

AMHERST PLANNING BOARD
Wednesday, April 1, 2015 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: David Webber, Chair, Rob Crowner, Bruce Carson, Greg Stutsman, Stephen Schreiber and Richard Roznoy

ABSENT: Christina Calabrese

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

Mr. Webber opened the meeting at 7:02 PM.

I. EXECUTIVE SESSION – “For the purpose of discussing the status of and strategy with respect to the Superior Court case of Greenbaum v. Archipelago Investments, Amherst Planning Board et al..”

Mr. Webber announced that the first item on the agenda was an Executive Session and stated that at this point the Planning Board needed to adjourn its open session and convene an Executive Session to discuss matters relating to litigation, specifically for the purpose of discussing the status of and strategy with respect to the Superior Court case of Greenbaum v. Archipelago Investments, Amherst Planning Board et al. He asked for a Motion to adjourn the open session and to convene an Executive Session.

Mr. Roznoy MOVED that the Planning Board adjourn the open session and convene an Executive Session. Mr. Stutsman seconded and the roll call vote was as follows:

- Mr. Crowner – aye
- Mr. Carson – aye
- Mr. Schreiber – aye
- Mr. Webber – aye
- Mr. Stutsman – aye
- Mr. Roznoy – aye

The Executive Session was conducted, after which the Board reconvened in open session.

II. MINUTES

Mr. Roznoy MOVED to approve the Minutes of March 4, 2015. Mr. Stutsman seconded and the vote was 6-0-0.

Mr. Stutsman MOVED to approve the Minutes of March 18, 2015. Mr. Carson seconded and the vote was 5-0-1 (Schreiber abstained).

III. ZONING

- A.** Zoning Subcommittee Report – Mr. Crowner reported that the ZSC was finished with its work for Spring Town Meeting and was now working on an update of the Planning Board Rules and Regulations. The final draft of the Rules and Regulations will be presented to the Planning Board at a public hearing on April 22. The ZSC is beginning to look at future business and is considering making some adjustments to Inclusionary Zoning for the fall. The ZSC is also considering some amendments to the Zoning Bylaw with regard to parking, multi-family housing, small houses and accessory

business uses, as well as adding diagrams and illustrations to the Zoning Bylaw and amending the Subdivision Regulations. There is a need to prioritize the list of what will be worked on.

Ms. Brestrup reminded the Board about staff efforts to organize the work of the ZSC and Planning Board with regard to zoning, particularly the chart that had been prepared by Planning Department staff member, Jeff Bagg. Mr. Crowner agreed that the chart had been useful and that the ZSC would look at it in one of its future meetings.

Mr. Stutsman agreed that the chart produced by Planning Department staff had been useful, but he expressed concern about the quantity of items on the chart, noting that it may be overwhelming. He recommended that some items be removed from the list of items that had been built up over the years.

Ms. Brestrup noted that in an effort to streamline the list of potential zoning amendments, Planning Department staff had already produced a short version of the chart. That short version is available for review by both the ZSC and Planning Board.

Mr. Tucker noted that there are also “repairs” that need to be done to the Zoning Bylaw.

Mr. Webber encouraged staff to distribute the new draft of the work plan to the Planning Board members in their packets for the next meeting [April 22nd] but not to plan on giving a presentation.

- B.** Public Comment Period – none

IV. TOWN MEETING

- A.** Zoning Amendment Issues – Mr. Webber noted that he had received a letter from Kevin Collins of 409 Main Street, regarding a possible infringement of trademark rights over the title “Amherst Community Planners”. He read Mr. Collins’ letter. Mr. Collins states that there is a group entitled “Amherst Community Planners Association” whose name is being adopted by “Amherst Community Planners”.

Mr. Tucker noted that Mr. Collins is a local music teacher, engaged in local politics, who is generally supportive of efforts at good government. He further noted that the Board had agreed to refer to the citizens who brought the petition articles as “Amherst Community Planners” in the Planning Board reports to Town Meeting. Those reports have already been distributed.

Mr. Webber agreed to take the matter under advisement.

