

AMHERST PLANNING BOARD
Wednesday December 7, 2016

In attendance: A. Rosenblatt- Chair, P. Lyon- Selectman Ex-Officio, M. Dell Orfano, M. Peterman, S. Wilkins, R. Hart, E. Hahn and Community Development Director G. Leedy

A. Rosenblatt called the meeting to order at 7:30pm and said E. Hahn will vote for C. Harris.

NEW BUSINESS

CASE #: PZ8052-102716 – Migrela Realty Trust II (Owner) – 153, 155, 157 & 169 Hollis Road, PIN #s: 001-008-002, 001-008-000, 002-007-000 & 7B – Request for approval to construct 66 detached single family-age restricted housing units and associated private roadways and driveways. Zone Residential/Rural

Gordon clarified for the board that this is a design review hearing that is conceptual. The board will give non-binding comments to the applicant.

Attorney Punier said the application still has to go before the ZBA in a few weeks. He suggested the Planning Board table the application to the January meeting until after the ZBA has ruled.

M. Peterman asked what the variances are for and Attorney Prunier replied they are not seeking a variance. It is a rehearing of an administrative decision.

S. Wilkins moved to continue the application to the Planning Board meeting on January 4th.

M. Peterman seconded. All in favor

OTHER BUSINESS

Minutes: November 2, 2016

M. Peterman moved to approve the minutes of November 2, 2016 as submitted. S. Wilkins seconded. All in favor with M. Dell Orfano abstaining.

Amherst Land Committee

G. Leedy said the BOS has established a Land Committee to sort out some issues such as: easements that are controlled by the ACC that aren't effective; parcels owned by the town acquired by tax taking that are just sitting there, but could be useful if managed by the ACC or Recreation Department; small parcels that aren't useful to the town, but could be sold to an abutter who would find it useful. The BOS is requesting an appointment of a Planning Board member to the committee.

S. Wilkins mentioned she and D. D'Angelo (Chair of the ACC) spent the summer going through deeds to clarify what land the town owns. G. Leedy learned that the regulation states all subdivisions have to allocate 15% of the land to public use.

Now that the land has been indexed, the committee needs to figure out how best to use it and who will manage it.

G. Leedy stated the committee will consist of:

1 BOS member, 1 assessor, G. Leedy, 2 ACC members, 1 Planning Board member, 1 land trust member, 1 Recreation department member and 2 residents.

The board discussed who could represent the Planning Board on the committee. M. Dell Orfano will initially represent the Planning Board on the committee.

Public Hearing – 2017 Proposed Zoning Amendments

M. Dell Orfano moved to open the public hearing. S. Wilkins seconded. All in favor.

Amendment 1 – Elderly Housing – To amend Section 4.20 of the Zoning Ordinance to clarify that density in an elderly housing development shall be determined using the base density and bonus densities as described in Section 4.16 – Integrated Innovative Housing Ordinance (IIHO).

G. Leedy said these amendments will take care of house-keeping issues.

Regarding the IIHO in the elderly housing section, (which is 4.20) this strikes the language ‘six bedrooms per acre’ and inserts ‘density in an elderly housing development shall be determined using the base density and bonus densities as described in Section 4.16 – Integrated Innovative Housing Ordinance (IIHO)’.

S. Wilkins asked if the board should also add language to sections 4.14 and 4.17. Yes, possibly. That will be discussed further later tonight.

Amendment 2 – Corrections of formatting errors and for consistency with 2016 Amendments – Several wording changes and reference sections need to be updated for consistency with Zoning Amendments adopted in 2016. These are non-substantive changes.

G. Leedy said this is a correction for consistency with zoning amendments that were adopted last year.

Amendment 3 – Accessory Apartment – Currently, accessory apartments are allowed in the Rural Residential, Northern Rural, Northern Transitional, Commercial and Limited Commercial Zones. The proposed amendment would modify the definition of “accessory apartment” to be consistent with state law and with standards cited elsewhere in the ordinance.

G. Leedy said this changes the definition to be consistent with state law. The change will say “up to two bedrooms”

S. Wilkins read from the minutes of the last meeting and realized they didn’t necessarily post for hearing what the board agreed upon last month. Gordon agreed they may need to re-post this amendment change.

R. Hart would rather clarify the language “up to two bedrooms” to read “no more than two bedrooms”. This suggestion was agreed upon.

