

Town of Pelham  
Zoning Board of Appeals

Approved minutes to the public meeting held on Monday, March 22, 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; individuals representing the Pelham Housing Committee, the Pelham Planning Board, the Pelham Board of Health, and the Pelham Conservation Commission, Pelham Building Inspector and Code Enforcement Officer Dave Waskiewicz, Judi Barrett with the Massachusetts Housing Partnership, as well as other individuals who did not identify themselves by name or affiliation.

The meeting was called to order at 6:18 p.m. by chair Jeff Eiseman.

1. Ralph Faulkingham moved that the minutes to the Pelham ZBA meeting on January 20, 2021 be approved as presented. The motion was seconded and opened for discussion. There being none, Jeff called for a vote by ZBA members and the vote was unanimous in favor, 5-0-0.

2. By way of framing the agenda for those present, Jeff Eiseman read aloud part of the public notice for this meeting:

7:15 to 7:45: Home City Development will present its application for a comprehensive permit under MGL Chapter 40B for 34 rental units at 20 and 22 Amherst Road.

7:45 – 8:45: Comments and questions from ZBA members, then other town officials.

8:45 – 8:50: Comments and questions from the public.

3. Chair's introduction

A. Jeff then said that he would place into the record for this meeting some of the written comments he had received about the proposed development.

B. He then noted that the subject of this hearing was about a proposal to increase the number of affordable housing units in Pelham, which to date has but three. He added that the phrase "affordable housing" is not a synonym for "low-income housing," since we have low-income properties that are not classifiable as "affordable

housing,” and some residents of affordable housing in relatively wealthy towns are in the middle class. Rather “affordable housing” means “subsidized housing.”

C. There are some useful resources for anyone wishing to be informed about this hearing and about the 40B hearing process:

1. Attorney Jonathan Whitten’s slide show on Chapter 40B basics prepared for the Amherst Zoning Board of Appeals.

2. Two copies of the complete proposal prepared by Home City are available to the public at the Pelham Library.

3. The Pelham Conservation Commission has been holding a public hearing on the site plan. The next hearing is scheduled for April 8.

D. The purpose tonight as a ZBA is to understand the applicant’s goals and plans and then to work out what’s best for the town of Pelham.

E. Jeff then admonished the members of the ZBA to refrain from any form of deliberation outside the context of this hearing.

4. Jeff then summarized the written comments he had received from January 2020 forward (the full text of these comments is appended to these minutes):

5. Then representatives of Home City provided a well-illustrated and informative overview of their proposed development.

Attorney Ellen Freyman introduced the Home City presenters, noting also that the proposal has a list of waivers that they are requesting, and added that she would like to know who from Home City the ZBA would like to have available at each meeting of the hearing. She added that Home City approaches this hearing with a spirit of cooperation and good will.

CEO Tom Kegelmann of Amherst noted that he’s proud of Home City’s record of affordable housing construction in western Massachusetts, and that he is especially proud of this proposal. He highlighted the importance of the Pelham Housing Committee’s advocacy of the project.

Project Manager Peter Serafino stated that Home City is a mission-driven not-for-profit corporation, that the project contains 45 parking spaces, and that construction, once underway, should last about 12 – 14 months.

Jeff Squires provided an illustrated overview of the site’s proposed development, adding that the land to the north of Amethyst Brook would be donated to the Kestrel Trust.

Kevin Rothschild-Shea then showed images of what the two buildings would look like from the outside. He added that no exterior lighting would leave the property, that the building replacing the old Peterson home would retain that home’s character. He noted that heat would be electric, not gas or oil, and that the only fossil fuel used would be that for producing domestic hot water.

5. After a short break, Jeff reconvened the meeting and invited comments from members of the ZBA.

Dave Waskiewicz asked:

Will the Peterson Home be removed or rebuilt? Answer: Removed.

Where would the mechanicals in the replacement house be located? Answer: lower level

Whether the dumpster area included a generator, emergency backup equipment or anything else? Answer: Not a generator nor an emergency backup area, but a sewage point.

Does the ledge from the south impinge on the foundation for the main building? Answer: No.

