

AMHERST PLANNING BOARD
Wednesday, August 3, 2016 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Greg Stutsman, Acting Chair, Rob Crouner, Christine Gray-Mullen, Jack Jemsek
Pari Riahi, Michael Birtwistle and Richard Roznoy

ABSENT: Stephen Schreiber

STAFF: Christine Brestrup, Planning Director

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

I. MINUTES

Mr. Birtwistle MOVED to approve the Minutes of June 15, 2016. Mr. Roznoy seconded and the vote was 5-0-1 (Riahi abstained).

It was not yet time for the first public hearing so the Board turned to Old Business.

IV. OLD BUSINESS

- B.** SPR2005-00001 – CRES Development Company (Big Y Plaza) – 175 University Drive – Review of proposed new signs and awnings for Dunkin’ Donuts at Big Y Plaza in accordance with Condition #2 of SPR2005-00001 Decision

Jim Carlin of Ace Signs presented the application. Dunkin’ Donuts is proposing to install new signs and awnings. Mr. Carlin distributed images of the proposed awnings and signs. He described the changes that were proposed. The images were slightly different from those the Board members had received in their packets. Brown awnings will be installed over the central window and over the drive-up window and orange awnings will be installed over the windows on each side of the brown awnings. The cup on the sign will say “DD” rather than “Dunkin’ Donuts”. The awnings and signs will not increase in size and no additional signs are proposed.

Mr. Roznoy MOVED to approve the changes. Ms. Riahi seconded and the vote was 5-0-2 (Mr. Birtwistle and Mr. Jemsek abstained).

II. PUBLIC HEARINGS – SITE PLAN REVIEW & SPECIAL PERMIT

SPR2016-00027 – Immanuel Lutheran Church – 867 North Pleasant Street

Request Site Plan Review approval to install residential play structure on a 16’ x 20’ footprint behind the Parish Hall, under Section 3.333 of the Zoning Bylaw (Map 8A/71, R-N zoning district)

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

Michael Peterson presented the application. The church would like to replace the existing play structure in a location more readily visible from the building, in a safer location. They are in the process of working with the Conservation Commission because there is a nearby wetland.

Mr. Crouner reported that the new location for the play structure is behind the building and cannot be seen from outside the property.

Mr. Birtwistle asked about the existing play structure.

Mr. Peterson reported that it had already been removed, but had been close to the proposed location.

Ms. Gray-Mullen asked if the new play structure would be placed on grass or mulch. Mr. Peterson stated that it would be placed on grass.

Mr. Stutsman noted that this is an example of a smaller project of a type that the Planning Board may not need to see in the future if the Zoning Bylaw is changed to allow administrative approval of certain small projects.

Mr. Birtwistle MOVED to close the public hearing, to approve the Site Plan Review application, to find that it meets the relevant criteria of Section 11.24 of the Zoning Bylaw and to grant the requested waivers. Mr. Roznoy seconded and the vote was 7-0-0.

It was not yet time for the next public hearing so the Board turned back to Old Business.

IV. OLD BUSINESS

A. Signing Decisions – the Board signed the following decisions:

SPR2016-00022 – Ron Bohonowicz for Fort River School – 70 South East Street

SPR2016-00024 – Town of Amherst – 1200 North Pleasant Street (North Amherst School)

Board members agreed to come into the Planning Department office to sign other decisions as they became available.

II. PUBLIC HEARINGS – SITE PLAN REVIEW & SPECIAL PERMIT (continued)

SPR2017-00001 & SPP2017-00001 – Nauset Properties, LP – 156 South East St.

Joint public hearing to request Site Plan Review to convert an existing single family house to offices, construction of parking area and related site improvements under Section 3.358 of the Zoning Bylaw and to request a Special Permit for a change of use in a non-conforming building, under Section 9.201 of the Zoning Bylaw (Map 15C/41, B-VC zoning district)

Mr. Stutsman read the preamble and opened the public hearing. Ms. Gray-Mullen and Mr. Stutsman reported that they are customers of Noonan Energy but that this would not affect their ability to act fairly in this case.

