

AMHERST PLANNING BOARD
Wednesday, December 2, 2015 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: David Webber, Chair, Stephen Schreiber, Rob Crowner, Greg Stutsman, Pari Riahi, and Christine Gray-Mullen

ABSENT: Richard Roznoy and Bruce Carson

STAFF: Christine Brestrup, Interim Planning Director

Mr. Webber opened the meeting at 7:00 PM.

I. MINUTES

The Minutes of November 18, 2015, were not yet ready for review.

It was not yet 7:05 PM so the Board turned to other topics.

Mr. Webber announced that a petition is being circulated to form a charter commission for the purpose of examining Amherst's governmental charter and possibly proposing changes to it. He urged residents to consider signing the petition because the time is limited in which the petition can be signed. Mr. Crowner objected to this announcement because he felt that it is a political issue and is not a Planning Board issue.

II. PUBLIC HEARING – SPECIAL PERMIT

SPP2016-00001 – Amir Mikhchi – Auto Express – 118 South East Street

Request a Special Permit to extend the use of the auto repair business for a parking area associated with the auto repair business in the B-VC zoning district (Map 15C-6, COM & B-VC zoning district)

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

Ms. Riahi disclosed that she is acquainted with Mr. Mikhchi and his family socially but this would not affect her opinions on the application.

Mr. Mikhchi presented the application. He stated that he is in the process of obtaining a loan from TD Bank. During the loan process the need for a Special Permit was revealed.

Mr. Mikhchi explained that he had received permits to construct the Auto Express facility [Site Plan Review SPR2005-00003 and Special Permit SPP2005-00001]. At the time the land on which the parking lot is located was zoned residential [R-N – Residential Neighborhood]. The land on which the parking lot is located was used for construction of an underground detention area for stormwater runoff from the site of Auto Express. Later Mr. Mikhchi petitioned the town to have the land rezoned from residential to B-VC (Village Center Business). Once it was rezoned to B-VC he began to use the land over the detention area to park cars associated with the car repair and inspection business. He stated that the cars in this parking lot are primarily those of employees. During the loan application process it was brought to his attention that he needed a Special Permit to use the parking lot to park the cars associated with the Auto Express business. This parking lot area is not paved since it is used for stormwater detention. The use of this area for a parking lot associated with the auto repair business is permitted by Special Permit. Mr. Mikhchi is now asking for a Special Permit to use the area above the detention area as a parking lot associated with the Auto Express.

Ms. Brestrup explained the history of permitting for the Auto Express project, including the Site Plan Review and Special Permit from 2005 and the ANR plan [ANR2010-00002] that was endorsed by the Planning Board in 2009. She noted that the Building Commissioner had determined that the Planning Board could grant the Special Permit to expand the use of Auto Express into the area above the stormwater detention area since the Planning Board had granted the Site Plan Review approval for the existing building and use. Ms. Brestrup further noted that references to Section 9.22 of the Zoning Bylaw in an email that she had sent were not relevant since the use is not non-conforming, but merely requires a Special Permit.

Ms. Brestrup reported on the Site Visit by three Board members.

Mr. Crowner, who had attended the Site Visit, noted that there is a curb around most of the parking area, but there is a gap in the curb on the south side. He asked if the parking area is used primarily for employee parking and not for vehicles that need service. Mr. Mikhchi stated that sometimes cars are parked in this area that require service. The camper trailer is owned by a customer and the customer will come and remove the camper trailer, which was being serviced to add an air conditioner.

Mr. Webber noted that the Planning Board is authorized to grant a Special Permit for the use of the area as a parking lot associated with Auto Express. He asked if there were any comments from the Board members or from the public.

Mr. Crowner noted that his reaction to the request was influenced by his anticipation that the rest of the area around the site would be redeveloped in the next 5 to 10 years. If he believed that the area would continue to be surrounded by single-family homes, he would find that there was a greater need for screening. He suggested that a condition be imposed that would require screening if no redevelopment of the surrounding area occurred within a certain time frame.

Mr. Webber asked the applicant if he had considered screening the property with shrubs.

Mr. Mikhchi explained that he owns the parcel to the south. At the moment he hopes to develop the other side of South East Street and he is working to redevelop the whole area. He has a plan for the other side of the street, behind the Florence Savings Bank.

Mr. Webber asked if planting a row of shrubs or evergreen trees around the parking lot would be possible.

