

AMHERST PLANNING BOARD

Wednesday, September 21, 2016 – 7:00 PM
Town Room, Town Hall

MINUTES

PRESENT: Steve Schreiber, Chair, (arrived late) and Greg Stutsman, Acting Chair, Rob Crowner, Christine Gray-Mullen, Jack Jemsek, Pari Riahi and Richard Roznoy
ABSENT: Michael Birtwistle
STAFF: Christine Brestrup, Planning Director

Mr. Stutsman chaired the meeting in the absence of Mr. Schreiber, who planned to arrive later. Mr. Stutsman opened the meeting at 7:00 PM.

I. MINUTES – There were no Minutes ready for review.

It was not yet time for the first public hearing so the Board turned to other business.

V. OLD BUSINESS

Topics not reasonably anticipated 48 hours prior to the meeting – Ms. Brestrup reported that the Planning Board members had received copies of a letter that the Board had discussed at the last meeting [on September 7] and had authorized Mr. Schreiber to draft and sign the letter offering comments to the Select Board on the proposed Beacon Communities Chapter 40B, Comprehensive Permit Site Eligibility application. Mr. Schreiber planned to sign the letter later in the evening. The letter was distributed for the Planning Board member's information.

VII. FORM A (ANR) SUBDIVISION APPLICATIONS – no applications

VIII. UPCOMING ZBA APPLICATIONS – none other than the Beacon Communities project in North Amherst and the Amherst Motel project on Route 9.

II. PUBLIC HEARINGS – ZONING AMENDMENTS

A-04-17 Zoning – Business Use of Home (Planning Board)

To see if the Town will amend Article 5, Accessory Uses, of the Zoning Bylaw to delete Sections 5.012 and 5.013 in their entirety and replace them with new language regarding use of residences for business purposes, to amend Article 12, Definitions, of the Zoning Bylaw to add new definitions for Construction Vehicle and Principle Use, and to amend the numbering of references to these Sections in the following sections: Section 3.340.31, Section 5.0711, Section 7.5, Section 12.27, and to renumber Section 5.014 to 5.013, Section 5.015 to 5.014, Section 5.016 to 5.015, and Section 5.017 to 5.016

Mr. Stutsman read the preamble and opened the public hearing.

Mr. Crowner presented the ZSC report on this zoning amendment. The article is a reprise of an article that the Planning Board brought forward a year or so ago. That article met with some controversy and was referred back to the Planning Board for further study.

The new article eliminates a controversial section and will make the Accessory Business Use of the Home a more functional section of the Bylaw for the Building Commissioner and the ZBA.

The existing language describes two kinds of existing accessory business uses, the office/studio use which requires no permit and the home occupation which requires a Special Permit. It doesn't provide for contracting businesses run from a home.

The new article encodes a set of conditions into the Zoning Bylaw. It replaces the current two categories of uses with four categories of uses. He described the four types: 1) a home business allowed by right, that exhibits no outward clues that a business is operating in the home, 2) a customary home office which has visits from clients and needs a parking lot for clients, 3) a small contractor which may require storage of a vehicle or materials on site, 4) a large contractor which is a more intense use, may require storage of more materials, needs to be screened, may require storage of more vehicles and requires a Special Permit. There is a longer list of conditions associated with the large contractor. The article requires a set of definitions and renumbering. Mr. Crowner noted that a controversial portion of the previous article was removed. It would have required that all businesses run from the home would have needed to register with the town.

Most businesses can be approved administratively if they comply with the criteria.

Mr. Stutsman agreed with the ZSC report and stated that the ZSC recommends that the Planning Board recommend this article to Town Meeting.

Mr. Jemsek asked "What if the business is seasonal or temporary and is not run year round?"

A business such as that would be covered by this zoning amendment, said Mr. Crowner.

Mr. Roznoy agreed that this article is much improved from the previous iteration.

There was no public comment.

Mr. Crowner MOVED to close the public hearing and to recommend this article to Town Meeting.

