

AMHERST PLANNING BOARD
Wednesday, August 1, 2018, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Stephen Schreiber, Chair, Greg Stutsman, Jack Jemsek, Christine Gray-Mullen, David Levenstein and Pari Riahi

ABSENT: Robert Crowner, Maria Chao and Michael Birtwistle

STAFF: Christine Brestrup, Planning Director

Mr. Schreiber opened the meeting at 7:00 PM.

I. MINUTES

Mr. Stutsman MOVED to approve the Minutes of June 20, 2018. Ms. Gray-Mullen seconded and the vote was 5-0-1 (Riahi abstained).

Mr. Stutsman MOVED to approve the Minutes of July 18, 2018. Ms. Gray-Mullen seconded and the vote was 4-0-2 (Riahi & Levenstein abstained)

It was not yet time for the first public hearing, so the Board took up Old Business.

IV. OLD BUSINESS

B. PA 85-6 Newmarket Center – 6-22 University Drive – Hospice Shop – new signs

Eric Watterson from Amherst Copy & Design Shop presented the proposed new signs for the Hospice Shop. He was accompanied by Elisabeth Weissbach, Executive Director of Hospice at the Fischer Home. Mr. Watterson described a double sided sign on the directory sign and signs at the two entrances to the new Hospice Shop location. The Plan Approval (PA85-6) for Newmarket Center requires that signs be reviewed and approved by the Planning Board.

- Signs above the main doors (24” x 192” and 240” x 22”)
- Signs beside each door for “donation” and “entrance” (2 signs at 36” x 24”)
- Lettering on 2 glass doors (40” x 20” and 36” x 20”)
- Sign for directory sign (45” x 13.25”)

Nancy Higgins of Main Street asked whether the Hospice Shop would be easily accessible from the street level to the retail store.

Ms. Weissbach stated that all thresholds are flush to the floor and there is no hindrance to access.

Mr. Stutsman MOVED to approve the signs as presented. Ms. Gray-Mullen seconded and the Board voted 6-0 to approve the new signs.

II. PUBLIC HEARING – SCENIC ROADS – JOINT PUBLIC HEARING WITH TREE WARDEN

Scenic Road tree removal to allow construction of roadway improvements and a bus pull-off at the following locations:

East Hadley Road – Public Shade Trees impacted by this project include the following trees (Sizes indicate “diameter at breast height” – DBH):

- 28” Red Oak
- 8” White Oak
- 30” White Oak
- Clump of Black Cherry with stems of 6”, 3”, 10”, 5”

East Pleasant Street – Public Shade Trees impacted by this project include the following trees (Sizes indicate “diameter at breast height” – DBH):

- 7 Clumps of Amur Cork Trees with stems ranging from 3” to 10” (invasive species in Massachusetts)
- 9” Black Birch

Mr. Schreiber read the preamble and opened the public hearing. He noted that the Town of Amherst is the applicant for this Scenic Roads hearing.

Alan Snow, Tree Warden, represented the town, as applicant. He explained that the East Pleasant Street tree removal was needed to improve the bus stop and extend the sidewalk to Owen Drive. There will be filling and drainage work associated with these improvements. Most of the trees that will be removed are an invasive species known as Amur Cork Tree.

At the East Hadley Road site, the town is working on installing a multi-use path to the town line. There are clumps of Oaks and a Black Cherry proposed to be removed.

Ms. Gray-Mullen reported that site visits were conducted. Three Planning Board members, and Ms. Brestrup, along with Mr. Snow and two representatives of the DPW attended the site visits.

Mr. Snow described the work that is proposed.

Henry Lappen, Chair of the Public Shade Tree Committee, reported that the PSTC had also conducted site visits. On East Pleasant Street they determined that the Amur Cork Trees can be removed, but they asked that the Black Birch be saved with a retaining wall or careful grading since it is a “nice native tree”.

With regard to the East Hadley Road site the PSTC was not opposed to the development of the multi-use path, but the members opposed the removal of the trees. The road will no longer be scenic with the removal of the trees. There was discussion about whether the road or the multi-use path could be narrower, and whether the road could be pushed to the west to avoid the trees.