- B.** Warrant Review

Mr. Webber stated that he would like the Planning Board to discuss Article 27 on the Town Meeting Warrant, which has to do with the Mill Street Bridge. Ways to get to town are limited and it is inconvenient to have the bridge closed, he said.

Ms. Brestrup noted that the Public Works Committee would be discussing the Mill Street Bridge at its meeting on April 2.

The Planning Board agreed to defer discussion of Article 27 until after the Public Works Committee had discussed the issue.

Mr. Tucker noted that Article 14, the Capital Program, includes a proposal for \$10,000 for consultants’ fees for planning associated with the North Amherst Intersection.

- C.** Movers and Speakers

The Board discussed and decided on Movers and Speakers as follows:

<u>Article</u>	<u>Mover</u>	<u>Speaker</u>
21 Affordable Housing Property Tax Incentives	<u>Select Board</u>	<u>R. Crowner</u>
22 Zoning – Inclusionary Zoning (Planning Board)	<u>S. Schreiber *</u>	<u>D. Webber **</u>
23 Zoning Petition – Butterfield Terrace – (Alpert, et al)	<u>Petitioner</u>	<u>B. Carson</u>
24 Zoning Petition – Municipal Parking Districts Amended (Wentworth et al)	<u>Petitioner</u>	<u>R. Roznoy ***</u>
25 Zoning Petition – Mixed Use Building Amendments (Wentworth et al)	<u>Petitioner</u>	<u>D. Webber</u>
27 Petition – Mill Street Bridge (O’Connor et al)	<u>Petitioner</u>	<u>D. Webber ****</u>

Notes:

* Steve Schreiber and Richard Roznoy are Town Meeting members.

** D. Webber will give introductory remarks and ask to have other Planning Board members (Crowner and Stutsman) recognized to give the presentation.

*** Richard Roznoy will move referral back to Planning Board and speak to the motion to refer.

**** D. Webber may wish to speak to Article 27. Planning Board to discuss this on April 22nd.

D. Public Outreach & Schedule

The Board discussed the need for public outreach on zoning amendments at precinct meetings. The precinct meetings are scheduled for April 13, 14, 15 and 25. There will also be meetings of the Finance Committee (Thursday) and the Select Board (Monday) where zoning amendments will be discussed. The Warrant Review is scheduled for Tuesday. Amherst Media will record an interview with the League of Women Voters in which Mr. Crowner and Mr. Tucker will participate. Mr. Crowner plans to attend all of the precinct meetings. Mr. Webber thanked him on behalf of the entire Board. Mr. Stutsman also plans to attend most if not all of the precinct meetings.

E. Topics not reasonably anticipated 48 hours prior to the meeting

North Amherst Intersection

Mr. Webber noted that he had recently met with staff, Mr. Crowner and Christine Gray-Mullen, Chair of the Public Works Committee, to discuss how to proceed with the redesign of the North Amherst intersection, and to move forward with a public process on this topic. It was decided that there would be at least one public meeting sponsored by the Planning Board and the Public Works Committee. The two groups would jointly work on the event but the Planning Board’s role would be advisory.

Mr. Tucker explained that the reason for the public process would be to look at the intersection in terms of both traffic and planning for this portion of the village center.

Article 21

Mr. Crowner noted that Article 21 was more brief than some had expected. The Board discussed what would happen if Article 21 did not pass. Mr. Webber read Article 21. The general intent is that the article should parallel and support Inclusionary Zoning.

Mr. Stutsman read from the FAQ prepared by Planning Board members for Town Meeting:

“In exchange for the 10% affordability requirement and to make the resulting developments more economically viable, Article 22 contains cost offsets which include increased height, floors, and lot coverage, among other things. Even without tax incentives, Article 22 is a substantial improvement over the current bylaw, which has not resulted in any constructed affordable housing units.”

Mr. Roznoy asked if there would be a procedural motion to have Articles 21 and 22 scheduled together on the same evening. There was discussion about this proposal.

Mr. Crouner MOVED that the Planning Board recommends to Town Meeting that it approve Article 21. Mr. Carson seconded and the vote was 6-0.

There was discussion about who would speak to Article 22. Mr. Webber agreed to give an introduction and summary and to request that Mr. Crouner and Mr. Stutsman be recognized to give the detailed presentation.