Mr. Roznoy seconded and the vote was 7-0-0.

Mr. Schreiber had arrived during the public hearing and assumed the Chair.

It was not yet time for the next public hearing so the Board turned to other business.

III. PLANNING & ZONING

A. Zoning Subcommittee Report & Status – Mr. Crowner reported that the ZSC had received feedback from Town Counsel about how to approach the Non-substantive Corrections zoning amendment, for which the public hearing had been continued. Town Counsel had recommended that "cross-reference information" should be changed to "cross-reference numbering". The Board will hold a continuing public hearing on October 5th. The ZSC would also be bringing Site Plan Review Applicability to the Planning Board on October 5th. This would allow some minor projects to be approved administratively, such as the Big Y project that will be heard later tonight.

The ZSC is bringing a new version of Inclusionary Zoning and an associated change in the Planning Board Rules and Regulations that would base a calculation for the requirement for affordable units on the proportional impact of the project.

B. Planning Issues – no report

C. Forums – Topics and Schedule – no report

D. Public Comment Period – none

IX. UPCOMING SPP/SPR/SUB APPLICATIONS – Ms. Brestrup reported on the following:

Formosa Restaurant – Site Plan Review request to replace its doors (same location as former Amherst Chinese Restaurant)

Raymond Goulet – 362 Henry Street – Site Plan Review – proposes to install fencing

Hope and Feathers – approval of new sign (condition of a former Site Plan Review)

Mr. Roznoy asked about the Henry Street project, which is somewhat controlled by state statute. Previously these facilities were not brought to the Planning Board. Ms. Brestrup reported that the Building Commissioner intended to keep sending these projects to the Planning Board.

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Jack Jemsek and Christine Gray-Mullen – Mr. Jemsek reported that the next meeting of the PVPC would be October 13.

Community Preservation Act Committee – Pari Riahi reported that CPAC has just met and worked on a draft of the CPAC draft letter seeking proposals.

Agricultural Commission – Stephen Schreiber reported that the Ag Com had met and that they asked about the status of the property on University Drive that was recently rezoned.

Design Review Board – Michael Birtwistle – Ms. Brestrup reported that DRB reviewed the new doors for Formosa and reviewed the project proposed for 236 North Pleasant Street and there is a memo about these projects from the DRB in the Planning Board packets. Mr. Schreiber noted that the DRB has two vacancies.

Housing and Sheltering Committee – Greg Stutsman reported that the HSC had met recently and had submitted comments on the Beacon project in North Amherst and would also be offering comments on the new Inclusionary Zoning amendment. The HSC will meet again on October 4th for a joint meeting with the Amherst Affordable Housing Trust Fund.

Zoning Subcommittee – Rob Crouner and Greg Stutsman – report previously given

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman and Christine Gray-Mullen – Mr. Stutsman reported that the UTAC Housing Subcommittee will meet on October 3rd. The Steering Committee met last week. Ms. Gray-Mullen reported that the Economic Development Subcommittee will meet sometime in October.

Downtown Parking Working Group – Christine Gray-Mullen and Richard Roznoy – Mr. Roznoy reported that there is a meeting scheduled for September 28th.

XI. REPORT OF THE CHAIR – Mr. Schreiber reported that the new Town Manager has been very interested in filling vacancies on committees. He has been actively engaged in that process.

XII. REPORT OF STAFF – Ms. Brestrup reported that the Planning Department had hired Brandon Toponce as the new Senior Planner. He is moving here from Utah with his family. He has a background in Planning in the City of Centerville, Utah, and he also has a background in architectural preservation.

IV. PUBLIC HEARINGS – SITE PLAN REVIEW & SPECIAL PERMIT

SPR2017-00004 – Big Y Foods, Inc. – 175 University Drive

Request Site Plan Review approval for relocation of a front entrance doorway and addition of rooftop equipment (Map 13D/59, B-L/R&D zoning district)

Mr. Stutsman read the preamble and opened the public hearing.

