

AMHERST PLANNING BOARD
Wednesday, October 18, 2017, 7:00 PM
Town Room, Town Hall

PRESENT: Stephen Schreiber, Chair, Maria Chao, Robert Crowner, Michael Birtwistle, Pari Riahi, Christine Gray-Mullen

ABSENT: Jack Jemsek and Greg Stutsman

STAFF: Christine Brestrup, Planning Director

Mr. Schreiber opened the meeting at 7:01 PM. He welcomed students from a class in public policy.

I. MINUTES

Mr. Crowner **MOVED** to approve the minutes of September 13, 2017. Ms. Riahi seconded and the vote was 2-0-3 (Schreiber, Birtwistle and Riahi abstained).

Mr. Crowner **MOVED** to approve the minutes of October 4, 2017, with a correction. On page 3 above Item B, rather than “The ZSC did not recommend the article and is opposed to the article” the sentence should read “The ZSC did not recommend the article and took no position on the article.” Mr. Birtwistle seconded and the vote was 5-0-0.

Ms. Gray-Mullen arrived (7:09 PM).

II. APPEARANCE – Building Commissioner, Rob Morra – update on Site Plan Review Applicability and Administrative Approval – Zoning Bylaw, Article 11, Section 11.21 Applicability

Mr. Morra presented the update. Administrative Approvals were approved by Town Meeting in the fall of 2016, along with associated changes to Site Plan Review Applicability. Three types of changes were affected: 1) change in use where no change to building or site was proposed – waiver of Site Plan Review can be granted, as in the past; 2) changes that involve minor alterations to the building or the site – waiver of Site Plan Review can be granted if the project meets certain criteria; 3) changes that occur during construction that don’t need to come back to the Board. This new Bylaw has been in effect since early in 2017.

The first project that has gone through this type of review is the Musante Community Health Center, which involved mostly interior changes, but included small changes to the north side of the building, with a door below grade and a walk from the door up to the surrounding grade. There was a minor increase in lot coverage and a minor door alteration.

The second project involved a change to the site of the Eric Carle Museum, where 160 linear feet of sidewalk was added, with no significant changes to grading or drainage. The new Bylaw has been in effect for about 8 months and is working well. The projects are small and the administrative review helps to lessen the load on the Planning Board. Mr. Birtwistle thought the process was extremely reasonable. Mr. Morra reported that there had been about 4 or 5 such projects since February, which is fewer than he had expected.

Mr. Schreiber mentioned the storage sheds at the High School and the porta-potty at the North Amherst Library as two projects that could have benefited from this type of review. Mr. Morra noted that at the North Amherst Library, the project involved parking, so it needed to go to the Board. As to the storage sheds at the High School, Mr. Morra was the applicant for the town,

having temporarily assumed the responsibilities of Facilities Director, so he was not comfortable with waiving his own application. Mr. Morra stated that the improvements to the softball field at Amherst College could have been considered for administrative approval.

It was not yet time for the first public hearing so the Board took up Old Business.

VI. OLD BUSINESS

- A.** Signing of Decisions – The Board signed the decision for SPR 2018-05 – 104-106 North Pleasant Street, Steam Seafood Restaurant LLC, d/b/a Ichiban Asian Bistro

III. PUBLIC HEARINGS – SCENIC ROADS

Scenic Road stone wall removal – 294 and 304 Leverett Road

Stone wall impacted by this project includes about 8 to 10 linear feet of stone wall, to be removed for the purpose of constructing a driveway

Mr. Schreiber read the preamble and opened the public hearing under MGL Ch. 40, Sec. 15C, Scenic Roads Act, and explained why this public hearing does not need to be a joint public hearing with the Tree Warden, because it does not involve the removal of any public shade trees.

Barre Tozloski, property manager for Michael Kitteridge, who is the owner of the properties at 294 and 304 Leverett Road, presented the application. He explained that the owner would like to sell the properties and needs to construct a new driveway to serve the properties that he proposes to sell. Right now the driveway is shared by three properties. The proposal is to remove the pavement from one of the driveways and remove the driveway connection to the property to the north and to construct a new driveway to serve the properties at 294 and 304 Leverett Road. This will involve the removal and relocation of about 10 feet of stone wall. The stone wall will be relocated to the place where a gate had existed. There will be only one driveway to serve 294 and 304 Leverett Road. No trees will be impacted.