V. OLD BUSINESS

A. SPR2013-00001 – Town Hall Parking Lot Renovations – Amendment to Site Plan – Installation of EV Charging Station – Ms. Brestrup reported that this project would require a new Site Plan Review application and that the public hearing would be scheduled for April 22nd.

B. Amherst Housing Market Study, RKG Associates, Inc. – Discussion

Mr. Crouner stated that the Housing Market Study report was very good and comprehensive. He liked the changes that had been made, which corrected the problem of faulty data. The conclusions and recommendations are clear. It is also clear that the document is not a policy statement.

Mr. Webber agreed and was impressed with the Study. It will be a useful tool going forward. It can assist other town boards. He thanked Mr. Stutsman for his work on the Study.

Mr. Stutsman stated that the whole Housing & Sheltering Committee had worked on this study and on the Housing Production Plan. Preparation of the Housing Market Study was a recommendation that came out of the Gateway Visioning process, to study the market for non-student housing.

Mr. Stutsman also noted that the University and Town of Amherst would be establishing a University and Town of Amherst Collaborative (UTAC) to carry the ideas of the Town Gown Steering Committee forward. The town is proposing to hire an Economic Development Coordinator. We can also look into the possibility of public private partnerships on university property. There is support from the state legislators.

Mr. Roznoy praised the Housing Market Study, especially the recommendations section. He thought that the town was getting a good start on housing issues with Inclusionary Zoning and cost offsets. He envisioned political issues if the town allowed multi-family developments by right.

Mr. Roznoy noted that there was a strong recommendation that the town's approach to regulating density be changed and that we reconsider using the minimum lot size. He mentioned other specific recommendations that were good.

Mr. Webber recommended that the Planning Board formally accept this Study.

Mr. Tucker stated that this would be considered an advisory gesture. There is no proposal to make it part of the Master Plan. It is really a resource document. Acceptance would indicate that this is a valuable document but would have no formal statutory meaning.

Mr. Carson MOVED that the Planning Board accept the Housing Market Study. Mr. Schreiber seconded and asked that the motion be amended to include a statement that the acceptance be conveyed to the Select Board and the Housing & Sheltering Committee. Mr. Schreiber seconded the amended motion. The vote was 6-0.

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

VI. NEW BUSINESS

Topics not reasonably anticipated 48 hours prior to the meeting

Parking Forum

Mr. Webber reported that the Planning Board and Select Board have held a third Parking Forum. A follow-up report will be produced in May. The Planning Board may wish to schedule a discussion about the report towards the end of May.

Mr. Webber noted that the third Parking Forum was an extraordinarily interesting and successful meeting. He thanked members of the public for attending. Mr. Bagg did a great job setting up and running the Forum. It was a positive experience.

Mr. Schreiber was encouraged by the comments and recommendations that came out of the Forum. In particular he noted that there was a need to deal with long-term and overnight parking.

Mr. Stutsman noted that both quantity and quality of parking were important and that the public was looking for consistency and predictability.

Mr. Webber noted that a lot of major topics were discussed and that there was a need for prioritization of the immediate alternatives.

Gas Moratorium

Mr. Stutsman reported that Berkshire Gas had recently announced a moratorium on new gas connections. The Planning Board had received copies of documents from Berkshire Gas regarding the moratorium. Mr. Stutsman questioned what role the Planning Board could play in this, but noted that the moratorium would affect both businesses and homeowners. No new gas services will be available for new homes. No new loads and new equipment will be allowed to be connected. The moratorium will last at least 3 years, if the gas pipeline is built. If the gas pipeline is not built the moratorium will be in perpetuity.

Mr. Crouner suggested that the Planning Board may want to incentivize use of alternative energy.

Mr. Schreiber questioned whether Berkshire Gas was trying to influence public opinion with regard to the pipeline. Gas is a sensible way of providing energy for homes and businesses he noted. The moratorium will shut down dense downtown development.

Mr. Webber noted that Kendrick Place and Carriage Shops (One East Pleasant Street) had been presented to the Planning Board as being “all electric”.

