

AMHERST PLANNING BOARD
Wednesday, July 19, 2017, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Stephen Schreiber, Chair, Robert Crouner, Michael Birtwistle, Greg Stutsman, Pari Riahi, Richard Roznoy (7:02 PM), Jack Jemsek

ABSENT: Maria Chao and Christine Gray-Mullen

STAFF: Christine Brestrup, Planning Director

Mr. Schreiber opened the meeting at 7:01 PM.

I. MINUTES

Mr. Birtwistle MOVED to approve the Minutes of May 3, 2017. Ms. Riahi seconded and the vote was 6-0-0.

Mr. Roznoy arrived (7:02 PM)

II. PUBLIC HEARINGS – SITE PLAN REVIEW

SPR2017-00016 – Sandri Realty Inc. – 40 Belchertown Road (Sunoco Station)

Public hearing to request Site Plan Review approval to operate a vehicle fueling station and repair shop under Section 3.381 of the Zoning Bylaw (Map 15C, Parcel 45, COM zoning district)

Mr. Schreiber read the preamble and opened the public hearing. Attorney Thomas Wilson and Consultant David Frothingham of Wilcox and Barton presented the application. They were accompanied by Jeff Kocsis of Sandri Energy, representing the property owner, Sandri Realty, Inc. and Gilberto and Zulimar Rivas, who intend to operate the filling station and repair shop.

Mr. Wilson reported that the Rivases have a filling station and repair shop in Holyoke and that it is clean and well taken care of. They are entrepreneurial and community-minded, he said. They do not intend to sell used cars as previous operators of this station have done, but they do wish to offer propane. They do not plan to add any lights or landscaping, but they plan to clean up the site and make it “vibrant”. Mr. Rivas is an excellent auto mechanic. He plans to cater to townspeople and students. He has a good reputation, Mr. Wilson asserted.

Ms. Rivas stated that she and her husband have been in business in Holyoke for 10 years.

David Frothingham of Wilcox and Barton presented the site plan. The gas station is existing. It has been closed for two years and therefore needs to apply for a new land use permit. The Rivases would like to re-establish the station with no changes to the layout. The property is overgrown and the pavement is cracked. They plan to bring the landscaping back and repair the pavement.

Jeff Kocsis of Sandri Energy reiterated that the overgrown vegetation would be mown and the property will be cleaned up.

Mr. Frothingham stated that there will be no changes to the curb cuts or the layout. The existing signs will remain. It was a gas station and repair shop previously and the traffic will be comparable to what it was before. There is a site light at the rear of the propane area, next to the chain link fence.

Mr. Schreiber reviewed the Site Visit Report, noting that three board members plus staff attended the site visit.

The Board reviewed suggested conditions.

Mr. Jemsek asked what would be the long-term improvements to the site. He asked if it would be competitive with Auto Express and Cumberland Farms.

Mr. Kocsis reported that the siding and fascia board had recently been replaced and the building will have new bathrooms. The site is a lease location. The new lessees already have a service station in Holyoke that is clean, well-lit and has no oil on the ground. The Barneses, former lessees, operated the service station on this site for a long time. The property owners and lessees will fix things as needed and the property owners hope that the new operators will be there for a long time. The property will have signage for the Rivases as operators. There will be no Sandri sign. The fuel brand will be Sunoco. The new operators will offer vehicle inspection. There will be no body work, no sales of cars and there will be three service bays. There are three spaces at the front of the building to park cars that are waiting to be serviced and 18 spaces at the rear of the building. There is a driveway easement across the adjacent property that runs to the back of the lot, providing access to the rear parking lot.

Mr. Crowner noted that there was a quiet grassy area on the north side of the property that he hoped would remain open and that the substantial trees behind the building would remain.

The Board discussed the need for a Landscape Plan and decided that the applicant could submit the site plan with notations about how the various areas of landscaping would be treated, such as noting how many landscape shrubs and trees in various areas would be kept, and what areas would be cleaned up.

Ms. Riahi noted that it would be good to re-establish a path on the east side of the building leading to the rear parking lot. It is currently overgrown.

The existing dumpster will be relocated to the rear of the site where it will be screened by the building and existing vegetation. The proposed propane sales area will be labeled on the site plan.

The Board discussed the need for lighting in certain areas and decided against requiring lighting for the rear parking lot since it was generally not available to the public. There is existing lighting under the canopy over the gas pumps and there is one existing site light near the corner of the propane sales area. The applicants agreed to install downcast lights at the bathroom doors. They will note the location of these lights on the site plan and submit catalog cuts of the proposed light fixtures. Mr. Schreiber observed that less light on the rear parking lot was better, because more light would draw attention to that area.