Mr. Noonan stated that he plans to purchase the property at 156 South East Street, which is currently a single-family house. He plans to divide the interior space and convert it into two offices with one space to be used by his company and the other space to be rented to another company, such as an attorney, an accountant, etc. The plan includes five parking spaces. It will be necessary to remove some trees.

Mr. Stutsman summarized the Site Visit Report for the site visit that was conducted on August 3rd, and read the questions that were asked at the visit.

1. Which trees will be removed as part of the work? There is one large Norway Spruce in the front of the house which will be removed, a 36” Pine and 22” Spruce to be removed on the south side of the house and a 20” Maple, 18” Pine and 18” Spruce to be removed in the back yard.
2. Will the ramp remain in place? The ramp will remain if it is shown to meet handicapped access requirements. A railing will be added to the ramp and a step will be added for access to the front walk.

3. How will people access the offices from the new parking lot at the rear of the building? Employees may enter the building through an existing door that leads into the garage. Members of the public will enter the building through the front door. There will be a walk provided at the south side of the garage for access from the parking lot to the front door.
4. What type of landscaping will be provided? There will be a small landscaped area in front of the house and a rain garden built in the center of the drainage basin at the rear of the site. The site will be loamed and seeded.

Ms. Brestrup noted that the Board had received a Development Application Report late that afternoon and an email from Jason Skeels, Town Engineer, commenting on the drainage and stormwater management proposal. There was also a question during the site visit as to whether there was a small wetland on the site. Ms. Brestrup visited the site later in the day with Beth Willson, Wetlands Administrator, and Ms. Willson recommended that the applicant consult with a wetlands expert to look at the property to make a determination about whether there were wetlands on the site. Ms. Brestrup stated that the Board could place a condition on the project that would require that the applicant consult a wetlands expert and go to the Conservation Commission if necessary and that any changes to the project as a result of that process would need to be presented to the Planning Board for review and approval.

Mr. Noonan reported that his engineer stated that there was mottling in one of the test pits at a depth of 16” but the other two test pits do not show mottling. In the opinion of the engineer the mottling is the result of a perched or temporary water table. Nothing he saw indicated the presence of wetlands. Soil samples were taken from other places around the site and none indicated the presence of wetlands.

Mr. Stutsman listed the waivers that had been requested:

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

Mr. Stutsman reviewed the Development Application Report. The issue of trees had been discussed. With regard to lighting, two new wall packs are proposed to be mounted on the building walls. The Board may wish to require submission of catalog cuts or photographs of the proposed exterior lights and to impose a condition requiring that all exterior lights be dark sky compliant.

In addition, a new sign is proposed. In the B-VC district one free-standing sign is permitted for each street frontage. The maximum size of the sign may be 10 feet high and 25 square feet in area. The proposed sign complies with these requirements.

The Board may wish to require that any lighting for the sign be mounted above the sign and shine down onto the surface of the sign, so that the light is downcast, rather than being ground mounted and shining up onto the sign surface.

Board members stated that they would place a condition on the project that lighting for the sign must be downcast.

Mr. Stutsman noted that the wetlands issue had been mentioned in the Development Application Report.

Mr. Roznoy stated that the Board had received an email from Town Engineer Jason Skeels regarding the depth of the drainage pond – noting that the bottom of the proposed drainage

detention area (the rain garden) was lower than the existing water table and that this needed to be adjusted.

Mr. Noonan offered to have his engineer communicate with Mr. Skeels.

Board members determined that they would place a condition on the project requiring a satisfactory response from the Town Engineer and the Wetlands Administrator on this project.

Mr. Birtwistle noted that five large trees were proposed to be removed. He recommended that the applicant be required to submit a Landscape Plan.