Mr. Snow stated that the roots of the trees will be impacted and it is better to take them out now and plant new ones. This is a dangerous road for pedestrians and bicyclists. He acknowledged that the trees were beautiful White Oak trees. There was further discussion about the health and longevity of the trees.

Mr. Levenstein MOVED to allow the removal of the trees at East Pleasant Street, but included a recommendation to try to save the Black Birch, at the discretion of the Tree Warden. Mr. Stutsman seconded and the vote was 6-0-0.

Mr. Levenstein MOVED to allow the removal of the trees along East Hadley Road. Mr. Stutsman seconded and the vote was 6-0-0.

Mr. Snow agreed with the Planning Board’s votes for both sites.

SPR2018-16 & SPP2018-04 – Archipelago Investments LLC – 26 Spring Street *(continued from July 18, 2018)*

Request Site Plan Review approval for a mixed-use building, under Section 3.325 of the Zoning Bylaw, with 58 apartments & 1,000 s. f. of retail space, with associated site improvements (a modification of SPR2017-10) and request Special Permit for modification of height by less than 2 ft. and rear setback requirements under Footnote “a” of Table 3 of the Zoning Bylaw (a modification of SPP2017-03) (Map 14A, Parcel 265, B-G zoning district)

Mr. Schreiber explained that this was a public hearing continued from July 18, 2018. He read the description of the application.

Ms. Brestrup explained the Mullen Rule that allows Board members to vote on an application if they have missed one session of the public hearing, if they watch the video of the proceedings of the session that was missed, and review all of the materials, and attest in writing that they have done so. Ms. Riahi planned to take advantage of the Mullen Rule, having missed the July 18, 2018 session of the public hearing. Ms. Riahi presented a written statement attesting to the fact that she had watched the video and reviewed the materials and therefore was eligible to vote.

Dave Williams, of Archipelago Investments, presented revised perspective drawings of the project showing the elimination of the proposed street trees, as discussed previously with the Planning Board. The drawings included revised perspectives and a profile of the roadway showing grades and the height of the proposed building as compared with the height of existing buildings in the vicinity. The drawings also showed the angle of the sun on certain dates in the morning, relating to any possible effect on the window at Grace Church. Mr. Williams also presented material from PPG on solar ban glass that can be coated to reduce reflectance of the sun on the surrounding area.

Mr. Williams reported that the project had been presented to the DAAC and that they had requested a drop-off area. There was discussion about the proposed drop-off area and where it was to be located so as not to lose any of the existing parking spaces. The drawing presented at the August 1 meeting did not show the proposed drop-off area in the correct location and Ms. Brestrup requested that the applicant submit a revised drawing showing the drop-off area correctly.

Catharine Porter, Chair of the Design Review Board, presented the comments and concerns of the DRB about the project.

Mr. Schreiber noted that this is a new application but it is based on a previously approved scheme. The Site Plan Review and Special Permit approvals from 2017 are still in effect, he said.

The Building Commissioner has recommended that if the current applications are approved, the previous approvals should be rescinded, so that there are not two sets of approvals active at the same time for the same property.

Mr. Levenstein observed that if the new applications were not approved, the applicant could go ahead and build based on the previous approvals.

Mr. Schreiber stated that the normal Site Plan Review process is that the Planning Board works with the applicant to come up with a project that is acceptable and that denial is not in the spirit of Site Plan Review. He further noted that the DRB report came out the afternoon of this continued public hearing.

Mr. Levenstein explained that he understands the spirit of Site Plan Review, but does not feel well enough prepared to make an informed decision on this project at this time, especially since the number of units has changed.

Ms. Porter gave the DRB report and recommendation. The DRB recommended against approval of the project as proposed. The DRB had concerns about the following issues, among others:

- the proposed height of the building,
- the fact that parking had been eliminated from the proposal
- the art gallery has been eliminated from the retail space
- there is a different arrangement of windows from the previous plan
- the previous design was more appealing to people who are retiring or downsizing; this one will appeal more to students
- the nature of the building and its height are not in keeping with the spirit of that area of town (with Grace Church and The Lord Jeff)
- the dormers have been eliminated from the roof
- there are no windows on the back of the building
- the building is not appropriate for this time in this place.