Mr. Mikhchi stated that he did not wish to plant trees in this area because the roots will grow into the underground drainage system and affect its operation.

Mr. Crowner asked about installing a fence for screening, but acknowledged that screening would not be necessary if the area will change soon.

Mr. Schreiber noted that the applicant owns the abutting property. Normally screening is for the benefit of abutters. Sometimes screening draws more attention to a site than would otherwise be the case.

Ms. Brestrup noted that the house at 126 South East Street screens the parking area to an extent. The Building Inspectors have been fairly vigilant about monitoring the lawn area at 126 South East Street. The dilapidated cars that had been parked there have been removed. The Building Commissioner has been keeping an eye on this property.

The Board discussed whether the parking area should be paved. They also noted that the parking area around the adjacent Auto Express building had received its base course of pavement, but had not received its top coat. They also noted that the Town Engineer had concerns about access to the oil and water separator under the pavement. It is currently not

accessible. There was further discussion about whether the separator was accessible for maintenance or not.

Mr. Webber noted that the parking lot is capable of containing 10 cars. He reviewed the requirements for parking lots which contain 10 or more cars, including screening, landscaping and paving. After discussion Mr. Webber stated that he was inclined to grant the Special Permit without requiring screening, additional landscaping and paving. The way the parking lot exists now it has a minimal impact on the surrounding area. Adding landscaping or paving would increase the impact of the parking lot.

Mr. Webber recommended that the Planning Board consider granting a waiver under Section 7.9 of the Zoning Bylaw from the requirements outlined in Section 7.1 regarding Design Standards and Landscape Standards since the parking area will be used primarily for parking by employees and occasional parking of vehicles in need of repair and since it is already screened by the adjacent house at 126 South East Street which is owned by the applicant.

The Board found, under Section 10.38 of the Zoning Bylaw, Special Permit,

- 10.380 – The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; the property is in the COM and B-VC zoning districts; the use of the parking lot in the B-VC zoning district is accessory to the use of the Auto Express building in the COM zoning district;
- 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 will not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians;
- 10.384 – Adequate and appropriate facilities would 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; the Board finds that because the original function of the parking area is as a drainage retention area for the entire Auto Express facility, the planting of trees is not appropriate because it would interfere with the underground stormwater detention system; the parking area is set back from the road, behind two buildings and no additional screening is necessary;
- 10.386 – The proposal is not in conformance with the Parking regulations, but is being granted waivers under Section 7.1 from those requirements (Sections 7.101, paving, 7.110, 10% landscaped open space, and 7.112 with respect to screening) because of the particular nature of the parking lot and its associated drainage use and because the parking area is used primarily as a parking lot for employees and for occasional parking of vehicles in need of repair and because it is already screened by the adjacent house at 126 South East Street, which is owned by the applicant; no signs are being proposed;
- 10.387 – The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements; the parking lot is used primarily as a parking lot for employees and for occasional parking of vehicles in need of repair; no striping is required for this parking area due to its limited use; there aren't customers coming in and out of the parking lot.

There was discussion about appropriate conditions. The Board determined that it would impose a condition that “there shall be no ‘junk cars’ or ‘parts cars’ stored in this parking lot.”

- 10.388 – N/A;
- 10.389 – The parking area provides a stormwater detention area for the entire parcel, including the Auto Express building and parking area;
- 10.390 – N/A; the building is not located in a Flood Prone Conservancy District;
- 10.391 – N/A; there are no unique or important natural, historic or scenic features in the area;
- 10.392 – The requirement for landscaping under Section 7.1 of the Zoning Bylaw is being waived by Section 7.9 of the Zoning Bylaw because the parking area is used primarily as a parking lot for employees and for temporary storage and occasional parking of vehicles in need of repair and because it is already screened by the adjacent house at 126 South East Street, which is owned by the applicant;
- 10.393 – N/A; no lighting is proposed; the requirement for lighting under Section 7.1 of the Zoning Bylaw is being waived by Section 7.9 because the parking area is used primarily as a parking lot for employees and for occasional parking of vehicles in need of repair;
- 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; the Planning Board declined to use the design principles and standards of the Design Review Board;
- 10.396 – The parking lot is adequately screened by the adjacent house, also owned by the applicant;
- 10.397 – N/A;
- 10.398 – The proposal is in harmony with the general purpose and intent of this Bylaw and the goals of the Master Plan.

The Board discussed waivers and conditions.