Mr. Schreiber noted that there had been a site visit that morning. Mr. Crowner, who had attended the site visit, reported that it was a nice stone wall and is very visible. At the end of the project there will be the same number of curb cuts and the same amount of stone wall. Mr. Birtwistle asked whether the two homes to be sold will be served by one driveway.

Mr. Tozloski stated that all three properties are owned by one person and are currently served by one driveway. The owner intends to sell the large property and the two small properties, with one driveway to serve the large property and one to serve the two smaller ones. The gate will be removed and replaced with 10 feet of stone wall.

Mr. Crowner **MOVED** to approve the request to remove and relocate the section of stone wall. Ms. Gray-Mullen seconded and the vote was 6-0-0.

Noting that there were representatives of the University Drive Proposed Projects, Mr. Schreiber moved ahead in the agenda to hear their presentation.

VII. NEW BUSINESS

- A.** University Drive Proposed Projects – Barry Roberts and Tom Reidy– Map 13B, Parcel 33 – proposed restaurant and apartment development – presentation and request for recommendation to Zoning Board of Appeals

Attorney Tom Reidy, Landscape Architect Andy Bohne, developer Barry Roberts, and Architect John Kuhn attended the meeting and distributed information about the projects to the Board.

Mr. Reidy presented the projects and stated that UDrive LLC, the developer, was requesting support for the two projects proposed for the property on University Drive, Map 13B, Parcel 33. He introduced Phil Henry, site engineer.

Mr. Reidy explained that the property had been zoned OP (Office Park). In 2010 there was a failed attempt to rezone it. In 2016 a Resource Area Delineation had been approved by the Conservation Commission, delineating 5.79 acres of wetlands on the site. A zoning change was approved in 2016, rezoning the property from OP to B-L (Limited Business). The current proposal shows a residential development on the south side of the property and a restaurant on the north side.

A 1963 restriction prohibited additional access points along University Drive, in excess of six points. Town Meeting recently authorized the Select Board to release this restriction and the Select Board recently released the restriction allowing another point of access to this site directly off University Drive.

Andy Bohne of Place Alliance described Site A, the restaurant site. It's current use is agricultural. He presented maps showing the existing agricultural use and the wetlands delineation, noting that the site currently drains to a culvert under University Drive.

Phil Henry of Civil Design Group presented the technical details of layout, circulation and parking as well as grading and drainage. Site A is 1 ½ acres. It meets the frontage and area requirements of the B-L zoning district. The restaurant is proposed to be 4,400 square feet with 31 parking spaces. There will be proper vehicular circulation and access for walkers. The grade of the site rises about 2 to 3 feet, but is relatively flat. It is not possible to capture the stormwater runoff in typical inlets. Instead overland flow, rain gardens and grass swales will be used. There will be recharge to groundwater. The site has good infiltration rates. The site flows naturally to the west. The peak flow and volume will be mitigated before the point of discharge.

The parking spaces on the south side of the building will have porous asphalt, allowing infiltration. The landscape will consist of reforestation of the buffer zones and rain gardens and bio-retention zones will be planted. There will be a manicured landscape around the building.

John Kuhn described the architecture. The shape of the building is driven by the constraints of the site, including wetlands, setbacks and the existing driveway to the north. The design was driven by the restaurateur, and is based on a restaurant in Chatham with an open kitchen and bar seating. There will be a year-round space that has an open feeling, with lots of windows. The building will have a stone base, gabled roof and double-hung windows. The occupancy is driven by the number of parking spaces that can be fit on the site – 31 spaces. At 4 patrons per space there will be a maximum of a 120 person occupancy. Staff will park across the street on another property owned by Mr. Roberts.