Other issues are outlined in the DRB memorandum to the Planning Board.

There was discussion about the lack of windows on the rear of the building. Ms. Brestrup explained that the Police Chief prefers that there are no windows there.

Mr. Williams explained that there are “Juliet balconies” at many of the windows. These are flush with the face of the building and allow the full-height sliding glass doors to be opened.

Ms. Gray-Mullen observed that there is no fifth floor and that the flush roofline is not as interesting, but noted that there are solar panels on the roof.

The solar panels will provide 100 kW of power. This configuration will provide power for the common area spaces and some tenant spaces. The building will strive for LEED Gold certification with 3” of insulation. Utilities will be included in the rental bill.

There was discussion about the height of the building and whether there could be anything done to lower it.

Jim McPherson, Director of Facilities for the town and schools, presented his concerns about the impact of the development on the wall at the Police Station, specifically the forces produced during construction.

Mr. Schreiber observed that the applicant has the right to build right up to the property line, based on the Zoning Bylaw.

There was discussion about the footing of the retaining wall. The footing is on the Police Department side of the property line, according to the construction drawings. The wall is 10’ tall. It was built in 1989. There was discussion about bracing during construction of the new foundation and the need to maintain the wall. There was discussion about the impact of construction on the operations of the Police Department.

Mr. Williams noted that during construction of Boltwood Place, there was construction right up next to the wall of the Boltwood Garage.

Mr. Jemsek referred to the letter received from Michael Birtwistle, who could not be present this evening. Mr. Birtwistle’s letter referred to the changes between the 2017 and 2018 versions of the proposal. Mr. Jemsek spoke in favor of the gray stone that is proposed and noted that it

relates to the nearby church. He spoke against the return of the dormers and did not notice a big change in design from one year to the next. (see Attachment #1 for Birtwistle letter)

Ms. Gray-Mullen noted that the previous design was reminiscent of a dormitory.

Mr. Jemsek stated that any new housing is good for the town, since it will take pressure off single-family homes. It will take the rental pressure off “starter homes” and will take the pressure off the taxes.

Mr. Schreiber expressed his appreciation for the comments of the DRB, but noted that the issue of parking and who will live in the building is not in the jurisdiction of the DRB. However, the DRB’s comments contributed to a thoughtful conversation. He liked the more articulated façade of the new design and noted that the Police Department building has dormers.

Ms. Gray-Mullen spoke about the abandonment of the underground parking, noting that parking is important, but the bump-out along the street has been removed, so the existing parking will remain. Tree can be put on the terrace. Regarding the gallery space, the developer cannot guarantee who will occupy this space. The property is located in the B-G zoning district. The town has very little land to build on and a four-story building in the B-G district is appropriate.

Mr. Jemsek noted that The Lord Jeff building is also adjacent to the sidewalk.

Eric Broudy, Chair of the Public Art Commission (PAC), encouraged the developers to include public art in their project and encouraged the Planning Board to bring public art into the conversation about new projects. The mission of the PAC is to promote and facilitate public art in Amherst. Residents are strongly in favor of this. He asked how to make public art part of these new developments.

There was discussion about where art could go on this property and the subject of a mural was raised.

Mr. Broudy offered to meet with the developer to discuss the options that might be available to include public art in this project. After meeting, the developer and the PAC can come forward with a proposal if one is agreed to.

Ms. Riahi was not alarmed by the revised version of the building, noting that the dormers broke the rhythm of the roof. The elevations are improved in the new version.

Mr. Stutsman supported the idea of reducing the height of the building, if possible. The current design looks better and the omission of the dormers is good.

Mr. Schreiber suggested that the height of the building could be changed by changing the pitch on the roof.

There was discussion about conditions relating to the modification of the height and the rear yard setback – the Board agreed that the height could be modified up to 1’-7” above 55’ (allowed in the B-G district) and the rear yard setback could be modified to be greater than 0’ but less than 1’.

