

Town of Pelham
Zoning Board of Appeals

Minutes to the public meeting held on Tuesday, May 18, 2021

[Note: Because of COVID-19 health restrictions, this public meeting was held as a Zoom video-conference.]

Attendance: Members Carey Clouse, Jeff Eiseman (chair), Ralph Faulkingham (secretary), Amanda Huhmann (clerk), Ann McNeal (vice-chair), and Associate Members David Litwak and Stacey McCullough. Also attending: individuals representing Home City Development, Inc; Matthew Lundsted and Elisha Musgraves representing CEI (consultants to the ZBA), Steve Savaria of the firm Fuss and O'Neill (consultant to Home City); Tilman Lukas representing the Pelham Housing Committee, Lexi Dewey representing the Pelham Planning Board, Dana McDonald representing the Pelham Conservation Commission, Pelham Building Inspector and Code Enforcement Officer Dave Waskiewicz, Judi Barrett of the Barrett Planning Group LLC, as well as other individuals who did not identify themselves by name or affiliation.

The meeting was called to order at 6:20 p.m. by chair Jeff Eiseman.

1. The minutes to the Pelham ZBA meeting on April 28, 2021 were approved as presented.

2. Chair Jeff Eiseman invited additions to the posted agenda.

A. Dana McDonald, the chair of the Pelham Conservation Commission, noted that the ConCom had on May 13 passed along to the ZBA a document entitled "Draft Order of Conditions," which represented responses by the ConCom to the Home City proposal to date. He stressed that these conditions are a draft, that further plan modifications or that developments arising out of the ZBA hearing may require adjustments to this draft, and that the ConCom hearing with Home City remains open.

B. Peter Serafino suggested that the project *pro forma* might well be struck from the agenda of the hearing at a subsequent meeting. Jeff agreed.

3. Jeff then summarized that tonight's meeting would focus on five issues that are very interrelated and cannot be easily disentangled one from the other, but that we would try to take them in sequence: Driveway, Parking, Screening, Sidewalks, and Signs; he then turned to the ZBA consultant Matthew Lundsted of CEI and suggested that Matt start with the driveway.

4. **Driveway.** Matt Lundsted said that the major problems that CEI had with the driveway plan were that the width of the driveway was 18 feet while Amherst's fire truck required 20 feet and that there was insufficient data in the plan on the driveway's turning radii (i.e. there is more than one radius), and that where turning radius data are provided, the radius is too small to accommodate the fire truck that the Amherst Fire Department would send to the site in the event of a fire. Jeff Eiseman then asked Matt specifically for CEI's opinions about the waivers that Home City had requested, a question that Matt did not directly respond to. Elisha

Musgraves of CEI then noted that the CEI report deals with more than just the driveway; it has concerns about screening and sidewalks.

Peter Serafino then interjected that in developing its site plan, Home City consulted with the Amherst Fire Department (AFD) and was told that the turning radius in the plan was acceptable. Jeff Squire (the site plan designer) added that he had conferred with the AFD and that on the basis of that consultation, Home City changed its site plan to what the ZBA now has before it.

Given the apparent contradiction in these reports of the AFD's position on the plan, Jeff Eiseman asked that CEI and the Home City team consult outside the limits of this meeting to come up with a single view of what the AFD will require of the plan. Matthew Lundsted and Jeff Squire agreed to do so.

At this point Jeff Eiseman asked Steve Savaria of the firm Fuss and O'Neill to summarize his firm's traffic report (which is chapter 10 in the Home City proposal). Mr. Savaria stated that his analysis forecasts that there will be between 20 and 25 vehicle shifts each morning and evening to and from this site onto and from Amherst Road or about 216 per week. The analysis is that there are about 5200 vehicles that pass by the driveway each day on Amherst Road. Thus, the proposed project represents an insignificant change in vehicle traffic on Amherst Road. He added that from a safety point of view the sight lines from the driveway onto Amherst Road and from Amherst Road to the driveway were not problematic. In summary, this project will not impact either traffic volume or safety on Amherst Road. Matt Lundsted said that this traffic report had escaped CEI's attention but that they would look at it. Peter Serafino and Kevin Rothschild-Shea said that they would work with whatever findings CEI develops from its review of the traffic study.

5. **Parking.** Jeff began our discussion of parking by noting that the Pelham code requires 69 parking spaces for this site, given the proposed 34 units, but that the code also aims to limit impermeable surfaces like parking lots as much as possible, so we will be looking to come up with a fair compromise between these competing principles.

Matthew Lundsted and Elisha Musgraves noted that we should reduce parking as much as possible, especially the impermeable surfaces, given the site proximity to Amethyst Brook. Elisha added that while parking should be reduced where possible, that livability must be considered as well, and that there's a question of what demographics a one-car-per-household limit would be most likely to exclude, such as a two-parent household with both parents working. They reported that studies show that ride-sharing volume is up, so demand for spaces might be a lot less than the code anticipates.

Kevin Rothschild-Shea, Peter Serafino, and Steve Savaria stated that in their extensive experience in developing affordable housing, the demand for parking does not exceed 1 space per unit. Stacey McCullough then asked Peter if each household would be limited to one vehicle on-site. Peter replied that this was one of the matters he'd get back to us on after consulting with CEI.

Steve noted that income is a very strong predictor of vehicle ownership. Kevin added that providing excess parking spaces beyond the 1.3 parking spaces per unit now proposed is wasteful.

Lexi Dewey, speaking for the Planning Board, argued that the number should be higher than the applicant proposes because biking is not feasible from this site, and there is no public transport close by.

Jeff Eiseman said that he has become convinced by the combination of data that Home City has submitted plus the data collected by ZBA members that the proposed number of spaces might even be safely reduced from 45 to 42, and he identified where on the map these saved spaces could come from. The objective, in Jeff's view, is to reduce impermeable surfaces wherever possible.