Stacey McCullough and Ann McNeal both commented that for the number of units, the number of parking spaces appears inadequate, especially given the lack of public transportation to the site; further the lack of a sidewalk along Amherst Road poses a serious safety risk to pedestrians.

Amanda Huhmann noted that there does not appear to be adequate room for a bus to turn around in the parking lot. She also asked if there were a long-term property maintenance plan? Peter Serafino replied yes -- that Home City contracts out long-term maintenance to a third party for its properties.

Carey Clouse (as an architect herself) commented that the architecture of the main building is impressive and that Passive House standards are very much worth pursuing. But that would be hard with so many windows.

Jeff Eiseman asked what the Passive House Standards are, and Kevin Rothschild-Shea responded that they aim to reduce fossil fuel use; they include highly insulated buildings, high performing windows, that the building is compartmentalized for energy efficiency, and the heating system is high performing. Jeff also asked about the windows – will they be equipped with blinds or shades? Kevin replied that they had not got that far in design yet. Kevin also said that the exterior lighting is designed to cast light downward so that it is not visible beyond the property boundaries. Jeff asked Kevin to forward details to him.

6. Jeff then invited comments from town officials.

Judy Eiseman, chair of the Pelham Planning Board, said that her Board would be forwarding detailed comments in due course, especially focusing attention on the proposed waivers. She added that an analysis needs to be made of the impact of lighting that projects to the north, across Amethyst Brook. From a code standpoint, we need to move away from dependence on fossil fuel; is there any way the design could do without requiring any fossil fuel?

John Larsen, co-chair of the Pelham Energy Committee asked if there were any plans for on-site energy generation? The answer was “not yet.” John noted that Pelham is a green community with a commitment to the emergent stretch code, and he pleaded that the design should provide for domestic hot water to be heated electrically, not by fossil fuels, as well as one or more electric vehicle charging stations. He also asked for the design to include a covered bike rack as part of a broader public commitment to

incentivize people to move away from their dependence on gas-powered vehicles for transport. Kevin replied that there were some spots that might work for a bicycle rack.

Judy Eiseman added that as a result of attending a Massachusetts hearing on the Clean Energy and Climate Plan for 2030, it is her understanding that by 2024, new commercial construction would forbid including fossil fuel infrastructure, and that within the next year, the stretch code would reflect this prohibition.

7. Jeff then led a discussion of next steps in the hearing process and the following tentative plan emerged:

Wednesday, April 21 at 5:00 pm: site visit; at 6:30 pm, the hearing resumes on Zoom. Focus: traffic, streets, sidewalk

Wednesday, April 28 at 6:15 pm: hearing continues

Wednesday, May 5 at 6:15 pm: hearing continues

Tuesday, May 18 at 6:15 pm: hearing continues

8. Jeff then proposed to the ZBA that we engage the professional services of James Lowenthal as our lighting consultant. That was moved, seconded, and voted unanimously (5-0-0).

9. Jeff then closed the meeting and announced that the hearing would continue on April 21.

The meeting adjourned at 8:55 PM.

Respectfully submitted  
Ralph Faulkingham, Secretary

## Appendix: Comments on the proposal

To: Department of Housing & Community Development  
From: Jeffrey W. Eiseman, Chair of Pelham Zoning Board of Appeals  
Date: February 26, 2020  
Subject: Compilation of Comments re Home City Developments Proposed Amethyst Brook Apartments

Below are comments from Pelham's Board of Health, its Highway Superintendent, and its Energy Committee. Attached to this email are comments from Pelham's Select Board, Planning Board, and Housing Committee, as well as individual comments from Judith Eiseman, Linda Spink, Daniel Robb, and Lexi Dewey. Tomorrow, I shall forward any additional comments I receive.

Among the attached comments is the assertion that "The new structure proposed will be similar in size and appearance to what currently exists." However, Peter Serafino indicated that Home City's proposal is to increase the height of the main building, viewed from Amherst Road, just over 40% (from 18.5 feet to 26 feet), and to nearly quadruple the area of the main building footprint (from 2,200 square feet to 8,719 square feet).