Mr. Bohne described Site B. It is 4.21 acres, a large portion of which is currently used for agriculture. The wetland drains from east to west. There is a bike path that runs in front of both sites. The bike path, which is now double, will be made into a single pathway, located on the east side of the trees.

Mr. Henry described the stormwater management system. The drainage flows from east to west. Twenty-six dwelling units are proposed, in three buildings. Fifty-six parking

spaces are proposed along with pedestrian access from the buildings to the parking that is accessible. Much of the stormwater on the site will flow overland. Storms up to a 10 year storm will infiltrate into the ground, to manage low-flow storms.

Overall the stormwater management system will meet regulatory standards. There is a small triangular wedge of ground that flows to the south, but overall the water that flows to the south will be reduced.

Mr. Bohne described the Landscape Plan. There will be a wetland crossing to accommodate the new driveway. Disturbed wetland will be replicated. Buffer zones will be reforested. There will be a small area of mown turf behind the buildings.

John Kuhn described the architecture. It responds to a difficult site, with three wood frame residential buildings, including 26 units, including 1, 2, 3 and 4 bedroom units. All of the first floor units will be accessible. All of the one bedroom units will be on the first floor.

The buildings meet the maximum height requirements of 35 feet and three stories.

The color of the buildings will articulate the architecture.

Ms. Chao asked how the bike path would be changed as a result of this project and would there be any bike racks.

Mr. Bohne explained that the restaurant will have a bike rack. The bike path would be reconstructed as a wider single lane (9' wide) bike path. It will be resurfaced with porous asphalt. The bike path is on town property.

Anne Marley, owner of 100 University Drive, expressed concern about storm water, noting that her property already gets flooding from this property and that there are existing problems with drainage in University Drive. She also objected to housing 60 students in a non-residential area.

Mr. Schreiber noted that the stormwater management system is being designed by a professional engineer, will be reviewed by the Town Engineer, who is also a professional engineer, and that the Conservation Commission or the ZBA could choose to engage a third party to review the stormwater system. Mr. Schreiber noted that development can often help to solve drainage problems.

Phil Henry gave more detailed information about how the stormwater management system is proposed to work.

The ZBA is scheduled to open its public hearing on November 9th and the Conservation Commission will open its public hearing later this fall.

Steven Kravitz, owner of The Arbors, asked for more information about the stormwater system, particularly the "overflow". He liked the fact that the four-bedroom units would be located away from The Arbors and he liked the Landscape Plan. He asked that the developers and the Planning Board consider the residents of The Arbors when making decisions. He noted that the restaurant in Chatham is lovely, adding that a three-season room can be noisy. He expressed concern about the stormwater issues on University Drive.

Ms. Riahi expressed support for housing on University Drive, but asked if one of the buildings could be re-oriented towards University Drive.

Mr. Crowner noted that for Site A, although it would have a sidewalk from the bike path, there appears to be no obvious crosswalk across the driveway to the new building. Mr. Henry stated that there will be a crosswalk across the driveway to the new (first) building and pointed to its location on the plan.

Ms. Chao asked about the Lighting Plan and whether the lights will be downcast.

Mr. Reidy and Mr. Bohne described where the site lighting would be located, including street lights and lights on the buildings.

Ms. Chao asked if the three season enclosed porch would be a bright spot in the landscape. Mr. Reidy stated that the use of the porch would end at midnight and that the existing vegetation would screen it from the residences. Also, Site A, the restaurant site, will be located several hundred feet from The Arbors.

Mr. Henry noted that there would be a bike rack at the restaurant and two bike racks at the residential units, with space for 4 to 5 bikes each. Mr. Reidy offered to look at locating more bike racks on the properties, given the proximity to the bike path, and noted that it might be possible to store bikes in the buildings.

James Marley, co-owner of 100 University Drive and Diversified Construction with his mother, Anne Marley, asked about the number of bedrooms proposed for the property and whether there would be privacy fencing.

Mr. Reidy explained that there will be a 6 foot high chain link fence along the east and south property lines in the vicinity of 100 University Drive, and arborvitae plantings for screening. Also, Building 3, closest to the Marley's property, will have no patios or balconies, and no four-bedroom units.