David Eddy, the architect from Coventry, CT. presented the application. He was accompanied by Peter Smith of Big Y.

Mr. Eddy stated that Big Y intends to relocate the vestibule under the existing canopy at the front of the building. They also intend to install rooftop equipment.

Mr. Eddy presented two images. The vestibule is recessed into the building façade. The proposal involves moving the vestibule to the right. They plan to infill the façade with matching materials. The new vestibule will also be recessed. The existing vestibule is only for emergency exits.

Mr. Eddy stated that the new vestibule will have better flow and will be for regular use. It will shorten the trip from the door to the handicapped parking spaces. Most people won't notice the change.

Mr. Eddy described the additions to the rooftop. They will consist of inconspicuous hoods for the bakery and prepared foods. Now there is equipment on the roof which cannot be seen from the ground. The same will be true of the new equipment. Most people will not notice the new equipment.

Ms. Gray-Mullen and Mr. Crowner attended the site visit.

There were no comments from the Board and no comments from the public.

Mr. Stutsman MOVED to close the public hearing and to find that the application meets the relevant criteria of Section 11.24 of the Zoning Bylaw, and to approve the application with requested waivers and no conditions. Ms. Gray-Mullen seconded and the vote was 7-0-0.

Waivers

- Landscape Plan
- Management Plan
- Lighting Plan
- Erosion Control Plan
- Sign Plan
- Traffic Impact Statement

Conditions

- None

It was not yet time for the next public hearing so the Board turned to New Business.

VI. NEW BUSINESS

- A.** Chapter 61A Withdrawal Request – Property of Mohammad Idrees and Shakeela Yasmeen Idrees – Map 13B, Parcel 33, University Drive, B-L zoning district

Attorney Tom Reidy of Bacon and Wilson presented the request to remove the property from Chapter 61A. He represents the developer of the parcel. Town Meeting recently voted to change the zoning of the parcel from OP (Office Park) to B-L

(Limited Business). The property comprises over five acres that are currently in Chapter 61A. The owner is requesting that the town release its right of first refusal. Mr. Reidy asked that the Planning Board recommend to the Select Board that the town not exercise its right of first refusal on the property.

Mr. Schreiber explained to new members of the Planning Board what this meant.

Mr. Roznoy MOVED that the Planning Board recommend that the Select Board waive the town's right of first refusal. Ms. Riahi seconded and the vote was 7-0-0.

B. Topics not reasonably anticipated 48 hours prior to the meeting

Attorney Tom Reidy presented a request regarding property on Leverett Road. He had previously submitted an ANR application and plan (ANR2017-00004) on behalf of W.D. Cows, to carve off a small piece of property at Map 3C, Parcel 13, to sell to an abutting landowner. Questions have arisen about the status of the abutting landowner's property that are still being investigated. The applicant may choose to go forward with the application, may modify it or withdraw it. Mr. Reidy was requesting an extension of the 21 day period in which the Planning Board has to act on the application. Mr. Reidy stated that he expected to resolve the issue in the next two weeks. The Board granted a 21 day extension from September 21.

Mr. Stutsman MOVED to grant the request for extension. Ms. Gray-Mullen seconded and the vote was 7-0-0.

Mr. Crowner noted that the town had received three zoning petition articles and that public hearings for these could be scheduled on October 19th. Ms. Brestrup noted that she would be out of town that night, but most Board members were available to meet. The Board decided by consensus to hold the public hearing for the petition articles on October 19th.

SPR2017-00003 & SPP2017-00002 – John Kuhn, Kuhn Riddle Architects – 236 North Pleasant Street & 12 Hallock Street

Joint public hearing to request Site Plan Review approval for construction of a new office building, two lots to be combined to provide large enough site to accommodate new building, and Special Permit to modify dimensional requirements: minimum front setback (0' vs. 20'), minimum side setback (10' vs. 20'), maximum floors (4 vs. 3) and maximum height (45' vs. 35') (Map 11C/227 & 228, B-L zoning district)

Mr. Jemsek recused himself and left the meeting.