The Board reviewed a list of suggested conditions, including:

1. Relevant conditions from the previous ZBA Special Permits;
2. The submission of a Landscape Plan to the Board;
3. Lighting for the bathroom doors with catalog cuts;
4. Permitted hours of operation 6:00 a.m. to midnight 7 days a week;
5. Number and type of vehicles to be parked on site to be the same as Condition #10 of the 1970 Special Permit; stacking of vehicles for inspections will not be considered parking;
6. The worst holes (over 6") and cracks (over 1") in the pavement and/or areas where the base is exposed will be repaired or sealed;
7. The 3 front parking spaces will be striped;
8. There shall be no body work and no painting of vehicles on site.

Mr. Stutsman MOVED to close the public hearing and to find that the application meets the relevant criteria of Section 11.24 of the Zoning Bylaw, to grant the Site Plan Review approval including sale of propane, with waivers as requested, excepting the Landscape Plan which will be required, and conditions as discussed. Ms. Riahi seconded and the vote was 7-0-0.

SPR2017-00017 – Amherst College – Plimpton House – 82 Lessey Street
(Public hearing rescheduled to August 2, 2017)

Public hearing to request Site Plan Review approval for site and building improvements including an accessible walkway, new plantings, relocated accessible parking space, new parking striping, two new exterior doors, changes to lighting, thinning of overgrown trees, and addition of trellis and barbecue area (Map 14B, Parcel 2, R-G zoning district)

Due to a flaw in the public notice process this application was rescheduled and re-advertised with public notices sent out for a public hearing on August 2, 2017.

SPR-C2017-00014 – Paul Cole – 1194 West Street – Apple Brook Cluster Subdivision
(Public hearing continued from June 21, 2017)

Public hearing to request Site Plan Review approval for an 8 lot Cluster Subdivision, under Section 4.3 of the Zoning Bylaw, with 8 single family homes, with slight modifications from previously approved Cluster Subdivision SPR-C2007-00009 (Map 25B, Parcel 29, R-O & R-LD zoning district)

Mr. Schreiber stated that, although he was absent from the Planning Board meeting on June 21, 2017, he has reviewed all of the materials and viewed the video recording of the public hearing and is therefore eligible to vote. He thanked Mr. Stutsman for chairing on June 21. Ms. Riahi stated that she too had been absent on June 21, and had reviewed the materials but had not viewed the video, and therefore she would not vote on this application.

Carlos Nieto-Mattei of The Berkshire Design Group presented the revised Site Plan rendering. He responded, item by item, to comments from Planning Director Christine Brestrup's email of July 13, 2017 and Town Engineer Jason Skeels' letter of June 28, 2017.

Mr. Nieto-Mattei responded to the Brestrup email:

1. The Conservation Commission reviewed and approved the plan on June 28, 2017;
2. The Town Engineer has issued a letter of review;
3. Revised Plan
 - a. Footprints of the buildings have been added to the plan and the footprint of the building on Lot 8 is in accordance with the current Zoning Bylaw;
 - b. The driveway and parking lot have been shown on Lot 7;
 - c. Mr. Nieto-Mattei met with Mike Roy of the Fire Department; the radii of the roadway are acceptable at 22.5 feet; an extra fire hydrant has been provided;
 - d. The detail of the cross section of the roadway has been revised to show 2 foot reinforced shoulders;
 - e. Street lights have been added to the plan at the intersection of the new roadway with West Street and at the intersection of the new roadway with the entrance driveway to Lots 7 and 8;
4. Crosswalk – the applicant and his representative contend that the owner doesn't need to provide a crosswalk because the need for the crosswalk is generated by the use of Lot 7 for town access to the open space and trails;
5. Architecture – footprints, floor plans and elevations of the proposed buildings have been provided;
6. Special Permit – a Special Permit is not required for the duplex on Lot 8 because the zoning on this property was frozen as a result of the filing and approval of a Definitive Subdivision Plan in 2007 and the subsequent appeal and permit extension act.

Ms. Brestrup stated that the issue of the crosswalk was not yet resolved. She had met with the Building Commissioner and one of the Senior Planners and had spoken with Guilford Mooring, Superintendent of Public Works, about the crosswalk. There needs to be more discussion about this topic and there may be a need for a condition to deal with the issue. The people who will be living in the new development will need and want to cross the street to visit friends who live on the other side, at Hampshire Village and at Applewood and walk to Atkins Market.