Finally, it seems that the major site suitability issues are environmental. Because Home City Development has not filed a Notice of Intent, Pelham's Conservation Commission does not have an adequate basis to evaluate the nature and extent of potential adverse environmental impact, and to offer its opinion regarding (1) whether such damage can be prevented or mitigated, and (2) if prevention is possible, what actions are needed to do so.

**The Board of Health** reviewed the 40B eligibility application and have the following comments.

- The water and sewer connection meet the main concern the Board has and we will review the detailed plans for the connections once the plans are completed.
- Stormwater control during construction is also a concern. The NPDES (federal regulation) requires a stormwater control plan for all construction greater than an acre. The plan must be available on site and is subject to inspection. the Board will review the plans and inspect the controls during the construction phase of the project.
- The completed stormwater control system is also a concern and the Board will review the plans once they are completed.
- As the project proceeds the Board expects to be kept apprised of all developments.

William Pula, Chairman Board of Health

**The Highway Superintendent** (Richard Adamcek) wrote:

I have two concern with this project.

1. They are planning for 49 parking spaces. With the number of units/bedrooms is this going to be enough? There is no room for on street parking on Amherst Road.
2. There is a culvert that takes storm water from Amherst Road down under existing driveway coming out on the surface of the ground at the existing grade on the west side of the existing building. What are the plans to keep and maintain this culvert?

**The Energy Committee** wrote:

The Energy Committee's only comment is that we strongly urge the developers to consider fossil-fuel free buildings for this project and that all buildings adhere to Passive Haus building standards. Regarding fossil fuels, there is no technological or economic reason why the development cannot use electricity for space heating, space cooling, water heating and cooking. The developers have previously suggested that the development will meet Passive Haus energy standards. The Committee urges the developers to follow through on this as it will greatly minimize the energy and climate impact of the development. Meeting these standards can be done while also avoiding fossil fuels.

John Larsen, Co-chair, Town of Pelham Energy Committee

# **PELHAM HOUSING COMMITTEE**

Town of Pelham,  
Massachusetts 01002  
Amherst Road  
Pelham, Massachusetts  
01002

February 19, 2020

Ms. Rebecca Frawley Wachtel, Director  
Low Income Housing Tax Credit Program  
DHCD  
100 Cambridge Street, 3<sup>rd</sup> Floor  
Boston, MA 02114

Re: Amethyst Brook Apartments

Dear Ms. Wachtel:

The Pelham Housing Committee (HC) is submitting these comments in response to the Project Eligibility Letter requested by Home City Development, Inc. (HCDI) for Amethyst Brook Apartments.

The HC was created by the Select Board in 2015 to address the housing needs in town identified in the Housing Needs Study completed in 2014. The mission of the HC is to find ways to increase the diversity, availability, and affordability of housing options in town, particularly for young families and seniors.

Creating affordable rental housing in a town that has very few rental units or land that is suitable for building rental housing has been extremely challenging for the Housing Committee. In 2018 the Committee started working closely with Home City Development, Inc., a regional not-for-profit affordable housing developer. In December of 2018 Home City Development acquired the HRD Press property on Amherst Road which includes the former Bartlett Fly Rod Factory building. Through proposed extensive demolition and reconstruction, Home City plans to create approximately 28 affordable one and two-bedroom units on the former factory site.

Initially auto and safety vehicle access to the site, limited parking, and proximity to Amethyst Brook proved to be a challenge to the developer's site engineers. Fortunately, in mid-2019 an adjacent property at 18-20 Amherst Road became available. The additional site, including its large historic house, will allow for safer vehicle access, more parking, and an additional 6 larger affordable rental units.

Architectural plans are still being developed. Currently the project proposes to construct 24 one-bedroom, 7 two-bedroom, and 3 three-bedroom apartments for a total of 34 units along with some community space. All apartments will be affordable to households earning up to 60% of Area Median Income (currently \$53,220 for a family of 4).