Ms. Gray-Mullen observed that the issue of an awning or canopy hanging over the front property line would need to be resolved by the Select Board since the awning/canopy would be projecting into the public way.

Mr. Schreiber noted that a number of people had written letters to the Planning Board about this project, including Denise Barberet, Ira Bryck and Michael Birtwistle. He noted that concerns about parking were addressed in the Zoning Bylaw, which allows buildings in the Municipal Parking District to be constructed without on-site parking.

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 building height and setback requirements;
- 11.2401 – Town amenities and abutting properties will be protected through minimizing detrimental or offensive actions; the Select Board will review any work proposed in the town right-of-way and there will be a structural analysis of the impact of construction on the Police Station retaining wall;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use;
- 11.2403 – Provision of adequate recreational facilities, open space and amenities has been addressed because the proposed development is in the downtown area and near important public spaces such as the Town Common and Sweetser Park that are accessible to all;
- 11.2410 – N/A;
- 11.2411 – The project provides adequate methods of refuse disposal as described in the Management Plan; trash will be collected in a conditioned space on the first floor of the building and will be picked up by Amherst Trucking on a schedule to be determined;
- 11.2412 – The project will be connected to town sewer and water; the Town Engineer has reviewed and 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; the Town Engineer has reviewed and has not expressed concerns about the proposed stormwater management system;
- 11.2414 – Provision of adequate landscaping has been addressed; the project includes new plantings on site; the abutting land owner to the east is in agreement with the removal of trees on his/her property;
- 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; a Construction Logistics Plan is required to be submitted prior to the issuance of a Building Permit;
- 11.2417 – Adjacent properties will be protected from the intrusion of lighting, because a condition of the permit requires that a complete Lighting Plan be submitted for review and approval by the Planning Board prior to the issuance of a Building Permit; a condition of the permit requires that all exterior lighting be downcast and/or shielded;
- 11.2418 – N/A;
- 11.2419 – N/A;
- 11.2420 – The Design Review Board has reviewed this project and has submitted comments on the proposed project to the Planning Board;
- 11.2421 – The development is unique and is not necessarily consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development; however, all of the buildings in this area are unique, including the Lord Jeffery Inn across the street, which is tall and close to the street, and the Grace Episcopal Church and the properties behind, including the Masonic Lodge and the Police Department Building; the inconsistencies are not considered to be unreasonable; a Special Permit is being requested for modification of setback and height requirements;
- 11.2422 – N/A;
- 11.2423 – N/A;
- 11.2424 – Screening has been provided for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features;

- 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 property is located in an urban area and there are no curb cuts proposed;
- 11.2432 – The location and design of drop-off areas, loading areas and sidewalks will be provided in a safe and convenient manner; the location of a public bicycle rack will be considered as part of the project; bicycle parking areas for tenants will be provided within the building;

Ms. Gray-Mullen asked about bike racks. Mr. Williams stated that all of the Archipelago projects have bike storage in the building. A bike rack on-site might be located in the landscaped area.

- 11.2433 – N/A;
- 11.2434 – N/A;
- 11.2435 – N/A;
- 11.2436 – The requirement for submittal of a Traffic Impact Statement has been waived; there will be no traffic entering or exiting the site;
- 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 for height and rear yard setback:

- 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;
- 10.381 – N/A;
- 10.382 – The proposal to modify the building height and to modify the rear yard setback would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features; a structural analysis will be conducted regarding the possible impact of construction on the Police Station property and remedies, if any, will be implemented;
- 10.383 – The proposal will not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; mixed-use buildings are allowed in the B-G zoning district; the modifications for which the Special Permit has been requested are rear setback and building height; there will be a structural analysis conducted regarding the possible impact of construction on the Police Station property and remedies, if any, will be implemented; a profile of the proposed building and surrounding buildings has been submitted showing that the increased height of the building will not have a substantial impact on surrounding properties;
- 10.384 – N/A;
- 10.385 – The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; the modifications for which the Special Permit has been requested are rear setback and building height; there will be a structural analysis conducted regarding the possible impact of construction on the Police Station property and remedies, if any, will be implemented; a profile of the proposed building and surrounding buildings has been submitted showing that the increased height of the building will not have a substantial impact on surrounding properties;
- 10.386 – The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8 respectively) of the Zoning Bylaw; the project is located in the Municipal Parking District and therefore no on-site parking is required; the parking on the street in

front of the building will remain; submission and approval of a Sign Plan will be required prior to installation of signs;