Mr. Nieto-Mattei responded to the Skeels letter:

1. Streetlights have been provided;
2. The applicant agrees that the roadway and all water, sanitary sewer and stormwater drainage utilities will remain private and will not be accepted by the Town but shall be constructed to Town Standards;
3. The applicant agrees with the requirements for final as-built plans;

4. A note has been added to the Site Plan stating that the plans submitted prior to the Building Permit will reflect the current conditions in the town right of way;
5. The details of grading at the intersection of West Street and the new roadway will be resolved with the Town Engineer prior to construction;
6. A note has been added to the plans regarding boring under the roadway for utilities rather than trenching;
7. The depth of cover on the sanitary sewer will be dealt with by using pre-insulated pipe when the depth over a pipe is less than 4 feet; a note has been added to the drawings;
8. A detail has been added for a sewer grinder pump station;
9. Sewer manhole #4 will not be used as a clean-out;
10. A note has been added to the hydrant detail;
11. States agreement with Stormwater Management Report;
12. States agreement with Stormwater Management Report;
13. The level-lip spreader pre-cast concrete curb was added to the details;
14. The test pits show no major changes from those done a few years ago;
15. The slopes at the retention basins will be reinforced;
16. Statement
17. Statement

Mr. Crowner questioned the response to item 6 of Brestrup email. Ms. Brestrup explained that duplexes that were part of a subdivision were not, in the past, required to obtain a Special Permit. As a result of a recent application in North Amherst, the Planning Board decided to require that duplexes in outlying districts must all obtain a Special Permit, even if they are part of a subdivision.

Mr. Reidy contended that this subdivision is bound by the Zoning Bylaw that was in effect at the time the Definitive Subdivision Plan was approved back in 2007. Mr. Reidy provided the Board with a letter explaining the timeline for this project and the reasons why the zoning for this project is frozen as of 2007.

Mr. Reidy explained that the original approvals for the Definitive Subdivision Plan, the Conservation Commission Notice of Intent and the Site Plan Review for Cluster, were all appealed and that the appeal was finally dismissed in 2011.

The Board found under Section 11.24 of the Zoning Bylaw, Site Plan Review, as follows:

- 11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw;
- 11.2401 – Town amenities and abutting properties will be protected through minimizing detrimental or offensive actions;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use; screening is proposed between the new development and the properties along West Street;
- 11.2403 – Provision of adequate recreational facilities, open space and amenities has been addressed because one lot (Lot 7) in the development will be purchased by the Town of Amherst and used for a parking lot and access point to open space that will be donated to the Town by the developer; the open space will connect with other town-owned property to the east of the proposed development;
- 11.2410 – Unique or important natural and scenic features will be protected because a portion of the subdivision will remain undeveloped and will be donated to the town as open space;
- 11.2411 – The project provides adequate methods of refuse disposal as described in the Management Plan;
- 11.2412 – The project will be connected to town sewer and water; the Town Engineer has reviewed and commented on the proposed sewer and water connections and has not expressed concerns about the town services or their ability to serve the proposed use;

- 11.2413 – The proposed drainage system within and adjacent to the site will be adequate to handle the stormwater; the Town Engineer has reviewed the proposed Stormwater Management Plan and has found it to be satisfactory;
- 11.2414 – Provision of adequate landscaping has been addressed; the project includes new plantings and the properties along West Street will be screened from the new development by plantings and a fence;
- 11.2415 – The soil erosion control methods are considered adequate to control soil erosion both during and after construction;
- 11.2416 – Adjacent properties will be protected by minimizing the intrusion of various nuisances;
- 11.2417 – Adjacent properties will be protected from the intrusion of lighting, because there will be very little new lighting added as a result of this project; a new street light will be added at the intersection of the subdivision road with West Street and another street light will be added at the intersection of the new road with the driveway to Lots 7 and 8; exterior lighting will be downcast and/or shielded;
- 11.2418 – N/A;
- 11.2419 – Wetlands will be protected in accordance with the Wetlands Protection Act and the Amherst Wetlands Bylaw; the project has been reviewed by the Conservation Commission and has received an Order of Conditions;
- 11.2420 – NA;
- 11.2421 – The development is reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development;
- 11.2422 – The development avoids, to the extent feasible, the impact on steep slopes, floodplains, scenic views, grade changes and wetlands;
- 11.2423 – The buildings will relate harmoniously to each other in architectural style, site location and building exits and entrances;
- 11.2424 – NA;
- 11.2430 – The site has been designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties;

The Board discussed the need for a crosswalk across West Street, at the intersection with the new road. Mr. Roznoy noted that the Transportation Advisory Committee has been discussing standard designs for crosswalks. Ms. Brestrup proposed language for a condition: “The applicant shall install a crosswalk to the west side of West Street to the satisfaction of the Town Engineer, prior to the issuance of the first Certificate of Occupancy, unless otherwise determined by the Town Engineer.” In other words, the Board will require a crosswalk unless the Town Engineer determines that it is not a good idea.