Mr. Schreiber read the preamble and opened the public hearing.

John Kuhn, with Kuhn Riddle Architects, presented the application. He was joined by Barry Roberts and Curt Shumway, owners of the properties proposed for development. Attorney Tom Reidy and Brad Hutchinson were also present.

Mr. Roberts had been approached by a local business that wanted to move back to downtown. The business needed 10,000 square feet of interior space for 40 employees. There are no spaces of that size in the downtown area. The owners of the properties decided to put the two parcels together and propose a development. Mr. Roberts owns 236 North Pleasant Street which contains office and retail uses. Mr. Shumway owns 12 Hallock Street, which contains four 1-bedroom dwelling units.

The properties are in the Limited Business (B-L) zoning district. The B-L zoning district extends from Cowles Lane to McClellan Street. There are two other B-L zoning districts in town. Mr. Kuhn presented a map showing the General Business (B-G) and Limited Business (B-L) zoning districts abutting the B-G in the town center. He noted that the General Residence (R-G) zoning district surrounds the town center.

Mr. Kuhn noted that the Municipal Parking District includes the B-G and the adjacent B-L zoning districts. Parking is not required in the Municipal Parking District for most uses. He read the purpose of the Limited Business zoning district from the Zoning Bylaw:

“The purpose of the B-L District is to provide areas for moderate density, office, commercial and multifamily developments. It is intended to be located in transitional areas between high density business districts and high density residential districts or in appropriate areas along arterial or primary roads.”

Mr. Kuhn noted that the minimum lot area in the B-L district is 20,000 square feet. He presented a map of the B-L district to the west of North Pleasant Street and noted that out of 14 properties, only 2 have 20,000 square feet. He noted that the side and rear setbacks for these properties would prevent development on most parcels because of the size of the parcels.

He presented Table 3 from Article 6 of the Zoning Bylaw and its footnotes and noted that some dimensional regulations are modifiable in the B-L district by Footnote “a”, including side/rear and front setbacks, but not lot area or additional lot area per dwelling unit.

Mr. Kuhn noted that lot coverage and building coverage requirements are very restrictive in the B-L district. Building coverage is limited to 35% and lot coverage is limited to 85% in the B-L district adjacent to the B-G.

The height requirement and number of stories is also limiting – 3 stories and 35 feet – both modifiable under Footnote “a” and under Section 6.171 of the Bylaw. Context is important in allowing modification, he said. The modification can be up to 10 feet above the permitted height.

Mr. Kuhn noted that the two parcels being combined in this application are 7,200 and 8,200 square feet each. When combined their total lot area of over 15,000 square feet would not allow construction of even one dwelling unit. In fact, the existing parcel at 12 Hallock Street contains four 1-bedroom units. It is only allowed to do so because it is “grandfathered”; that is it existed as a four unit building prior to a change in the zoning.

The maximum building footprint allowed on the combined lot is 5,300 square feet. The building needs to have hallways, bathrooms, etc. The potential tenant could occupy two floors. Economically it makes more sense to build a 4-story building.

The building is located towards the front of the property, near the street, to align with other buildings, which is less than the 20 foot front setback normally required. The setback on the north side is proposed to be 4 feet and on the south side 10 feet. The existing building to the south will be about 23 feet away from the new building.

The proposed building has measurements of 62’ x 86’, or just under 35% lot coverage.

The remaining portion of the site to the west will contain parking, with one handicapped space included. The new parking lot will be separated from the parking lot to the west, with a new curb cut to serve the new building.

There will be a small brick plaza in front of the building. The first floor will be office or commercial space, possibly including a coffee shop. The entrance to the upper floors will be

at the south end of the building. The entrance to the first floor will be on the north end of the building. Both entrances will face onto North Pleasant Street.