Having worked closely with the developer (HCDI) and attended many meetings with the town

boards and residents, the HC understands a number of concerns, most having to do with the topographic and environmental issues. Those specifically brought up at public meetings (*italicized*) and their possible solutions are as follows:



- **The site is located in a valley adjacent to Amethyst Brook. Current access to the site is down a steep driveway that could prevent emergency vehicles from servicing the site. Residential auto traffic could also be encumbered by the terrain.**

HCDI is proposing to create a new driveway at a different location that would accommodate both emergency vehicles and residential traffic. Preliminary plans were approved by the fire, police, and highway department.

- **Visibility from the proposed project driveway is limited. Due to the speed and heavy traffic on Amherst Road exiting and entering the site could present a hazard.**

The Select Board has contacted the Pioneer Valley Planning Commission and Massachusetts Department of Transportation for assistance and procedures to reduce the speed limit in this thickly settled area and school zone.

- **The proposed buildings are directly adjacent to Amethyst Brook, a perennial cold-water stream. Construction and residential activities could negatively impact the river.**

The site is classified by the Department of Environmental Protection (DEP) as a previously disturbed industrial site. This designation allows certain construction activities to be conducted along the river. DEP and the Pelham Conservation Commission will have full review and oversight authority to assure no adverse impact to the river.

- **Stormwater runoff could adversely affect Amethyst Brook.**

Currently there is no stormwater protection on the site. HCDI will be required to provide fully engineered stormwater mitigation measures.

- **A large structure in the Village Center Mixed-Use district and along the river will be an eyesore and is out of character with the neighborhood.**

As far as we know, currently no one has objected to the presence of the existing structure in the Village Center district. The new structure proposed will be similar in size to what currently exists. Due to its location the new structure, like the existing one, will barely be visible from Amherst Road.

- **The project is proposing too many units too quickly. The town's infrastructure and services may not be able to absorb such an increase.**

This project would increase the town's residential units by approximately 6% and increase the number of affordable units from 0.5% to 6.5%. The site is within the Village Neighborhood Center district which was specifically approved at town meeting in 2019 to help stimulate growth and provide opportunities for affordable housing.

**Furthermore, the new residents will offset the ongoing decline in the town's population. Water and sewer have sufficient capacity to accept the increase. The Fire Department indicated sufficient capacity to address fire and ambulance requests.**

- *Pelham needs more larger family units.*

**At various public meetings residents expressed a desire for more large family units within the project.** By buying the large historic house at 18-20 Amherst Road and planning to put three 3-bedroom apartments in it, the project has responded to that need.

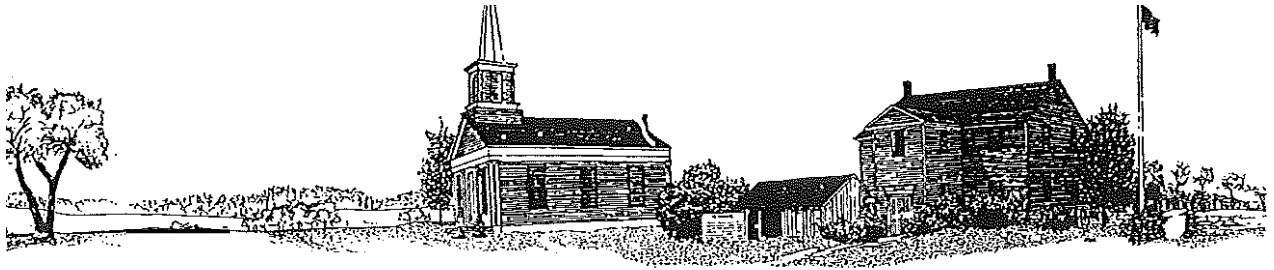
The HC feels that every one of these concerns can be addressed and all potential adverse impacts mitigated or eliminated. Most of the town's committed volunteer board and commission members have expressed a willingness to work closely and professionally with the developer to overcome these obstacles.

The Housing Committee strongly feels that the creation of affordable housing is important to Pelham. This project represents one of the few opportunities Pelham has to significantly increase the number of affordable rental units in town. We encourage DHCD to issue a positive Eligibility Letter.

Sincerely,

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Tilman Lukas, Chair  
Ruth Elcan  
Barbara Cooper  
Amy Spalding  
Gail Kenny  
Jim Lumley



***Town of Pelham***

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1/29/2020

To whom it may concern:

The Pelham Select Board is pleased to submit the following comments in reference to a request for a 40B Project Eligibility Letter for Amethyst Brook Apartments.