Mr. Stutsman noted that the Select Board would need to approve it.

The TAC has been addressing crosswalk standards that would apply to different areas of town.

Peter Wells of Berkshire Design asked what type of crosswalk would be required. He noted that the developer has offered to build an access drive and parking for access to the trail head. He presented information about the crosswalk at the Notch, that is relatively simple that would be appropriate for this area. It would not involve lighting, but would have signage and ramps at the beginning and end.

There was further discussion about the wisdom and safety of a crosswalk in this location.

Mr. Roznoy asked if a crosswalk would be workable given the sight lines. He noted that there are different types of crosswalks, such as the ones on Pine Street. He suggested that the Town Engineer could consult with the TAC and that a crosswalk could be required to be built to the standard at the Notch, and that approval by the Select Board would be required, with recommendations from the TAC. Part of the conversation would revolve around who would pay.

- 11.2431 – The location and number of curb cuts is such as to minimize turning movements, and hazardous exits and entrances; there is only one curb cut proposed on West Street;

- 11.2432 – The location and design of parking spaces, bicycle racks, drive aisles, loading areas and sidewalks will be provided in a safe and convenient manner; because this is a residential subdivision the individual residences are expected to provide parking and storage for bicycles;
- 11.2433 – Provision for access to adjoining properties has been provided as appropriate; the Town of Amherst will acquire Lot 7 along with the open space on the south side of the subdivision road and will provide access to town-owned land to the east;
- 11.2434 – N/A;
- 11.2435 – N/A;
- 11.2436 – The requirement for a Traffic Impact Statement has been waived;
- 11.2437 – N/A.

Mr. Stutsman MOVED to close the public hearing, to find that the project meets all of the relevant conditions of Section 11.24 of the Zoning Bylaw and to approve the Site Plan Review application with requested waivers and conditions as discussed. Mr. Birtwistle seconded and the vote was 6-0-1 (Ms. Riahi abstained).

Waivers

- Lighting Plan – a Lighting Plan was not required, but a light at the intersection of the new roadway with the driveway to Lot 7 was required;
- Sign Plan
- Traffic Impact Statement – The traffic generated by this development is minimal. The development will not significantly affect the level of service of West Street.
- Yield Plan (formerly called “Sketch Plan”) – The number of lots are determined from the Town’s Cluster Subdivision density formula; the applicant did not submit a Sketch Plan with the previous application and was not required to submit one with this application.
- A modification of the requirement in Section 7.715 for driveway steepness over 10% (requested in email from The Berkshire Design Group, dated June 16, 2017)

Conditions

1. The applicant shall install a crosswalk, to the west side of West Street, similar to the crosswalk at the top of the Notch on Route 116, with review and recommendations by the Transportation Advisory Committee, to the satisfaction of the Town Engineer and with the approval of the Select Board, prior to the issuance of the first Certificate of Occupancy, unless otherwise determined by the Town Engineer.
2. The project shall meet the conditions and criteria outlined in the letter from the Town Engineer dated June 28, 2017, except that there shall be no requirement for a light at the end of the new roadway.
3. Trash and recycling shall be picked up at individual units and not at the intersection of the private statutory way and West Street/Route 116.
4. Trees that are to be protected and preserved shall be maintained and replaced with street trees of similar species if the trees are damaged prior to occupancy of the units.
5. The proposed landscaping shall be installed and continuously maintained.
6. This permit will expire in two (2) years if substantial construction is not begun.
7. One street light shall be installed at the intersection of the private way with the driveway to Lots 7 & 8. The placement of the light is subject to the approval of the Town Engineer.

III. PLANNING & ZONING

- A. ZSC Report – Mr. Crowner presented the report. The ZSC is working on a zoning amendment related to Table 3, Footnotes “j” and “k” as well as an amendment on recreational marijuana.

There is a work group of staff and two Select Board members that is also working on this topic. It is likely that we will bring a zoning amendment on recreational marijuana to Fall Town Meeting along with a proposed temporary moratorium which would be in effect until December 2018. The ZSC is also working on a zoning amendment in response to the Route 9/Aspen Heights proposal, having to do with Class II apartments. It will probably include an overlay zone that will allow Class II apartments in what is now the PRP zoning district on Route 9. In addition, the ZSC may begin to work on an amendment to the Flood Prone Conservancy district, once the new FIRM maps have been approved.

