

**AMHERST PLANNING BOARD**  
**Wednesday, May 2, 2018, 5:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Greg Stutsman, Acting Chair, Robert Crowner, Michael Birtwistle, Jack Jemsek, Christine Gray-Mullen, Pari Riahi, David Levenstein, and Maria Chao

**ABSENT:** Stephen Schreiber

**STAFF:** Christine Brestrup, Planning Director  
Steven McCarthy, Administrative Assistant

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Mr. Stutsman opened the meeting at 5:03 PM.

**I. MINUTES** – There were no Minutes available for review.

**II. PUBLIC HEARINGS – SITE PLAN REVIEW AND SPECIAL PERMIT**

**SPR2018-13 – Dwight Scott, General Construction & Environmental, Inc. – 479 West Street – All About Learning**

Request Site Plan Review approval for relocation of “All About Learning” day care school from 7 Pomeroy Lane to South Towne Commons Building; seven parking spaces at rear to be converted to a fenced outdoor play area; alternate parking will be provided on adjacent parcel (Map19D, Parcel 286, B-VC zoning district)

**SPR2018-14 – Dwight Scott, General Construction & Environmental, Inc. – 479 West Street – All About Learning**

Request Site Plan Review approval for use of 2,642.5 square feet for 22 overflow parking spaces on TRG surface along east edge of parcel to serve uses at South Towne Commons, 479 West Street (Map 19D, Parcel 287, B-VC zoning district)

**SPP2018-02 – Dwight Scott, General Construction & Environmental, Inc. – 479 West Street – All About Learning**

Request Special Permit to increase lot coverage on a non-conforming lot under Section 9.22 of the Zoning Bylaw, to accommodate overflow parking spaces for South Towne Commons (Map 19D, Parcel 286, B-VC zoning district)

Mr. Stutsman read the preambles and opened the respective Public Hearings at the advertised times. The applications were considered concurrently.

There were no disclosures.

Bill Garrity, of Garrity & Tripp, a landscape architect; Alan Sharpe, attorney; Dwight Scott, property manager; and Judy Wilder, representative of All About Learning, presented the application. Mr. Garrity recalled that he had been involved in the initial development of this site in the 1980s.

Richard Slobody, of Slobody Development Corp., the owner of the property is deceased and the heirs are managing the property through Attorney Alan Sharpe and property manager, Dwight Scott.

All About Learning, LLC, a child care facility, is currently located across the intersection at 7 Pomeroy Lane; they would like to move into the southernmost portion of the proposed location on the first floor to have more space.

The proposal includes a small fenced-in play area in the rear parking lot abutting the building. The play area will take the place of about 6 existing parking spaces immediately behind the building.

Children will be dropped off and picked up at the front of the building. Parents will park in short-term parking spaces at the front of the building.

Valley Transporter, a shuttle company, stores its vans on the lot; they are parked towards the back of the lot. They currently have approximately 18 vans.

There are approximately five spaces on the site that are designated as overflow parking for the Montessori school during the day; at night, six to ten spaces are used as overflow parking for Mission Cantina restaurant.

Mr. Garrity had submitted a letter outlining how all the tenants and others used the parking spaces on the site.

Mr. Garrity detailed how the western abutting parcel (19D-287) is also owned by Slobody Development Corp., and a strip along the property line will be used for additional parking. The existing gravel will be replaced with TRG and graded; a grass swale will be added to the west to collect rain flow.

Traffic can enter the site from two points, along West Street and along West Pomeroy Lane.

There is a signalized intersection at West Pomeroy Lane and West Street.

The Special Permit requested for increased lot coverage relates to two things:

- 1) Overflow parking has been added at the rear of the site, increasing the lot coverage;
- 2) The lot coverage is already over the required maximum due to the fact that the zoning has changed on the site and the allowed lot coverage used to be greater than it is now. When the building was constructed the property had been zoned to allow 85% lot coverage. Prior to the addition of the parking at the west side of the site, the existing lot coverage was 84.4%. With the addition of the parking at the rear of the site, the lot coverage is 88.24%, because a strip of gravel has been added along the west property line.

Therefore the applicant is requesting a Special Permit for a modification of lot coverage under Section 9.22 of the Zoning Bylaw, the expansion of a non-conforming use, to 88.24% lot coverage.

Mr. Stutsman reviewed the Site Visit Report. The questions relating to Valley Transporter parking and parental drop-offs were answered; the applicants are still considering what soft surface would be installed over the asphalt in the proposed play area. The State has requirements for preschools and that issue will be considered during licensure. It will probably be a soft synthetic surface.

The pre-school now uses a grassy area behind 7 Pomeroy Lane. It is easy to maintain. The applicant is considering a type of rubberized carpet to put over the bituminous. The applicant doesn't anticipate ripping up the pavement to install the play surface. The Special Permit application for lot coverage does not assume removal of the pavement.

Mr. Garrity presented a revised Site Plan.

Ms. Gray-Mullen asked about drainage from the site that flows onto the adjacent property. She asked why the owner didn't change the property line to include the overflow parking, which is now on the adjacent parcel, to be located on the property that contains the building. What would happen if the western lot were sold?