Mr. Kuhn noted that there is a public open space in front of the building, called "Realignment Park". The trees in the park will not be disturbed by this project.

The project will retain some of the trees on the site and new ones will be planted. The project will retain the existing hedgerow and the existing sidewalks will remain.

There will be a back entrance to the building, to serve those parking in the parking lot.

The lot area is 15,791 square feet. The setbacks will be 13 feet in front, 4 feet on the Hallock Street (north) side, 10 feet on the south side. Building coverage will be 33.9 %. Lot coverage will be 79.1%.

Utilities will be on the south side.

There will be views to the north from the upper floor tenant space.

Mr. Kuhn presented floor plans and elevations for the project. The exterior of the building will be a combination of materials, including brick and clapboards. The variety of materials will break down the 4-story mass of the building. The forms and building details are in keeping with the neighborhood. There is a lot of brick in the center of town, including on the new One East Pleasant Street building. The first floor and tower will be brick and will anchor the corner of the building. The tower will be a few feet above 45 feet, but it is not habitable space. The frames on the windows and storefront will be black. The rest of the building will be clapboard. The windows will be 6/1, double hung windows. The clapboards and windows will be different on the fourth floor. There will be green clapboard on floors 2 and 3 and white clapboard on the fourth floor. Mr. Kuhn presented elevations of the building.

There will be a plaza with low brick walls in the front of the building.

Mr. Kuhn showed images of the context of the downtown, including the new 5-story building that will be constructed at One East Pleasant Street. He noted that the Perry House, at the corner of North Prospect and Amity Streets is 4 stories tall, also on a corner, and in the R-G zoning district.

The new building will form a gateway, with One East Pleasant Street, for people entering the downtown from the north.

The Design Review Board had reviewed the project at its meeting on September 13th. The DRB comments were generally positive. Some members of the DRB thought that 4 stories was slightly excessive.

Mr. Kuhn noted that the Master Plan states that we should focus development in the downtown and the village centers. This project is not adding housing. It is the first office building to be built in the downtown since the Tucker-Taft Building in 1985. The building will contribute taxes and vitality to the town and it is being proposed by two local developers.

Mr. Schreiber reported on the site visit and reviewed the questions that were asked at the site visit.

1. Which trees will be removed as part of the work? There are two trees along the north side of the property that will be removed. There is a large spruce and other small flowering trees that will be retained.
2. Will the existing town sidewalk be disturbed in order to construct this project? The existing sidewalk in front of the house will remain, but may need to be excavated in

one place in order to install underground utilities. It will be replaced to existing condition.

3. Will there be a connection between this property and the property to the west? No there will be a guardrail installed to separate the parking lot for this property from the driveway and parking lot for the adjacent property.
4. Where will new trees and plants be installed? New large trees will be installed on the south side of the parking lot. New smaller trees will be installed on the north side of the parking lot. There will be other plantings around the building, along with a paved sitting plaza and stairs in front and stairs and a ramp in back.

Mr. Crowner noted that there is a lot of parking at the back of the building, on adjacent properties. It doesn't look like the stereotypical residential neighborhood. It is a place that already has a lot of use. There are existing multi-family residential and mixed-use buildings in the area. It is a transitional area between downtown and the neighborhood to the west.

Mr. Roznoy noted that the height of the proposed building will be close to that of the surrounding buildings. The building to the south is raised up on a platform of land, making it appear tall. The Board members who attended the site visit took a careful look at that, he said.

Mr. Schreiber acknowledged receipt of a letter from Michael Birtwistle, a Planning Board member who could not attend the meeting. He summarized Mr. Birtwistle's comments which included a recommendation not to waive the 3-story, 35 foot height requirement and a statement that setbacks may be a problem in the B-L district. The letter asked the Planning Board to give careful consideration to the height and setback requirements.

Mr. Crowner stated that the zoning in this area is inadequate. The Planning Board had considered bringing an article to allow more residential use in the B-L district. The applicant's architect gave a good summary of the problems in the B-L district.