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; the plan provides landscaping on both sides of the building and in front of the building; landscaping is not affected by the height modification or the rear yard setback modification;

10.393 – N/A; this criterion does not relate to the Special Permit being requested; the modification of the rear setback and building coverage do not affect considerations of lighting in the vicinity of the site;

10.394 – N/A;

10.395 – The proposal for a modification of height and rear yard setback requirements 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; a profile of the proposed building and surrounding buildings has been submitted showing that the increased height of the building will not have a substantial impact on surrounding properties; in addition there are other tall buildings in the vicinity, such as the Grace Episcopal Church, Town Hall, the Lord Jeffery Inn, and the Police Station; the Planning Board received and considered comments and recommendations from the Design Review Board on this project;

10.396 – N/A;

10.397 – N/A; the modification of the rear setback and building height do not affect access to recreational facilities;

10.398 – The proposal is in harmony with the general purpose and intent of this Bylaw and the goals of the Master Plan.

The Board reviewed a draft list of conditions prepared by Planning Department and Inspection Services staff and agreed to adopt the conditions as drafted, with the addition of a condition regarding public art. The Board agreed that if public art were to be proposed for this site, it should be presented to the Board for review and approval at a public meeting.

After an initial motion to consider both the Site Plan Review and Special Permit applications together the Board chose to separate the motions for approval.

Mr. Stutsman MOVED to find that the Site Plan Review application meets the relevant criteria of Section 11.24 of the Zoning Bylaw as enumerated and to grant the requested waivers and to approve the Site Plan Review application with conditions as drafted. Ms. Gray-Mullen seconded and the vote was 5-0-1 (Levenstein abstained).

Mr. Stutsman MOVED to close the joint public hearing on the Site Plan Review and Special Permit applications and to find that the Special Permit application meets the relevant criteria of Section 10.38 of the Zoning Bylaw as enumerated and to grant the requested waivers and to approve the Special Permit for modification of height no greater than 1'-7" (to a height of 56'-7") and the Special Permit for modification of rear yard setback by up to 1' (to a setback of 0' to 1') under Footnote "a" of Table 3 of the Zoning Bylaw. Ms. Gray-Mullen seconded and the vote was 6-0-0.

Waivers

Traffic Impact Statement

Conditions

Plans

1. The development shall be built substantially in accordance with the plans submitted to the Planning Board and approved on August 1, 2018.
2. Changes to the project, any approved site plans and/or to the exterior of the building determined to be significant by the Building Commissioner shall be submitted to the Planning Board for its review and approval prior to the work taking place. The purpose of the submittal shall be for the Planning Board to approve the change and/or to determine whether the changes are de minimis or significant enough to require modification of the Site Plan Review approval.
3. Detailed plans of paved areas and detailed information about site improvements including information related to handicapped accessibility such as surface treatments, grading, spot elevations, railings, walls etc. shall be submitted to the Planning Board for review and approval prior to the issuance of a Building Permit.

Management

4. Development shall be managed substantially in accordance with the Management Plan approved on August 1, 2018.
5. The Project shall dispose of refuse and recyclables as described in the Management Plan and in accordance with the Town's General Bylaws as it relates to trash and recycling.
6. Upon a change of ownership, the new owner and/or manager shall submit a new Management Plan to the Planning Board at a public meeting for its review and approval. The purpose of the meeting shall be for the Board to determine whether conditions of the permit are being complied with and whether any modification to the Site Plan Review approval or Management Plan is required. In advance of the meeting, the owner shall be responsible for providing notification to abutters in accordance with the procedures for notice contained in Chapter 40A, Section 11. The owner may be required to obtain a Certified List of Abutters and provide a minimum of two week's public notice.
7. A sample lease for both residential and retail/cultural space has been submitted to the Planning Board for its review and approval. The residential and retail/cultural spaces shall be rented substantially in accordance with the sample leases approved on August 1, 2018.
8. This property shall be registered and permitted in accordance with the Amherst Residential Rental Property Bylaw. Loss or suspension of a rental permit shall constitute a violation of this condition.