Mr. Crowner noted that there was confusion about whether there is a wetland on the site or not. He recommended that there be an independent evaluation of the presence of a wetland.

Ms. Brestrup noted that the Board could continue the public hearing until it received information regarding the suspected wetland. The Board also has the option of approving the application with a condition having to do with the resolution of the wetland issue.

Mr. Jemsek noted that if five large trees were removed from the site the property would become wetter.

Board members acknowledged that the site appeared to be wet and determined that they could place a condition on the project requiring that the Wetlands Administrator be satisfied with the existing conditions at the site.

Mr. Roznoy asked about the removal of trees and whether that would affect the drainage on the site. He suggested that there be communication with the Town Engineer and the Wetlands Administrator regarding proposed removal of the trees.

Mr. Birtwistle recommended that a Landscape Plan be required and that the Landscape Plan be submitted to the Planning Board, the Wetlands Administrator and the Town Engineer for review.

After discussion, the Board determined that there was enough missing or unclear information to warrant continuation of the public hearing.

Mr. Roznoy noted that overall this project will be an upgrade to the property and to the surrounding area.

Mr. Roznoy MOVED to continue the public hearing to August 17, 2016, at 7:15 p.m. Ms. Riahi seconded.

Board members discussed the information that should be brought back to the continued public hearing:

- Landscape Plan
- Evidence that the Town Engineer and Wetlands Administrator were satisfied with the plan regarding wetland and drainage issues
- Catalog cuts on lighting, and specifics of the lighting on the sign, which should be downcast

Board members discussed whether there should be screening of the parking lot. After discussion, Board members determined that this property is in the B-VC zoning district, a business zone. It is likely to be surrounded by other businesses in the future. Now it is surrounded by rental houses, but eventually it will be a commercial area. There will not be a lot of evening traffic to and from the site, which means that there won't be a problem of lights

from cars shining into people's windows at night. Board members agreed that there was no need for screening around the parking lot.

The vote was 7-0-0 to continue the public hearing.

III. PLANNING & ZONING

- A. Zoning Subcommittee Report – Mr. Crowner and Mr. Stutsman presented the ZSC report. There were no new agenda items on the agenda at the request of the Planning Board. The ZSC is currently working on some zoning amendments, having to do with the functioning of the Planning Board or clarifying the Bylaw. The Board will probably want to bring some form of Inclusionary Zoning to Town Meeting. Inclusionary Zoning would apply to the portion of a project that is enabled by a Special Permit, whether the Special Permit is for use or is ancillary. The ZSC anticipates that it may bring a formula for calculation of proportionality to the Board. The formula will be placed in the Planning Board Rules and Regulations and not in the Zoning Bylaw. A public hearing by the Planning Board is needed for a change in the Rules and Regulations.

Mr. Crowner reported that the Building Commissioner wants to bring back a revised version of Accessory Business Uses. It will be streamlined and will focus on identifying the kinds of businesses that the Building Commissioner has had to deal with. The new language will contain standards for when Site Plan Review need not be brought to the Planning Board. Small projects could be handled administratively using a set of standards and conditions.

Mr. Crowner reported on the Non-substantive Corrections zoning amendment. It would authorize the Town Clerk at the request of the Planning Board to make changes to the Bylaw if the changes do not change the substance of the Bylaw.

Mr. Crowner reported on the zoning amendment related to Table 3 of Section 6 of the Zoning Bylaw. It would delete footnotes that are incorrect or no longer relevant.

There would also be an amendment to the project review requirements for projects in the ED zoning district. Amherst College and Hampshire College are required to submit plans at least 60 days before beginning construction on projects in the ED district. The amendment would eliminate the 60 day period, but the Planning Board would still see a project before it starts.