- B.** Downtown/Town Center Community Forum – debrief – The Board discussed the forum that was held on June 29th. Board members observed that the forum had a good tone, was well-managed, had good engagement and was generally successful. The forum included new people as well as people who generally attend such events. It was successful in attracting a large number of people, but some people used it as an opportunity to complain. In future sessions we should focus on a vision for the downtown – what we want it to be. One suggestion is to present 3 or 4 possibilities to promote conversation. Another suggestion is to station architects or landscape architects at tables to help people see what various outcomes would be like, like a mini-charrette. We could also present case studies.
- C.** Public Comment Period – no comment
- D.** Other – none

IV. ELECTION OF OFFICERS & COMMITTEE ASSIGNMENTS

Mr. Birtwistle MOVED to nominate the current officers to continue in their current positions if they were willing to continue [Mr. Schreiber as Chair, Mr. Stutsman as Vice-Chair and Mr. Crouner as Clerk]. Mr. Jemsek seconded. The current officers indicated their willingness to continue. The vote was 7-0-0.

Mr. Birtwistle MOVED to nominate the current representatives and liaisons to Boards and Committees. Ms. Riahi seconded. The vote was 7-0-0.

V. OLD BUSINESS

- A.** ZBA2017-00024 – Todd Gaines/Breck Group – Aspen Heights – 408 Northampton Road – Discussion and recommendations to the ZBA – the Board decided to make no recommendation to the ZBA on this project application.
- B.** Signing of Decisions – none
- C.** Planning Board Summer Schedule – update – Board members announced planned absences from Planning Board meetings. Mr. Stutsman will be absent from 10/11 to 10/24/17.
- D.** Topics not reasonably anticipated 48 hours prior to the meeting – none

VI. NEW BUSINESS

- A.** Charter Commission Proposals for Planning Board – Mr. Schreiber presented the proposals. He noted that the Charter Commission proposal was approved by the Commission by a vote of 5-3-1. It will now be sent to the Secretary of State for review. The big changes proposed include reducing the number of Planning Board members from 9 to 7 and increasing the number of ZBA members from 3 to 5. Members of both Boards are proposed to be appointed by the Town Council. Members of boards may remain on their boards until their terms expire.

There was discussion about the proposed changes. Mr. Schreiber noted that the size of the Boards will need to be changed in the Zoning Bylaw as well as in the Charter, if the Charter is adopted. Mr. Birtwistle observed that a nine-person board is more representative of the community and more representation is better.

- B. Letter from Amity Street Dental regarding parking in downtown Amherst – the Board acknowledged receipt of this letter
- C. Preliminary FIRM Maps – Update on Review and Process – Ms. Brestrup gave an update on the schedule for review and adoption of the FIRM maps
- D. Topics not reasonably anticipated 48 hours prior to the meeting – none

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 – Jack Jemsek reported that there will be a conference on the Knowledge Corridor at Union Station in Springfield on October 18th.

Community Preservation Act Committee – Pari Riahi – no report

Agricultural Commission – Stephen Schreiber reported that he had attended the Simple Gifts Farmstand opening which he characterized as an advancement of agriculture in Amherst.

Design Review Board – Michael Birtwistle – no report

Amherst Municipal Affordable Housing Trust – Greg Stutsman reported that there would be an AMAHT meeting on Thursday, July 20th. Mr. Roznoy reported that the Habitat house on East Pleasant Street is occupied and that the Habitat house on North Pleasant Street had its wall raising.

Zoning Subcommittee – Rob Crowner, Greg Stutsman and Maria Chao – report previously given

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman reported that UMass has issued an RFI (Request for Information) that lists features that UMass would like to see on campus. There are four sites that have been chosen, which are the same as those listed in the U3 Report.

Downtown Parking Working Group – Richard Roznoy reported that the DPWG had a number of recommendations on parking that they would be bringing to the Select Board, including changes to meter fees and hours, parking permits, changes to the winter parking ban, etc. He asked the Planning Board to look at an amendment to the Zoning Bylaw to allow a commercial parking lot or garage by Site Plan Review rather than Special Permit.

Transportation Advisory Committee – Richard Roznoy reported that the TAC is meeting regularly and has given input on proposed PVTA schedule changes.

XI. REPORT OF THE CHAIR – no report

XII. REPORT OF STAFF – no report

XIII. ADJOURNMENT

The meeting was adjourned at 9:30 PM.

Respectfully submitted:

Approved:

Christine Brestrup
Planning Director

Stephen Schreiber, Chair

DATE: _____