Home City Development, Inc. (HCDI) is proposing to create 34 affordable rental units at a former industrial site within the Village Center Mixed-Use zoning district. The proposal calls for demolishing the former Bartlett Fish Rod factory and adjacent garage at 22 Amherst Road and building a new three-story wood frame structure containing 28 units and meeting space. In addition, the proposal includes renovating the adjacent historic farmhouse at 20 Amherst Road into 6 apartments. In total, Home City Development, Inc. is proposing to create 24 one-bedroom, 7 two-bedroom, and 3 three-bedroom affordable apartments.

Pelham is part of the Amherst housing market. This is the most expensive housing market in Western Massachusetts outside of Longmeadow. The 2008-2012 American Community Survey estimated that 43% of Pelham homeowners with a mortgage spent more than 30% of their household income on housing related costs and are thus considered "cost burdened".

The only affordable rental housing within the town consists of one State Department of Developmental Services group home for three individuals. This represents approximately 0.5% of the total annual households within the town. If Home City is successful an additional 34 units will be added to the Massachusetts Subsidized Housing Inventory. Pelham would therefore increase its total affordable units to approximately 6.5%.

The Village Center Mixed-Use zoning district does not allow for multi-family housing of the size proposed by Home City Housing. They are therefore proposing to file a 40B Comprehensive Permit application if DHCD issues a Project Eligibility Letter. As part of the review, all of the town boards have already been notified by the Zoning Board of Appeals to consider and submit their comments and recommendations.

The Select Board strongly supports the creation of affordable housing in Pelham and supports the Home City Housing Proposal. We understand there are numerous challenges that need to be overcome in order to make this a successful project. Some of the concerns raised by residents (*italics*) and their possible solutions are as follows: -

- *The site is located in a valley adjacent to Amethyst Brook. Current access to the site is down a steep driveway that would prevent emergency vehicles from servicing the site. Residential auto traffic would also be encumbered by the terrain.*

HCDI is proposing to create a new driveway at a different location that could accommodate both emergency vehicles and residential traffic.

- *Visibility from the proposed project driveway is limited and due to the speed and heavy traffic on Amherst Road could present a hazard while exiting or entering the site.*

The Select. Board and Highway Department will be working with the Pioneer Valley Planning Commission and the Massachusetts Highway Department on measures to reduce the speed in this thickly settled area.

- *The proposed buildings are directly adjacent to Amethyst Brook, a perennial cold-water stream. Construction and residential activities could negatively impact the river.*

The site is classified by the Department of Environmental Protection (DEP) as a previously disturbed industrial site. This designation allows certain construction activities to be conducted along the river. DEP and the Pelham Conservation Commission will have full review and oversight authority to assure no adverse impact to the river.

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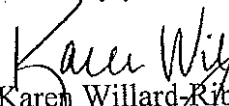
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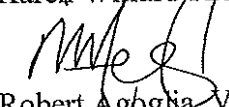
- *The project is proposing too many units too quickly. The town's infrastructure and services may not be able to absorb such an increase.*

This project would increase the town's residential units by approximately 6%. The site is within the Village Neighborhood Center district which was specifically approved at town meeting in 2019 to help stimulate growth. Water and sewer have sufficient capacity to accept the increase. The Fire Department indicated sufficient capacity to address fire and ambulance requests.

There are many challenges HCDI and their development team will need to overcome. HCDI has met and continues to meet with the town's Housing Committee, Planning Board, Conservation Commission, Board of Health, Council on Aging, Community Preservation Committee, and Historical Commission in an effort to find solutions. We believe that all concerns can be resolved. The Select Board strongly supports the creation of more affordable housing in Pelham. This project is the first real opportunity the town has had to increase the number of affordable rental units for our residents and the community as a whole. We hope you will issue a positive Project Eligibility Letter in the near future.

Sincerely yours,

  
Karen Willard-Rice

  
Robert Agogna, V

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eiro, Chair

ice Chair