The ZSC is expecting that citizens' petitions will be filed for zoning amendments. Even so, the Planning Board may wish to bring all six of the zoning amendments that the ZSC has been working on to Fall Town Meeting:

- Educational District Project Review
- Table 3 Footnotes
- Non-substantive Corrections
- Business Use of Home
- Inclusionary Zoning
- Site Plan Review Applicability

It will be necessary to schedule public hearings for these zoning amendments. Board members discussed scheduling the public hearings and why the affordable housing calculations should be placed in the Planning Board's Rules and Regulations.

- B. Planning Issues – Mr. Stutsman explained the difference between “planning” and “zoning”. He stated that “zoning” is “how” and that “planning” is “what” and “why”.

He referred to the planning efforts that had preceded the North Amherst Village Center rezoning proposal in 2011.

Mr. Roznoy reported that at a recent Select Board meeting there had been a presentation from the Solid Waste Committee about solid waste management – how trash is collected, how it is set out at the street, what it looks like. He noted that the Planning Board should be interested in the topic. The Select Board received a copy of the presentation and is accepting comments on it. Mr. Roznoy requested that staff obtain a copy of the presentation for the Planning Board.

- C. Forums – Topics and Schedule – Mr. Stutsman reported that the ZSC considered holding a forum on zoning but received feedback from the Economic Director, among others, that a broader approach such as a planning forum on the downtown would be better. The ZSC has continued to discuss the possibility of holding a forum and will work on plans to hold one in the future. The topics for such a forum could include “What is the downtown?” Mr. Stutsman stated that the Economic Development Director, the BID and the Town Manager should participate. The term “town center” was suggested as an alternative for the term “downtown”.

Board members noted that the new Town Manager may wish to hold a number of forums on different topics having to do with “planning”.

There was discussion about the perception of the forums among citizens depending on whether they were called by the Planning Board or by the Town Manager and the Economic Development Director.

- D. Public Comment Period – none

V. NEW BUSINESS

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

VI. FORM A (ANR) SUBDIVISION APPLICATIONS

The Planning Board endorsed the following ANR application:

ANR2017-00003 – Ilsa Myers – 368 Shays Street

VII. UPCOMING ZBA APPLICATIONS – Ms. Brestrup reported on upcoming applications.

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – Ms. Brestrup reported on upcoming applications.

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Jack Jemsek – no report

Community Preservation Act Committee – Pari Riahi – no report

Agricultural Commission – Stephen Schreiber – no report

Design Review Board – Michael Birtwistle reported on the July 25th DRB meeting. The DRB reviewed the proposal for 60-62 Railroad Street and recommended approval of the plans. The DRB also reviewed the changes to One East Pleasant Street and recommended approval to those plans as well. There were no substantive changes to the exterior for One East Pleasant Street.

Housing and Sheltering Committee – Greg Stutsman reported that the HSC had held a forum on homelessness. It was well-attended. He noted that the homelessness problem is a regional problem. The HSC is planning a follow-up meeting on August 18th.

Zoning Subcommittee – Rob Crowner and Greg Stutsman

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman and Christine Gray-Mullen – Mr. Stutsman reported that the Housing Subcommittee, with six working groups, is looking at developing incentives for faculty and staff housing to be located in Amherst. A consultant from UMass will help with the topic of Public Private Partnerships (P3's). Ms. Gray-Mullen reported that there would be an Economic Development Subcommittee meeting on the following Wednesday.

Downtown Parking Working Group – Christine Gray-Mullen and Richard Roznoy reported that the meeting scheduled for next week needed to be cancelled due to vacations, but that there would be a meeting scheduled for later in August or early September.

Transportation Advisory Committee – Ms. Gray-Mullen reported that there is debate about the name of the committee. The formation of the committee has been approved and people may apply to be considered as members.

X. REPORT OF THE CHAIR – no report

XI. REPORT OF STAFF – no report

XII. ADJOURNMENT

The meeting was adjourned at 8:10 PM.

Respectfully submitted: Approved:

Christine M. Brestrup
Planning Director

Greg Stutsman, Acting Chair

DATE: _____