Landscaping

9. Any work proposed in the Town Right of Way shall be reviewed and approved by the Select Board prior to construction.
10. Landscaping and site amenities shall be installed in accordance with the approved Landscape Plan, approved on August 1, 2018 (prior to the issuance of a Certificate of Occupancy, except for difficulties associated with the planting season), and, once installed, shall be continually maintained. Landscaping that does not survive shall be replaced as soon as weather conditions permit with the same or comparable species.
11. If a Temporary Certificate of Occupancy is issued by the Building Commissioner prior to the completion of the landscaping, a surety in the amount equal to the remaining costs of the incomplete work plus 50% shall be first collected.

Lighting

12. A complete Lighting Plan, including a Photometric Plan, and details of lighting fixtures, shall be submitted for review and approval by the Planning Board prior to the issuance of a Building Permit.
13. All exterior lighting shall be dark sky compliant. Exterior lighting shall be downcast, shielded and shall not shine onto adjacent properties or streets.
14. The new location of the existing street light that is to be relocated shall be shown on the Lighting Plan.
15. Appropriate lighting shall be provided for all entries and exits, including emergency egress pathways.

Equipment, mechanical and plumbing

16. Any equipment located on any roof shall be screened and noise muffled. Noise from mechanical equipment shall not exceed the ambient noise level at the property line.

Signs

17. A Sign Plan shall be submitted to the Planning Board for its review and approval prior to the installation of signs. The Sign Plan shall include signs needed to identify the building and its address, signs for deliveries, signs for the retail space, etc.

Stormwater Management

18. The applicant shall work with the Town Engineer to resolve any issues related to stormwater management to the satisfaction of the Town Engineer prior to the issuance of a Building Permit.

Construction

19. A Construction Logistics Plan shall be submitted for review by the Building Commissioner, Town Engineer, Superintendent of Public Works and Police Chief prior to the issuance of a Building Permit. The Construction Logistics Plan shall include:
 - (a) Construction timeline and expected completion dates for each phase;
 - (b) Location of parking for contractors;
 - (c) Location of on-site and off-site staging, such as for construction vehicles, including cement trucks;
 - (d) Location of fencing around construction site;
 - (e) Location of “jersey barriers” or other similar structures;
 - (f) Details and locations of directional, marketing and job signs related to construction;
 - (g) Emergency contact information, such as name and cell phone number of developer and contractor;
 - (h) Information about construction signs, including advertising signs for contractor, developer and architect, and;
 - (i) Hours of operation of construction operations;
 - (j) Staging areas for construction equipment and materials;
 - (k) Notifications for blasting or hammering of rock or hard material;
 - (l) Plans for noise attenuation of construction motors and pneumatic equipment;
 - (m) Measures to control dust, dirt, debris and construction materials on site;
 - (n) Plans for maintenance of erosion control measures and protection of catch basins throughout construction;
 - (o) Any other relevant information that the Town Engineer, Building Commissioner, Superintendent of Public Works and Police Chief may request;

