

Planning Board Minutes
October 10, 2018
7 pm in History Room at library

Present: Members: Judy Eiseman, Abbie Jenks, Leslie Laurie, Lexi Dewey, Pete Wilson

Others: Joe Larson, (Historic Commission) Tilman Lukas, (Housing Committee) Kevin Shea (architect), Jeff Squire (Berkshire Design Group), Tom Kegelmann (Home City Development, Inc.), Alisa Pearson, Select Board.

Sole purpose of the meeting is to hear early details regarding a potential affordable housing/senior housing project for the HRD Press property at 22 Amherst Rd. The developers presented more detailed plans and graphics to help the Planning Board to understand the project more fully than the information given at a previous meeting allowed.

Tilman Lukas indicated that this is the beginning of a possible Housing Committee project and that the team is going through a process of trying to sound out various boards in town prior to making an application to the state for a 40B project. DHCD will be the funding source funding.

Kegelmann: Because our new zoning for the Village Center does not permit the Planning Board to entertain a project of this size through the special permit process, the developers see a “friendly 40B” as the only way to move forward. He sees this as a means where the Board and developers negotiate but that to date no one in town has indicated that this project is a “no go, don’t do it” concept. He indicated that they have encountered no roadblocks thus far like environmental or site constraints, but that the seller is insisting on a non-refundable deposit on Oct 22 which has caused them to speed up their inquiries of town boards’ opinions prior to spending this money.

Explanation of “friendly 40B”: ZBA elicits information from other boards; look at bylaws and work it through and everyone tries to come up with something that will work. He doesn’t intend “to ram this down the town’s throat.” State agency folks seem to be pleased about working in Pelham to get affordable housing in place. Intent is to explain where project would not be in conformance with the zoning bylaw. To that end he provided a sheet of potentially needed waivers.

He indicated that if the Planning Board or others see this as too problematic a project, the developers would not proceed. Eiseman expressed concern about wanting waivers from the Watershed Protection overlay; the developers were unclear what waivers would be sought. Eiseman further noted that environmental issues were her chief concern and that since no soil sampling had yet been done the existence of wetlands or ledge was a question that needed answers.

Looking for environmental reports to come in regarding hazardous materials, and feasibility (slope, etc.) Have found (have engaged lawyer) to look into other matters. Attorneys concur that it is not eligible for special permit from Planning Board so only process is 40B. Urges us to speak with lawyer to whether or not there would be opposition.

Explain through and everyone tries to come up with something that will work. Doesn't intend to ram it down the town's throat. State seems to be pleased about working in Pelham. Hoping to explain where project would not be in conformance with the zoning bylaw.

Why this site? Tilman Lukas, housing study completed a few years ago looked at every parcel in Pelham and less than 8% of the town is available for development. Water and sewer are key since Pelham has poor soils for septic and new zoning helps with that. Would have preferred the mobile home property, but that fell through given the new owner's unwillingness to discuss it. In response to a question from Eiseman, Lukas agreed that this site would not have been chosen but it is the only land currently for sale in the Village Center where sewer is available. He believes this is a one time shot for the town to get a substantial number of affordable units to meet state requirements but if the Board has problems with the Housing Committee's approach they will have to consider smaller projects like Habitat homes for a more incremental method of serving that need.

Kegelman indicated that while the ZBA will have to deal with this 40B project under the law, the Planning Board's view may be clear enough to have impact on the ZBA.

Squires: explained site and constraints with map of contours and buildings. He said that there is no wetland, only Riverfront Area, that the grade averages 12%, and they will not propose anything in mean annual high water zone and don't feel they are affecting the river even though the entire project is within the riverfront area. The approach is intended to maximize the existing paved or disturbed area without disturbing the site much further. They have done grading studies and want to get into 6 to 8% grade, through filling. State stormwater standards are being considered and they feel they can meet them with a subsurface holding and drainage system even though plan has more impervious surface than currently exists.

Other details:

- The entry road will be 18 feet wide and setbacks from other properties will need a waiver (5 ft setback required by bylaw.)
- Plan for building is three stories of total height with one way slope roof; because the building is below grade it will not intrude much from the street or neighbors perspective.
- roof height would be higher than zoning allows—37-39 feet.
- 32 bedrooms; 28 units.
- The current plan has 32 parking spaces for 28 units.
- There will be ADA facilities and an elevator.