Mr. Marley asked about runoff and noted that the properties are already wet and that he has experienced property damage, including having a sign knocked over, and parking on his property that is not his tenant's parking. He asked where visitors to the new development would park over the weekend.

Ms. Gray-Mullen noted that 59 bedrooms were proposed.

Mr. Schreiber stated that the site is well-served by buses and bicycles and is close to grocery stores and close to town center and the University. It is located a distance away from abutters. It is an important project that will provide housing for people in a convenient location.

Mr. Crowner stated that the Planning Board should recommend this project to the ZBA. He acknowledged that the Planning Board had sponsored the zoning change article and this project represents the reason why the zoning change was proposed. Ms. Chao stated that there is a liveliness and New England feel to the project and she commended the design and the fact that it worked well with the site constraints. It is a good mix of housing that we need.

Mr. Crowner MOVED that the Planning Board convey to the ZBA its appreciation of the proposed project, acknowledge that the Planning Board proposed the zoning change to enable

such a project, the Planning Board is glad that the project did emerge to address the needs of the town and that the ZBA take all of these things into consideration when reviewing the project. Ms. Gray-Mullen seconded and the vote was 6-0-0.

B. Mothers Out Front – Town Meeting Warrant Article 15 – Petition – General Bylaw – Net Zero Energy Town Building – presentation and request for recommendation to Town Meeting

Lydia Vernon-Jones and Chris Riddle, members of Mothers Out Front, presented Article 15. Mr. Riddle is a retired architect. They presented a slide show explaining zero energy buildings and the cost savings that might occur from them with regard to energy usage. There was discussion about the cost for a PV (photo-voltaic array) and wind turbines and their replacement costs. Mr. Riddle noted that he had worked as the owner's project manager for the Hitchcock Center's new building in South Amherst. He asserted that it is not expensive and that it is doable to build Net Zero buildings and that "now is the time". He listed several buildings nearby that are Net Zero buildings, including the Hitchcock Center, the Field House at the Putney School in Vermont, and South Congregational Church. He asked for the Planning Board's support for this article.

Ms. Chao expressed full support for the idea. Mr. Schreiber, one of the original signatories of the letter that proposed the article, expressed some reservations, noting that it can work for buildings in the middle of a field, where there is good orientation and no trees to block the sun. It requires informed users of the building. He also noted that in addition to solar and wind as sources of energy, there are geothermal adaptations and fuel cells. An example of a site that would have difficulty meeting the Net Zero requirements is the Jones Library, with a constrained site, lots of trees and an incompatible existing building. He expressed concern about decisions being made based on energy use, but not on pedestrian access. Bad decisions might be made to get to a good goal. He suggested that projects could give evidence that they are buying energy from a renewable energy source. For an addition to a building, the addition would be required to have a clean break from the existing old building. He suggested a system of waivers. He asked what happens if a project fails to meet the standard. He noted that a Williams College project was not able to meet the Living Building Challenge.

Mr. Riddle hoped that the Zoning Bylaw would incorporate requirements for building orientation. Zero Net Energy is a valid and crucial design criterion. He asserted that the design proposed for the Jones Library has enough roof area to include solar panels for the addition. Old buildings will not be Net Zero buildings, but with zoned HVAC systems and sub-metering, additions to old buildings can meet the requirements.

There was further discussion about a waiver process.

Ms. Riahi agreed in principle with the concept of Net Zero, but she also understands the concerns expressed by Mr. Schreiber. She asked about using the LEED structure, something that is less black and white than Net Zero.

Mr. Birtwistle asked how far away an off-site energy source could be. Mr. Riddle stated that there no requirement for maximum distance for an energy source.

There was further discussion about the goals of the Net Zero proposal.

Ms. Gray-Mullen noted that the examples that were given were lower energy usage buildings than a DPW or a Fire Station. She hasn't found any examples of a DPW or Fire Station that is a Net Zero building. Both buildings are high-energy uses and have "non-green functions". The Fire Station needs to be located in a very limited area. The

requirement for Net Zero will reduce the number of designers or architects who can work on these projects.