Mr. Schreiber stated that there are problems with zoning and lot size. The zoning encourages the assembly of pre-existing smaller lots. He noted Mr. Birtwistle's comments about the waivers, but stated that there is an absolute line and a gray area with regard to the requirements. Items in the gray area may be negotiated.

Ms. Gray-Mullen stated that the slide presentation was helpful and informative and that the renderings of the neighborhood were useful. This building will balance and anchor the northern end of downtown.

Mr. Schreiber noted that this property is part of downtown. It is underdeveloped. Taller buildings than what exists there now are allowed by right. The Master Plan and the Zoning Bylaw anticipate the future. If we build to match what exists it will be hard to meet Smart Growth goals.

There was discussion about access to the ground floor businesses.

Ms. Riahi stated that she sympathized with the argument regarding the dimensional modifications. The office building will be a positive contribution to the downtown. But she expressed concern about how the building connects to the immediate context. She encouraged that attention be paid to articulation of the façade to allow the building to sit more comfortably on the site. Existing buildings will be at odds with the current scale of the proposed building, she said.

Mr. Kuhn stated that building coverage limitations are "forcing" the height of the building. Strategies being used to fit the building into the context include materials and color. The

buildings that are in the surrounding area may not be there in the future. The downtown extends to Kendrick Place, he said.

Mr. Schreiber noted that street sections are helpful in visualizing a proposal. He also noted that people like the dense part of the downtown. This building will help to create the street as a space, along with the new building at One East Pleasant Street.

Mr. Crowner noted that from the street, onlookers will see 4 trees in front of the building. When the trees are in leaf, the onlookers won't be able to see the fourth floor of the building from North Pleasant Street.

Ms. Gray-Mullen stated that she appreciates the design elements and likes the tower proposed for the corner.

Mr. Crowner noted that there is a ramp at the back of the building, but questioned the access to the elevators from that rear entrance. It was noted that the elevator is at the front of the building.

Mr. Crowner questioned whether the seating on the terrace might hinder access to the building. It was noted that there should be bike racks for the building.

Ms. Brestrup stated that the Building Commissioner will look at access ways when outdoor seating is placed on the terrace. He will insure that entranceways are accessible.

Suzanne Fabing of 38 North Prospect Street stated that the immediate neighborhood is a residential neighborhood. She spoke in opposition to the project, noting that this is a transitional area to a residential neighborhood. She asked if the building could be extended to the west, since parking is not required.

Mr. Schreiber stated that the building could not be extended to the west due to building coverage limitations in the Zoning Bylaw.

Ms. Fabing expressed concern that the area would lose the feel of a transitional area to a residential neighborhood and she supported Mr. Birtwistle's comments.

Pam Rooney of 42 Cottage Street submitted a letter and stated that she lives one house away from the B-L district [on the north side of Triangle Street]. She encouraged the Board to focus on the height of the building and supported the notion that the B-L district is a buffer between General Business and Residential areas. She suggested that the modifications allowed under the footnotes applied to residential uses only. She acknowledged that the B-L zoning district needs attention. She encouraged careful consideration by the Board of the modifications and stated that the modifications "amount to rezoning by Special Permit and waiver". The modified height and number of floors will become a benchmark for what is acceptable in the area. Ms. Rooney encouraged the Board to seek amendments to the Zoning Bylaw rather than approving modifications of dimensional requirements. She noted that a building of this type would be allowed in the B-G district and stated that the architect had found a suitable aesthetic in the proposed structure.

The Board discussed the difference between Variances and modifications via Special Permit.

Mr. Roznoy noted that Section 6.171 of the Zoning Bylaw applies to particular zoning districts and allows the maximum height to be modified.

Mr. Crowner clarified the application of footnote "a" and noted that it had nothing to do with residential uses.