Mr. Tucker stated that other developers are looking at geothermal as a source of energy.

Mr. Stutsman, a restaurant owner, is sensitive to the needs of small businesses. There is no such thing as a “geothermal stove”. Either gas or propane is essential for restaurants. There will be more site plans with propane tanks, he predicted.

Mr. Roznoy stated that those who are selling properties should not close their accounts, but rather transfer the accounts to the new owners.

Mr. Stutsman stated that those buying new homes shouldn’t assume they will have gas service just because there is a gas meter on the property.

Mr. Schreiber noted that there had been a tragic explosion in New York City recently, which may have been caused by illegal tapping into a gas line without permits. This type of tragedy may happen more often if people are not allowed to connect to the lines legally.

VII. FORM A (ANR) SUBDIVISION APPLICATIONS – none

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

ZBA FY2015-00028 – Presidential Development Company – Special Permit to amend ZBA FY2013-00014, ZBA FY2008-00008, and ZBA FY1963-16 to construct a new maintenance and laundry facility building at 950 North Pleasant

ZBA FY2015-00029 – Co-Ed Realty, LLC – Special Permit to re-issue and/or renew ZBA FY2009-00004 for the use of as a non-owner occupied duplex, with modifications to conditions, and to modify conditions of ZBA FY2014-00027 at 382 North Pleasant Street

ZBA FY2015-00030 – Mission Cantina – Special Permit to modify conditions of ZBA FY2011-00016 and ZBA FY2012-00024 to construct a new enclosed entry; to remove a limit on parking behind the building; to erect an eight foot fence; and to increase the number of parking spaces on-site, at 481-485 West Street

IX. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup reported that there were three Site Plan Review applications with public hearings coming up on April 22:

SPR2015-00012 – Trustees of Amherst College – Marsh House – 81 Lessey Street

SPR2015-00013 – Town of Amherst – Town Hall Parking Lot, 4 Boltwood Avenue

SPR2015-00014 – Town of Amherst – Puffer’s Pond Conservation Area

There is also a public hearing on the Planning Board Rules and Regulations scheduled for the same night.

In addition, a public hearing will be held in June for an affordable owner-occupied duplex to be built by Habitat for Humanity at Hawthorne Farm on East Pleasant Street.

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Bruce Carson – no report

Community Preservation Act Committee – vacant

Agricultural Commission – Stephen Schreiber – no report

Transportation Plan Task Force – Rob Crowner & Richard Roznoy – Mr. Roznoy reported that the Transportation Plan Task Force would be holding a series of two presentations of the Draft Transportation Plan on April 8th at the Unitarian Universalist Meeting House. The consultant will make two presentations – one at 5:00 p.m. and one at 7:00 p.m. The TPTF will be recommending to the Select Board that the plan be adopted. The consultants, Nelson\Nygaard, had been thorough and diligent. Hard copies of the Transportation Plan will be available at the Jones Library and the North and South Amherst Branch Libraries and will be posted online.

Amherst Redevelopment Authority – vacant

Design Review Board – vacant

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

With regard to vacancies on the Design Review Board and the Community Preservation Act Committee, Mr. Tucker stated that a new Planning Board member would be appointed soon. Having a new member would make it easier for the Planning Board to nominate a member as a representative to the DRB and CPAC.

Mr. Roznoy noted that the Transportation Plan Task Force would soon have a hiatus and that this may free up members to serve on other committees.

Mr. Tucker recommended that the Planning Board consider nominating a member as a representative to the DRB and to CPAC at a future meeting, after April 22nd.

The Planning Board discussed its schedule for the upcoming April 22nd meeting and asked that the public hearing on the Rules and Regulations be placed last on the agenda. The Planning Board will keep the date of April 29th (a Town Meeting night) open so that the public hearing on the Rules and Regulations can be continued to the 29th if necessary.

XI. REPORT OF THE CHAIR – none

XII. REPORT OF STAFF – Mr. Tucker reported that Monday, April 6th was Tartan Day.

XIII. ADJOURNMENT

The meeting was adjourned at 9:00 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Senior Planner

David Webber, Chair

DATE: _____