G. Leedy confirmed this change in the workforce housing section did not get included in the posting of the hearing. The 3rd amendment should be reposted with proper edits.

Under workforce housing, what needs to be changed is:

- Change shall to may

- add a numeral 3 before the paragraph that begins, “Economic viability”

- Definition of accessory apartment should be taken from 4.14 and add that to section 9.1- Definitions

The board discussed the potential outcomes of the amendment. This may result in more duplexes in town which may not have large support. M. Dell Orfano said the board is charged with keeping the rural character of Amherst. If we don’t have an ordinance that allows people to increase the utility of their properties, we are going to have houses popping up everywhere.

G. Leedy relayed some words recently spoken by the Chair of the ZBA: rural character is relative and it changes over time. G. Leedy thought the density increase puts a more profound effect on rural character than putting a single family house on a 3-acre lot would. M. Peterman disagreed.

S. Wilkins clarified that they are discussing taking the definition that is in the workforce section and using it town wide for accessory apartments. She will accept that that is too dramatic a change to make in this format.

The board discussed what to do with the third amendment: either edit it to match the RSA now and deal with the rest of the issue next year, or edit it and repost it for public hearing. There is another amendment that needs to be corrected and reposted as well.

They discussed if the board wants to eliminate square footage or percentage maximums to accessory apartments. A. Rosenblatt added that the board should disclose to the public that a side effect of the language change is the possibility of more duplexes in town. It is a significant change.

M. Peterman asked to change the maximum square footage.

E. Hahn suggested rather than stating 'density in elderly housing projects...' they use a standard statement: 'project density shall be established using the methodology...' so it is always the exact same language throughout. That suggestion was agreed upon.

S. Wilkins moved to close the public hearing. M. Peterman seconded. All in favor

S. Wilkins moved to put to the ballot amendment 2 as written and amendment 1 as follows: Project density shall be determined using the base density and bonus densities as described in Section 4.16 – Integrated Innovative Housing Ordinance (IIHO).

M. Peterman seconded. All in favor

The next hearing will include adding the suggested language (by E. Hahn) to sections 4.14 and 4.17.

The other changes that need to be made are as follows for section 4.14(l)2:

-Change "shall" to "may"

-Add the numeral 3 before the paragraph that begins, "Economic viability"

-renumber paragraphs 3-9 accordingly

The board returned to discussing amendment 3.

M. Peterman moved to change section 9.1 definition of accessory apartment to: no more than two bedrooms and not to exceed 1100 sq. ft. M. Dell Orfano seconded.

M. Dell Orfano explained the reasoning for the difference in criteria for workforce housing and non-workforce housing. It is all economic-based. Accessory apartments are likely to be smaller in a workforce housing unit, because it is not economically feasible to build a large home to sell as workforce housing.

S. Wilkins added that the accessory apartment criteria for workforce housing is designed to encourage people to expand for the purpose of creating workforce housing. And if the state mandates that workforce housing not be limited to one bedroom, then the total square footage needs to be raised.

Vote: All in favor

The board discussed reposting for hearings amendment 3 and the following:

Amendment 4 will add E. Hahn's language to 4.14 and 4.17

Amendment 5 will change 'shall' to 'may' and make the numeral changes to 4.14(l)2

The board decided to leave Amendment 1 alone. In Amendment 2, add, in addition to the other changes, 'project density' to 4.14 and 4.17.

S. Wilkins moved to reconsider amendment 2. M. Peterman seconded. All in favor

G. Leedy said he looked through it and didn't find what an acceptable ROI would be. M. Dell Orfano explained why that can't be determined by the board ahead of time. It is market related and each applicant will apply individually to present the case for their project.

The board discussed referring other portions of the ordinance to the clarified language.

For Amendment 2: S. Wilkins suggested the PRD section and Elderly housing section should include the language: "and section 4.16-IIHO" after "subdivision regulations"
This is for section 4.17B-Conditions.

S. Wilkins moved and M. Peterman seconded to change amendment 2 as follows:

- in section 4.17B, add the words 'and section 4.16- IIHO' after the words, 'subdivision regulations'.
- In 4.14(I)2,
 - Change "shall" to "may"
 - Add the numeral 3 before the paragraph that begins, "Economic viability"
 - renumber paragraphs 3-9 accordingly

Vote: All in favor

M. Peterman moved to adjourn at 9:00pm. S. Wilkins seconded. All in favor.

Respectfully submitted,
Jessica Marchant