The applicants replied that they had no intention of selling that lot, and, if they did sell, they would be likely to file an ANR application to settle the issues related to drainage and use of the property. There could be easements put in place for the parking spaces and drainage swale, or the property on which the building sits could acquire a sliver of the adjacent parcel.

Mr. Garrity stated that the drainage from the property now goes into the town drainage system, as it was allowed to do when the building was constructed. No new drainage analysis has been done. The water from the parking lot currently flows toward the field to the west as it will continue to do.

There was discussion about ways to potentially mark the deed or otherwise put some permanent resolution on paper to resolve the split-lot issue.

Mr. Garrity clarified that there will be no additional gravel coverage; the TRG will simply replace the existing gravel that has been used for parking for at least ten years.

Mr. Sharpe noted that the owner of the property plans to repair the parking lot by patching the potholes.

Ms. Wilder stated there would be two gates in the play area fence, one on the northern end of the area and one on the southern end. There will be play equipment in the fenced-in play area.

Ms. Chao suggested the vans be parked farther to the north, to preserve the view scape for the children in the play area. Mr. Sharpe said this suggestion would be taken into consideration; Ms. Wilder added many of the children like vehicles and would enjoy looking at them.

Mr. Jemsek expressed concerns about the parking layout and the safety of toddlers being dropped off. Ms. Wilder noted her experience in managing traffic at All About Learning's Hadley site, which has a challenging traffic pattern, and noted that she would install signage in the lot to slow traffic as well as speak to any parents who speed through the lot.

The rear doors to the school area are for access to the playground and for emergency egress only. There will be a chain link fence, bollards to protect the fence and a yellow line around the whole playground, painted on the pavement, to provide a safety zone.

Ms. Riahi suggested requiring that additional traffic signage reflecting the presence of children be added.

Ms. Brestrup noted that the building's existing dumpster was not located on a bituminous concrete pad, as required in the initial 1985 plan. After discussion the applicant agreed to replace or uncover and repair that pad, which had been degraded over the years, as well as install the specified bollards around the dumpster area.

The gates in the chain link fence around the play area will be 4 feet wide.

Ms. Riahi requested a revised site plan detailing additional signage, the final location of the gates, and the flooring material for the play area be submitted to staff.

Ms. Wilder noted that the day care has an evacuation policy.

Mr. Jemsek thanked the applicants for being good neighbors in the Pomeroy Village area.

Mr. Levenstein MOVED to close the public hearing, to grant the requests for two Site Plan Review approvals and for the Special Permit, with the requested waivers and conditions as discussed and to find that the applications meet the relevant criteria of Sections 11.24 and 10.38 of the Zoning Bylaw. Ms. Riahi seconded. The vote was 8-0-0. The motion passed.

Waivers

- Landscape Plan
- Lighting Plan
- Soil Erosion Plan
- Traffic Impact Statement
- Site Management Plan
- Sign Plan (for the overall site)

These waivers were requested because the information had been submitted during the 1985 Plan Approval process for the site.

Conditions

1. The applicant shall submit to the Planning Department a revised site plan showing the following:
  - a. Signage related to slowing traffic driving through the site
  - b. Signage noting the presence of children on the site
  - c. Signage noting the drop-off location for children at the front of the building
  - d. The final location of the gates at the play area
  - e. The flooring material for the play area
2. The applicant shall repair the dumpster pad and place the bollards at the dumpster pad as required in the original 1985 Plan Approval.

**III. TOWN MEETING ISSUES**

**A. KP Law Opinion on Transition and Matters before Town Meeting**

Ms. Brestrup updated the Board on the Town Moderator and the Select Board's positions on Articles 33 and 34, the fate of which had been in question after the charter vote in March. The Select Board was meeting at the same time as the Planning Board, discussing their strategy.

**B. Issues related to Warrant articles**

The Planning Board expressed an intention to move forward with Article 33, if possible.

Ms. Brestrup showed the Board a map showing the six Preliminary Subdivision applications recently submitted by W.D. Cowlis for land that would be affected by Article 34. The Board discussed the ramifications of this and Article 34 more broadly.

**C. Positions and motions on zoning amendments**

**D. Presentations on zoning amendments**

**E. Topics not anticipated 48 hours prior to meeting**

**IV. OLD BUSINESS**

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

**V. NEW BUSINESS**

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

**VI. FORM A (ANR) SUBDIVISION APPLICATIONS -**

The Board endorsed ANR 2018-12, regarding 85-101 University Drive.

**VII. UPCOMING ZBA APPLICATIONS - none**

**VIII. UPCOMING SPP/SPR/SUB APPLICATIONS –**

There are six SUB applications that have been submitted for W.D. Cows land in North Amherst.

**IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS – none**

**X. REPORT OF THE CHAIR - none**

**XI. REPORT OF STAFF - none**

**XII. ADJOURNMENT**

The meeting was adjourned at 6:15 PM.

Respectfully submitted:

Approved:

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Steven McCarthy  
Administrative Assistant

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Stephen Schreiber, Chair

DATE: \_\_\_\_\_