Mr. Riddle noted that the DPW building will be a sprawling complex with a lot of unheated space and a large roof area that can be used for solar panels.

Ms. Vernon-Jones noted that a Police Station in Cleveland is Net Zero.

Ms. Brestrup asked about the expense of purchasing property off-site to install PV arrays to satisfy the requirement if the energy cannot be generated on-site. She asked if that cost was figured in to the cost savings charts that were included in the presentation.

Mr. Birtwistle asked what happens if the town designs a building that doesn't work. The answer is that the town would need to keep trying to make it work. There is no enforcement mechanism. No recriminations are built into the bylaw. There is an annual reporting process.

Ms. Gray-Mullen expressed concern about the long list of capital projects that the town is facing, noting that Net Zero is not attainable for all of these buildings.

Mr. Schreiber noted that part of the ability to reach Net Zero involves the users of the building. The more people who use the building the more energy the building will use. He suggested a town policy rather than a requirement.

There was further discussion about enforcement, policy versus bylaw and what this will mean for new municipal buildings.

Mr. Schreiber thanked the presenters.

Mr. Birtwistle MOVED that the Planning Board supports this article. Mr. Crowner seconded.

Ms. Riahi stated that she supports the article in principle but if a building doesn't perform it will be a huge cost to the town and will have huge implications. What happens if we have no more budget to keep trying?

Mr. Birtwistle stated that even if the energy savings are not as great as expected they are still better than they would have been otherwise.

Mr. Crowner stated that this is the right thing to do and that we have to strive for zero energy. He would like it to have a waiver, but he thinks the town should strive for zero energy.

Ms. Brestrup suggested a policy rather than a set of rules. She likened this to the Complete Streets policy that the town is working on, which will be tailored to the needs of the town and will not require that every street in town have sidewalks, bike lanes and 12 foot travel lanes. It will be more realistic. And this energy policy could be crafted to be a more realistic policy too.

Ms. Riahi agreed with the spirit of the article but not the exact structure. It is difficult and expensive to obtain Net Zero. The successful buildings that have been presented are in fairly ideal settings. The public sphere might be more challenging.

Mr. Schreiber noted that there are added requirements for municipal buildings, with the Stretch Code, public art, possibly this article and zoning. There are other values that need to be considered, including infill in developed areas, a lively street front, etc. This article puts the spotlight on one particular issue. A good city or town doesn't have all south facing streets. This article may cause decisions to be made about buildings that may not be in the public good.

Ms. Gray-Mullen suggested that the notion of Net Zero be presented as a thoughtful policy. There are no industry standards and it could cost the town a lot to get to Net Zero.

Mr. Crowner thought that the Planning Board could state what the article should have been. It should have been an aspirational article with a high goal, with the ability to have a waiver or modification. He suggested that the Board take no position on the article but state that there should be a policy stating that the town's buildings should attempt to meet the Net Zero energy goal.

Mr. Birtwistle withdrew the motion with the permission of the seconder. Mr. Crowner agreed to the withdrawal.

Ms. Chao noted that this discussion was important and she hoped there was a way to keep the dialogue going. She supports the ideals of the bylaw and wants to make this a topic that the town and the Planning Board keep working on.

Mr. Schreiber suggested that the best way to proceed is for the state to target all buildings in the state, in a manner similar to the Stretch Energy Code.

Ms. Gray-Mullen preferred not to support the article but to make a statement that the Planning Board supports the concept that the town should build green and sustainable buildings using best practices.

Mr. Schreiber recommended tabling a vote until the next meeting, on November 1st.