Waivers

- Landscape Plan
- Lighting Plan
- Soil Erosion Plan
- Traffic Impact Statement
- Sign Plan
- Requirements of Section 7.1 of the Zoning Bylaw regarding parking lot design standards

Conditions

1. There shall be no 'junk cars' or 'parts cars' parked or stored in this parking lot.

After discussion Mr. Schreiber MOVED to close the public hearing on the Special Permit and to make the findings as discussed and grant the Special Permit as requested with conditions and waivers as discussed. Mr. Stutsman seconded and the vote was 6-0-0.

Mr. Mikhchi requested that the Board members sign the decision as soon as it is ready, and before the next Planning Board meeting on December 16th. He made this request because he is applying for a bank loan, which had been scheduled to close last month.

Board members responded that they would do what was possible but they could not guarantee that the decision would be signed before the next meeting.

III. ZONING

A. Zoning Subcommittee Report

Mr. Crowner presented the ZSC report. The ZSC is continuing to work on list of potential amendments all at once. Among these amendments are the following:

Standards for mixed-use buildings;

Adding the B-L zoning district to Footnote “b” to remove the lot area require for residential uses in the B-L district;

Separating the B-L and COM zoning districts in Table 3, Dimensional Regulations;

Working on amendments to the Cluster Subdivision requirements to reduce issues related to The Retreat; the intent is not to allow non-owner-occupied duplexes without a Special Permit in Cluster developments; it is not the ZSC’s intent to discourage the Cluster Subdivision method of development;

Changing Footnote “k” to make it clear how much dimensional requirements can be modified in Cluster Subdivisions;

The dimensional modifications requested by The Retreat were extreme; the ZSC is recommending modifications under Footnote “k” be no less than 80% of the dimensional requirements that are already modified under Cluster Subdivision requirements;

Yield Plan – clarifying the language in the Yield Plan requirements; adding a definition of “Yield Plan” and setting criteria for how it should be created;

Flag lots – how to permit flag lots and whether they are out of character in certain neighborhoods;

Building Circles in Cluster Subdivisions;

SPR applicability – clarifying SPR applicability could reduce the staff workload for some projects; a threshold could be created and projects under that threshold could be administratively approved.

B. Public Comment Period – no public comments.

IV. OLD BUSINESS

A. SPR2014 – 00001 – Archipelago Investments – Olympia Place – 57 Olympia Drive – review and approval of location for propane storage tanks under Site Plan Review SPR2014-00001, Condition #12

Kyle Wilson and David Williams presented the request for approval of the location of two propane tanks for the Olympia Place development.

Although the project had been planned for natural gas, propane is needed now because of the natural gas moratorium. The building will have an all-electric heating and cooling system, so propane is only needed for hot water and propane fireplaces. Osterman will be the propane supplier and will install the tanks. Osterman has discussed the location with the Fire Department. The plan is to install two 1,000 gallon underground tanks on site. Mr. Wilson presented the proposed location of the tanks and showed photographs of similar installations with above-ground features. The tanks would be located in an area of the site designated for a grove of trees and groundcover. The tanks will be located on the Mather Drive side of the building.

Mr. Wilson explained that work would be done inside the building to transition from natural gas to propane.

The photographs of similar installations show above-ground features such as green boxes which are the caps on the tanks and a vaporizer which is also required. Mr. Webber asked if there would be bollards installed to protect the above-ground features. Mr. Williams stated that Osterman would provide the specifications for the installation and that they would provide information on any protection that may be needed. Mr. Wilson noted that there is a curb along Mather Drive. Trees will be planted between the tanks and the building.

The building is expected to be completed by May of 2016.

Mr. Webber explained that this is a change that has arisen since the Site Plan was approved. Condition #12 requires the applicant to come back to the Planning Board if there is a substantial change to the Site Plan. The gas tanks constitute such a change. Condition #8 requires that the landscape plantings be installed in accordance with the approved Landscape Plan. The tank installation will require changes to the Landscape Plan.

Mr. Webber asked the applicant if there had been any progress on the issue of parking.

Mr. Wilson stated that there are a number of conditions that require the applicant to come back to the Board with further information. They applicants would prefer to present the other information at a future date, in the spring. Now they are just here for approval of the tank location under Condition #12.

Ms. Riahi MOVED that the tank location be approved in accordance with Condition #12 and that the changes to the Landscape Plan be approved in accordance with Condition #8. Mr. Stutsman seconded and the vote was 6-0-0.