Peter Serafino noted that he had checked with Eversource and learned that incentives are now in place to attract developers to install electric charging stations. Home City is looking into it more closely.

Stacey agreed that parking is about balancing competing demands. She disputes the pertinence of the report that ride sharing may reduce parking demand, citing her own experience trying unsuccessfully to secure Uber and Lyft rides from her home not far away from the ABA site.

Peter added that 24 of the proposed 34 units are one-bedroom units, so the comparative analysis of parking at existing sites should include elder housing.

Ralph Faulkingham noted that he had surveyed four comparable sites in the area (two in Amherst, one in South Deerfield, and one in Easthampton) on two different occasions recently at times when he expected parking demand to be at its peak, and found many, many empty spaces. He added that changing conditions may make the parking limits more palatable over time: sidewalks may be installed; legislators may be able to work with us to get a closer PVTA stop; PVTA may naturally adjust to increased demand. Peter noted that the Amherst sites and the Easthampton one are most like ABA.

David Waskiewicz asked if consideration had been given to the impact on parking if in the future the developer adds more units. Elisha Musgraves chimed in that future expansion would not be possible.

Peter Serafino interjected that a small overflow permeable lot might be developed on ABA property next to Amherst Road to the east of the Weinberg house. That's the site that was once used for parking for Pelham residents using the old swimming hole.

Lexi Dewey suggested that Home City could raze #18 Amherst Road and use that land for overflow parking. Peter Serafino responded that while Home City owns that property the DHCD Letter of Eligibility was issued solely for the site discussed in the plan

Michael Pill added that on his analysis of the pertinent Pelham code, the number of required spaces was 37, not 69.

Jeff Eiseman observed that one car per unit could be the allowable limit. The ZBA would certainly exceed its authority by *requiring* that, but that Home City could make the one parking space per unit rule part of its plan if it chose to do so.

6. Screening. Stacey McCullough asked that Kevin Rothschild-Shea show us on the map the places where screening is provided. He did. Jeff Squire then noted what in the plan is *not* screened: the propane tank near the lower parking lots, the mechanicals behind the #20 Amherst Road house, and the electrical transformer on the edge of the lower parking lot. He said that the plan honors the intent of the Pelham code to insure that certain structures and objects are not visible from the roadway, and thus the mechanicals to the 20 Amherst Road house are not visible from Amherst Road, nor is the propane tank. Further, Eversource prohibits any screening of the transformer. He added that the trash bin area in the upper parking lot is screened by fencing. Peter Serafino added that there is a low, vegetative screen along the front on Amherst Road.

When members of the Home City team pointed out where on the plan the requested waivers for screening applied, they did not include anywhere along Amherst Road, and to that very point Stacey McCullough asked whether that specifically meant that screening along Amherst Road would be conforming, not using the waiver. Peter said he couldn't say that but would follow up. Ellen Freyman said there was one instance along Amherst Road where a waiver applied, but that they'd revisit to see whether it's necessary. Jeff Eiseman added that along Amherst Road was the highest priority for screening.

Referring to bringing #18 Amherst Road into this plan, Jeff Eiseman commented that subdividing the lot as suggested earlier would violate the provision of Pelham's zoning bylaws that says that property owners cannot subdivide a property in such a way that a new non-conformity is created. Dividing the property at the western edge of #20 Amherst Road would create a new non-conformity because the side setback to the building would be insufficient. Peter Serafino commented that the garage could be taken down.

Dave Waskiewicz noted that the trash bin in the upper parking lot would require tenants to cross the active driveway that leads to the lower parking lot. Kevin Rothschild-Shea responded that Home City is considering moving that.

There ensued an inconclusive discussion about what the term "structure" means in the Pelham Code and how screening is required for certain structures.

Bruce Klotz via chat asked about headlights shining over the brook and into the woods. Kevin Rothschild-Shea replied that it would be possible to look at the edges of the parking lots that face that direction and reconsider the height and opacity of the fence and/or plants to block those beams.

7. Jeff then stated that we would put off to a later time discussion of signs.

8. Sidewalks. Speaking for CEI, Elisha Musgraves pointed out that Pelham Code and ADA standards require sidewalks to be five feet wide. Michael Pill asserted that the ADA required only four feet. Kevin Rothschild-Shea agreed that he would work with CEI to resolve these issues. Elisha suggested a five-foot wide cross walk be installed across the driveway at the trailhead.

We then discussed the town's interest in seeing a sidewalk be installed along Amherst Road from the Amherst town line to the Community Building at the intersection with North and South Valley Roads, and that the town had applied for funds to conduct a feasibility study for same, but that construction of said sidewalk was not imminent. Ann McNeal pointed out that whatever Home City does along the length of its property along Amherst Road needs to mesh with the Town's sidewalk plans. Carey Clouse voiced agreement. Jeff suggested that the Home City team might profitably engage Bob Agoglia, the chair of Pelham's Select Board, to coordinate sidewalk planning.

Kevin Rothschild-Shea pointed out that sidewalks that do not connect to a sidewalk on an adjoining property are a safety hazard, inferring that it made no sense for Home City to be required to install a sidewalk along its border with Amherst Road if it does not have eastern and western connections to a continuing sidewalk.

Dave Waskiewicz observed that the sidewalk along the front of the #20 residence appears in the map to be in the town's right of way, and he asked the Home City team to check that it is not. Jeff Eiseman added that Bob Agoglia is working with the state to reduce the speed on Amherst Road, and that putting sidewalks in the Right of Way was one option available.

9. As the meeting was well into its third hour, the ZBA then voted to continue the hearing to Tuesday May 25 at 6:15 pm.

Respectfully submitted
Ralph Faulkingham, Secretary