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

IV. PLANNING & ZONING

- A. ZSC Report – no report
- B. Downtown/Town Center Community Forum – planning for fall forum – Steering Committee is working on setting a date. December 6th seems to be acceptable.
- C. Public Comment – none
- D. Other – none

V. TOWN MEETING

- A. Warrant Review – no comment
- B. Movers and Speakers – due October 23 at noon – Mr. Birtwistle offered to move all of the Planning Board's articles, since he is a member of Town Meeting. The Movers and Speakers were determined as follows:

<u>Article</u>		<u>Mover</u>	<u>Speaker</u>
6	Zoning – Recreational Marijuana Retailer (Plan Bd)	<u>M. Birtwistle</u>	<u>G. Stutsman</u>
7	Zoning – Temporary Moratorium (Plan Bd)	<u>M. Birtwistle</u>	<u>M. Chao</u>
8	Zoning – Table 3 Footnotes - Miscellaneous (Plan Bd)	<u>M. Birtwistle</u>	<u>R. Crowner</u>
9	Zoning – Parking Facilities (Plan Bd)	<u>M. Birtwistle</u>	<u>G. Stutsman</u>

- C. Planning Board Reports to Town Meeting – no comments

- D. TMCC & LWV Warrant Review Meeting – 7:00 p.m., Tuesday, October 24th in Town Room – Mr. Crowner agreed to speak at the Warrant Review Meeting.

There was discussion regarding a motion for Article 6. A motion review meeting is scheduled for the week of October 30th, before the next Planning Board meeting. Ms. Brestrup will need to present motions at that time. Mr. Crowner was going to speak to the Town Moderator about the motion for Article 6. Mr. Crowner reported on an email exchange with the Town Moderator in which Mr. Crowner proposed the following motion and was waiting for a reply:

“I move in terms of the article except to strike condition number 3.e.1) d) in its entirety”.

Board members agreed with the wording of the motion, and will wait for confirmation from the Moderator.

VI. OLD BUSINESS

- A. Signing of Decisions – decision was signed earlier.
- B. Amherst Housing Market Study – Continue review and discussion about Chapter 6, Recommendations – Board members agreed to postpone discussion until a future meeting.
- C. Planning Board Fall Schedule – Meetings during Town Meeting – no comment
- D. Topics not reasonably anticipated 48 hours prior to the meeting – none

VIII. FORM A (ANR) SUBDIVISION APPLICATIONS – The Board endorsed the following ANR applications:

ANR2018-06 – Peter W. MacConnell – 461 Station Road

ANR2018-07 – Greg Stutsman – 1325 South East Street & 0 Mt. Pollux Drive

IX. UPCOMING ZBA APPLICATIONS – Ms. Brestrup reported on the two ZBA projects on University Drive that were discussed earlier.

X. UPCOMING SPP/SPR/SUB APPLICATIONS – none reported

XI. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Christine Gray-Mullen reported that she and Jack Jemsek had attended the New England Knowledge Corridor conference that day at the renovated Union Station in Springfield. The Governor of Connecticut attended along with other dignitaries. There was also a PVPC meeting last week.

Community Preservation Act Committee – Pari Riahi reported that there would be a meeting in November.

Agricultural Commission – Stephen Schreiber reported that the Ag Com hadn't met recently.

Design Review Board – Michael Birtwistle reported that the DRB hadn't met recently.

Amherst Municipal Affordable Housing Trust – Greg Stutsman – no report

Zoning Subcommittee – Rob Crowner, Greg Stutsman and Maria Chao – no report

UTAC (University and Town of Amherst Collaborative) – Christine Gray-Mullen reported that the Executive Committee would meet on October 19th at 4:00 p.m. in the Town Room, Town Hall.

Downtown Parking Working Group – vacant – no report

Transportation Advisory Committee – vacant – no report

XII. REPORT OF THE CHAIR – Mr. Schreiber reported that there would be an upcoming annual Planning Board bike ride and also the Planning Board would be entering a team in the Trivia Bee.

XIII. REPORT OF STAFF – Ms. Brestrup reported (regretfully) that Mr. Roznoy had resigned from the Planning Board for personal reasons and because his legal business is becoming very busy. His term would have expired in June, after 8 years of service. Board members were sorry to hear the news.

XIV. ADJOURNMENT

The meeting was adjourned at 10:10 PM.

Respectfully submitted:

Approved:

Christine Brestrup
Planning Director

Stephen Schreiber, Chair

DATE: _____