Claire Bertrand of South Amherst stated that she lives and works in South Amherst and works for Don LaVerdiere and manages a mixed-use office and residential building. She

urged the Planning Board to support this project. It will bring vibrancy and customers to the downtown. She supports saving outlying open spaces and putting office buildings in the downtown and village centers. The proposed building will bring in work and will be a great addition to a growing, vibrant downtown.

Mollye Lockwood, Vice-president of Real Estate and Commercial Development for W. D. Cowls, encouraged support for the project. It is a creative and thoughtful development on a site that is challenged by existing zoning. She encouraged the Board to seize the opportunity to create an exciting streetscape. The height works and is in scale with the surrounding context. The rest of the area is not developed to the height that could be allowed. She hopes that this project sets a precedent for a viable and sustainable downtown. The parking is an example of good planning. The developers are willing to work within the local process. This project will help existing businesses. She urged the Board to allow the project to move forward and to approve the Special Permit.

Mr. Schreiber read the Design Review Board's comments from the September 13th DRB review of the proposed development.

The Board discussed a questions about dimensional figures and whether they applied to the two parcels together. They do apply to the combined parcels.

Mr. Kuhn stated that the lots are currently separate. If the project moves ahead the landowners will merge the properties.

Mr. Crowner stated that the proponent had made a good case for the requested modifications. He noted that these modifications should not set a precedent for all of the parcels south of Hallock Street to Cowles Lane. These parcels are practically undevelopable without the modifications, he said.

Mr. Schreiber noted that these parcels, when combined, will create a different condition – not a mid-block condition, but a corner condition. The street widens out at this point. The new building will provide an anchor at this end of downtown. The modifications will not constitute a Variance. If the Special Permit Granting Authority can modify the dimensional requirements, there is an expectation that such a modification might occur. With a Variance there is no such expectation.

Mr. Crowner reiterated that the B-L is a transition zone. There is plenty of existing transition area outside of these parcels to the west and to the north. He is not concerned with changing the transition-zone character of this B-L district.

Ms. Riahi stated that this building will create a corner to match the other end of downtown. It will reactivate the north end of downtown and create closure for pedestrians. The image of the ground floor will create a positive place for pedestrians.

Mr. Schreiber noted that the Board had heard from neighbors but had not heard directly from any abutters to the project.

The Board found under Section 11.24 of the Zoning Bylaw, Site Plan Review, as follows:

- 11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw; Special Permits are being requested for modifications to height and setback requirements;
- 11.2401 – Town amenities and abutting properties will be protected through minimizing detrimental or offensive actions;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use;

- 11.2403 – N/A;
- 11.2410 – The project protects unique or important natural, historic or scenic features because it has gone through a public hearing process with the Historical Commission under Section 13 of the Zoning Bylaw; a 12 month demolition delay has been placed on the two existing structures on the site; the demolition delay period expires in January 2017;
- 11.2411 – The project provides adequate methods of refuse disposal as described in the Management Plan;
- 11.2412 – The project will be connected to town sewer and water; the Town Engineer has not expressed concerns about the town services or their ability to serve the proposed use;
- 11.2413 – The proposed drainage system within and adjacent to the site will be adequate to handle the stormwater; there will be no increased runoff as a result of this project;
- 11.2414 – Provision of adequate landscaping has been addressed; the project includes new plantings and preservation of many of the existing trees;
- 11.2415 – The soil erosion control methods are considered adequate to control soil erosion both during and after construction;
- 11.2416 – Adjacent properties will be protected by minimizing the intrusion of various nuisances;
- 11.2417 – Adjacent properties will be protected from the intrusion of lighting, because a photometric lighting plan has been submitted that shows that there will be no light spilling onto adjacent properties or streets;
- 11.2418 – N/A;
- 11.2419 – N/A;
- 11.2420 – The Design Review Board reviewed this project and offered comments on the proposed height, scale and design of the building and the proposed landscaping;
- 11.2421 – The development is reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development; a Special Permit is being requested for modification of setback requirements;
- 11.2422 – N/A;
- 11.2423 – N/A;
- 11.2424 – N/A;
- 11.2430 – The site has been designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties;
- 11.2431 – The location and number of curb cuts shall be such to minimize turning movements, and hazardous exits and entrances; the property is located in an urban area and there is one curb cut entering the property from Hallock Street;
- 11.2432 – The location and design of parking spaces, bicycle racks, drive aisles, loading areas and sidewalks will be provided in a safe and convenient manner; a bicycle rack will be installed as part of the project;
- 11.2433 – Provision for access to adjoining properties has been provided appropriately;
- 11.2434 – N/A;
- 11.2435 – N/A;
- 11.2436 – The requirement for a Traffic Impact Statement will be waived; no parking is required for this project; the amount of traffic to be generated by this building in comparison to the amount of traffic that flows through the center of town is negligible and therefore the amount of traffic generated by this building is expected to have little impact on surrounding roads;
- 11.2437 – N/A.