B. North Amherst – Meadow Street/Pine Street/North Pleasant Street intersection – style of traffic light poles – discussion

Ms. Brestrup reported that the town had applied for a MassWorks grant to improve the intersection of Meadow Street/Pine Street and North Pleasant Street. The grant application included new traffic signals and communications infrastructure in the form of fiber optics and wireless internet. The town was not successful in obtaining the grant funding, but the town plans to move ahead with improvements to the traffic signals using other funding sources. Staff is currently exploring what these other funding sources might be. As part of the work, new poles and arms for traffic signals will be needed. Guilford Mooring, Superintendent of the DPW, has requested that Planning staff ask the Planning Board about the style of the poles. The new poles can be like those in the downtown area – that is, a traditional 19th century style of poles – or they can be a more modern style, but painted black. Ms. Gray-Mullen, Chair of the Public Works Committee, noted that plain black poles are less expensive and can be accessorized at a later date if the town decides that it would like a more ornate style of pole. There are inherent problems with the existing poles and the timing box and controls are out of date.

After discussion Board members decided by consensus that plain black poles are satisfactory. They will be aesthetically pleasing and can be accessorized at a later date, if that is desired. Mr. Webber thanked Mr. Mooring for consulting the Board on this matter.

Ms. Gray-Mullen explained that there would be a left turn advance signal from Meadow Street, heading north. It would be similar to the way the lights work at Amity Street and University Drive.

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

V. **NEW BUSINESS**

A. Preparation for Public Forum on North Amherst Village Center Intersection – Tuesday, December 8, 2015, 7:00 – 9:00 p.m. – Bangs Community Center

Mr. Webber explained that there are four principal concepts being proposed for the intersection that are available on the town website. He read the flyer that announced the meeting. So far the weight of opinion seems to be behind Concept D.

Ms. Brestrup explained the proposed agenda for the evening and listed the Planning Board members who planned to attend and requested their assistance in greeting the public and leading the evening's activities.

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

VI. **FORM A (ANR) SUBDIVISION APPLICATIONS** – none

VII. **UPCOMING ZBA APPLICATIONS** – none

VIII. **UPCOMING SPP/SPR/SUB APPLICATIONS** – Ms. Brestrup reported that the following Site Plan Review applications would be considered on December 16th:

SPR2016-00005 – Simple Gifts Farm – 1089 North Pleasant Street – Request Site Plan Review approval under Section 3.312 of the Zoning Bylaw to construct a single-story, wood-framed farmstand building with associated site improvements and to operate a Class I farmstand (Map 5C/21, R-N zoning district)

SPR2016-00006 – Grace Episcopal Church – 14 Boltwood Avenue – Request Site Plan Review approval to install an exterior exhaust system for a kitchen (Map14A/264, B-G zoning district)

SPR2016-00007 – Harry Auerbach for Agnoli Signs – Northampton Cooperative Bank a division of Greenfield Coop Bank – 253 Triangle Street – Request Site Plan Review approval to install a freestanding post and panel sign perpendicular to the road, in addition to the existing freestanding sign(s) on the property, under Section 8.5 of the Zoning Bylaw (Map11C/265, B-L zoning district)

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

Pioneer Valley Planning Commission – Bruce Carson – Ms. Brestrup reported that she and Mr. Carson planned to attend the upcoming PVPC meeting at which there will be a presentation about the gas moratorium and the proposed gas pipeline.

Community Preservation Act Committee – Pari Riahi – no report

Agricultural Commission – Stephen Schreiber – no report

Transportation Task Force – Rob Crouner – no report

Design Review Board – vacant

Housing and Sheltering Committee – Greg Stutsman – no report

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

UTAC (University and Town of Amherst Collaborative) – David Webber and Greg Stutsman – Mr. Webber reported that the Economic Development Subcommittee met last week. There was a “brainstorming session” held to determine where economic development opportunities might exist between the town and the university. Mr. Stutsman reported that the Housing Subcommittee of UTAC also met and held a brainstorming session. They will have two follow-up meetings this month to review plans prepared with regard to housing by both the town and the university. They plan to have either a consultant or an individual from the university who is knowledgeable about housing to come and speak to them about public/private partnerships.

X. REPORT OF THE CHAIR – no report

XI. REPORT OF STAFF – no report

XII. ADJOURNMENT

The meeting was adjourned at 8:28 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Interim Planning Director

David Webber, Chair

DATE: _____