Observations and questions asked and answered:

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- No soil sampling has been done but it is planned.
- Question of Ledge and need for fill was raised. Eiseman said there is a provision in our zoning limiting the amount of fill. Kegelman said he would look for that.
[Note: reference Section 125-20 of the zoning bylaw]
- Larson: The stream is subject to Federal Clean Water Act S. 404. Developers indicated that since they “will not touch the water” this won’t apply. Eiseman questioned that.
- Solar—will trees be cut? Might that affect the river? How much cutting? No answer available
- Have you spoken to the Fire Chief since there doesn’t seem to be enough room for a truck to turn around? No.
- Who are the target tenants? Kegelman: not comfortable with kids on a site like this where there is no place to play and the river is a potential danger so elderly housing for ages 62+ age group is the target. This will depend on state approval since families are the stated priority target for affordable housing and age restriction that is put in place must be negotiated. He also indicated people are screened for financial capacity and that background checks are done.
- Wilson raised the issue of pricing. Answer: These will be rental units; all will have project based vouchers so if no income, no rent and payment is based on renter’s income. 60% of the area median income will determine the rent in perpetuity according to Lukas. Wilson wondered whether the site eventually can become market rate. Kegelman indicated the loan the state is giving is multi millions so if they come to the end of the term and can’t repay the loan, the state actually will own if default occurs. Wilson—where do you make your money? Kegelman, some up front, some in short term, because rents are restricted and properties must be maintained this is not a big money making project although they do expect to make some profit.
- Leslie Laurie asked what services would be made available to residents? Answer: Possibly nurse on site part time; typically Kegelman likes to find partners who provide services like a wellness person.
- Wilson also wondered what the revenue for the town would be? Answer: it is taxable and Lukas figures about \$35,000/year. This is not necessarily a project that will increase town coffers but is one that is intended to provide affordable housing.
- Waivers needed for this project: number of units, density and height, (see attached sheet provided by developers)
- Question: Since there is no public transportation, how does that square with creating affordable housing? Answer: Rural areas typically don’t have public

transit so residents will need cars. Eiseman suggested that “affordable” may mean different things depending upon area income levels; it is not clear what residents actually mean by the term as it relates to surveys done in the past.

- Wilson wondered about ambulance needs given the aging residents expected to be residing in the development. This has not been considered but may represent increased costs for the town.
- Is there sufficient sewer capacity and might it use up the capacity for the rest of the Village Center? Answer: not sure. Eiseman suggested that that be discussed with the town of Amherst since the Highway Superintendent’s observation that “there is plenty of capacity” might not be the reality from Amherst’s point of view. Dewey noted that regardless of current capacity estimates, Amherst is doing a lot of construction for housing and this could change.

Larson: Historic Commission has found this is not one of the original buildings but a reconstruction; this squares with the developer’s historical research. The Commission has agreed that the abutments of the dam had to be preserved but are less concerned about the buildings. The Historic Commission would like to maintain level of access to view the old dam site that the current owner has permitted. This was noted by the developer but he noted that providing access might not be a simple matter.

Lexi Dewey: doesn’t think the site is appropriate; she would like renters limited to Pelham people. She said that this isn’t what we were looking for for a first project under the new zoning for a village center and that there is really no guarantee that Pelham folks would be served. Judy and Pete agreed and also felt this was a thoughtfully conceived project but on a poor site. Abbie and Leslie are more open to the project. Larson explained the history of affordable housing and “Beacon Hill requirements” being inappropriate for Pelham because of the physical characteristics, soil, topography, water resources, etc. He agreed with Eiseman that the new zoning was an attempt to remedy perceived snob zoning by creating a village center where many other uses previously unavailable in town could be proposed and permitted. He indicated that a warrant article being presented for a vote at town meeting relating to the use of CPA funds to make loans to potential lower income first time home buyers might indicate how townspeople felt about affordable housing.

Eiseman suggested that the 40B process, even with the good will of these conscientious proponents, was ultimately not so “friendly” given the timelines and change of vision this represents from what at the Planning Board has been working on for the past three years. She further pointed out that surveys in town have indicated two mutually exclusive desires of the voters, i.e., residents seem to want both the rural character of the town to be maintained while at the same time see the need to bring new, younger people into town by making housing more affordable. Eiseman pointed out that “affordable” may mean different things to different people and that the term as the state uses it is generally very poorly understood. This plan potentially could bring 64 new residents into town given the number of bedrooms. The new

residents would then live in a space with very limited walking access, essentially in a hole.

Eiseman expressed strong reservations about environmental questions that have yet to be answered including information on rare and endangered species, effect on river of so much fill and change in grade, effect wetlands and buffers. She observed that Tilman Lukas' involvement is a plus because of his integrity and that the entire team has clearly put a good deal of effort in trying to allay fears and concerns. Her stated opinion at this juncture is that this is a good project in the wrong place. Her concern is that a desire to create affordable housing seems to be driving this project with insufficient regard for the just-approved zoning and that the voters may feel blindsided by a project of this size coming forward in such a rush and that this seems to be a poor site for an elderly community. Some other members expressed similar concerns.

Pete Wilson: remains concerned with the revenue and potential unforeseen costs to the town as well as fire and safety concerns for the residents. Also raised the question of whether the facility would really serve Pelham people since even with "word of mouth" advertising, there is no way to specifically earmark these units for Pelham people.

Summary of key concerns raised by Board members include fire truck turn around, police and safety concerns, ambulance, sewer capacity and environmental effects, especially with filling in the riverfront area, and stormwater management.

Meeting adjourned at 9:25 pm.

Note from the Secretary: the next agenda should include discussion and approval of these minutes as well as those from the meeting of October 1st.