The Board found, under Section 10.38 of the Zoning Bylaw, Special Permit, focusing on issues related to the Special Permit for dimensional modifications:

- 10.380 – The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; the property is in the B-L zoning district and office buildings are allowed by Site Plan Review in the B-L district; the Special Permit is being requested for height and setback modifications;
- 10.381 – N/A;
- 10.382 – N/A;
- 10.383 – The proposal will not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; the location adjacent to Realignment Park provides room for the clear sight triangle for vehicles turning the corner into Hallock Street; the building will improve the experience for pedestrians by providing an interesting streetscape;
- 10.384 – N/A;
- 10.385 – N/A;
- 10.386 – N/A;
- 10.387 – N/A;
- 10.388 – N/A;
- 10.389 – N/A;
- 10.390 – N/A;
- 10.391 – N/A;
- 10.392 – The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage; this criterion relates to setbacks; at the west end of the parking lot there is a guardrail with a stone strip separating the property from the adjacent property to the west; the Board imposed a condition to require that there be planted islands at the end of the parking lot to the west, in place of striped islands; the vegetation [existing hedgerow] on the south side of the building will be maintained to the extent possible;
- 10.393 – N/A; although this criteria does not relate to the Special Permit for dimensional modification, the Planning Board wished to noted that all lights will be downcast and dark sky compliant;
- 10.394 – N/A;
- 10.395 – The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto; the Design Review Board provided comments on this proposed development;
- 10.396 – The parking lot is adequately screened by the proposed building and existing and proposed plantings;
- 10.397 – N/A;
- 10.398 – The proposal is in harmony with the general purpose and intent of this Bylaw and the goals of the Master Plan.

Mr. Stutsman MOVED to close the public hearing and to grant the Site Plan Review approval and Special Permit for dimensional modifications, and the waivers as requested and that the project meets the relevant criteria in Section 11.24 and 10.38 of the Zoning Bylaw. Mr. Roznoy seconded and the vote was 6-0-0.

Waivers

- Soil Erosion Plan
- Traffic Impact Statement

Conditions

- 1) The applicant shall submit a plan showing a bike rack location for the approval of the Board at a public meeting;
- 2) The striped islands proposed for the west end of the parking lot shall be replaced with planted islands; the applicant shall submit a revised Landscape Plan showing the planted islands for the review and approval of the Board at a public meeting;
- 3) The applicant shall submit an ANR plan and application to the Planning Board to combine the two parcels on which this project is proposed prior to the issuance of a Building Permit;
- 4) The applicant shall submit a Stormwater Management Plan to the Town Engineer for his review and approval prior to the issuance of a Building Permit;
- 5) All exterior lighting shall be downcast and dark sky compliant;
- 6) Landscaping shall be installed in accordance with the Landscape Plan and, once installed, shall be continually maintained. All disturbed areas shall be loamed and seeded, unless otherwise specified.

XIII. ADJOURNMENT

The meeting was adjourned at 9:28 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Planning Director

Stephen Schreiber, Chair

DATE: _____