mill Lane

## IX. UPCOMING ZBA APPLICATIONS

The Board declined to review the following ZBA application:

**ZBA FY2015-00020 – Sigrid Miller Pollin** – To Appeal the order of the Building Commissioner, dated December 18, 2014, with respect to the required side yard setback under Section 6.6 of the Zoning Bylaw, at 418 North Pleasant Street (Map 11A, Parcel 30, R-G Zoning District)

**X. UPCOMING SPP/SPR/SUB APPLICATIONS**

Ms. Brestrup reported that Amherst College was proposing to make improvements to Marsh House, an existing dormitory on Lessey Street.

**XI. PLANNING BOARD COMMITTEE & LIAISON REPORTS**

Pioneer Valley Planning Commission – Bruce Carson – report given earlier in the meeting

Community Preservation Act Committee – vacant – Ms. Brestrup reported that CPAC had met last night and had heard presentations regarding requests for funds.

Agricultural Commission – Stephen Schreiber reported that the Ag Com had met last week and had sent a letter to the Select Board regarding the Amherst Farmers’ Market to make it more inclusive.

Transportation Plan Task Force – Rob Crowner – no report

Amherst Redevelopment Authority – vacant – no report

Design Review Board – vacant – no report

Housing and Sheltering Committee – Greg Stutsman – no report

Town Gown Study Steering Committee – David Webber and Greg Stutsman – no report

Master Plan Implementation Committee – vacant

Zoning Subcommittee – Rob Crowner, Bruce Carson, Greg Stutsman, Stephen Schreiber and Christina Calabrese – report given earlier in the meeting

**XII. REPORT OF THE CHAIR** – Mr. Webber noted that the Kendrick Place building was progressing. The fifth floor was on and the massing of the building is good. It will be a great addition to downtown Amherst.

**XIII. REPORT OF STAFF** – none

**XIV. ADJOURNMENT**

The meeting was adjourned at 9:14 PM.

Respectfully submitted:                      Approved:

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Christine M. Brestrup  
Senior Planner

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David Webber, Chair                      DATE: \_\_\_\_\_