20. Prior to the issuance of a Building Permit, a pre-construction meeting shall be scheduled with the applicant, Town Engineer, Building Commissioner, Superintendent of Public Works, Planning Staff, the Fire Chief and any other staff personnel that may have a role in the construction of the project.
21. The public sidewalk shall remain open and passable at all times during construction unless a plan to temporarily close or redirect pedestrians is approved by the Select Board prior to the start of work.
22. A written construction fire safety plan during construction shall be submitted to the Fire Chief and Building Commissioner, prior to the issuance of a Building Permit.
23. As part of the Building Permit Application, the applicant shall provide the Building Commissioner the name, address and business telephone number of the Project Manager or onsite supervisor who shall be responsible for all activities on the Project Site.
24. The Construction Logistics Plan shall be subject to the following conditions:
 - a. Construction activity shall occur only between 7:00 a.m. and 7:00 p.m. Monday to Saturday.
 - b. Any blasting or hammering of rock or material shall be noticed to Town Officials and abutters 24 hours in advance and completed between 9:00 a.m. and 3:00 p.m.
25. The applicant shall provide an estimate of work proposed in the Town Right of Way, which shall be reviewed and approved by the Town Engineer. The applicant shall submit a surety bond or performance bond to the Town of Amherst for the proposed work in the Town Right of Way, which shall be used for construction of the proposed streetscape in the event that the applicant fails to construct the streetscape as proposed.

Certificate of Occupancy

26. The Applicant shall provide As-Built Plans, whether in whole or in part, that show building location, grades, access ways, parking spaces (if any), sidewalks and walkways, curbing, stormwater management facilities, lighting and utilities to the Building Commissioner and Town Engineer, prior to the issuance of any Certificate of Occupancy.
27. The Final Certificate of Occupancy shall not be issued for any building or any unit until:
 - a. The final topcoat of paving for all driveways and access areas, drop-off areas, sidewalks and berms has been completed;
 - b. Landscaping as shown on the Plan of Record has been installed, and
 - c. As-Built Plans have been submitted to the Building Commissioner and Town Engineer by all design professionals for the site and building construction and approved by the Building Commissioner and Town Engineer.

Final Site Plan Review Drawings

28. One (1) hard copy and one (1) digital copy of the final revised plans shall be submitted to the Planning Department.

Miscellaneous:

29. The applicant shall submit a written description of the guidance or recommendations that the applicant will be providing to tenants on the topic of finding legal parking spaces in downtown Amherst.

30. The Planning Board approves the location of the propane tank subject to receiving information about the size of the tank and the required setbacks and subject to a variance being issued by the state and subject to the support of the Amherst Fire Department.
31. The applicant shall provide calculations prepared and stamped by a Registered Land Surveyor or Registered Engineer regarding the average finished grade on the street side of the building, from which the height of the building will be measured.
32. Outdoor cooking of any type or fire pits shall not be permitted on patio areas adjacent to the units due to distance and separation issues noted by the Fire Department.
33. A final drawing of a proposed accessible drop-off area in front of the building in the town right-of-way shall be submitted to the Planning Department for review. After review by the Planning Department the drawing shall then be submitted to the Select Board for review prior to the issuance of a Building Permit. The Select Board may then decide whether to approve or not approve the proposed drop-off area.
34. The applicant shall submit a plan for bicycle parking and storage, both inside of the building and on the site, prior to the issuance of a Building Permit.
35. The applicant shall incorporate screening or window film or other appropriate type of glazing on the windows on the south side of the building to prevent glare from the sun shining into the town right-of-way and adjacent properties.
36. There shall be no short term rental (30 days or less) of vacant apartment units.
37. Approval of the Site Plan Review and Special Permits SPR2018-16 & SPP2018-04 – Archipelago Investments LLC – 26 Spring Street shall constitute the rescinding of the Site Plan Review (SPR2017-10) approval and Special Permit (SPP2017-03) granted in 2017 for construction of a mixed-use building and modification of lot coverage and rear setback requirements.
38. Prior to the issuance of a Building Permit a thorough structural and geotechnical analysis shall be made of the area at the rear of the proposed building adjacent to the retaining wall at the Police Station to confirm that there will be no impact on the retaining wall or on the property of the Police Station as a result of construction of the proposed building both during and after construction.
39. In accordance with the Amherst Planning Board Rules and Regulations, Article II, Section 4, Fees, the Planning Board, upon the advice of the Director of Facilities or the Building Commissioner, may impose project review fees for the services of a structural and/or geotechnical consultant for a third party review of the structural and geotechnical analysis required in Condition #38 above. Failure to pay the review fee may result in the denial of a Building Permit.
40. The Public Arts Commission has offered to meet with the applicant to discuss the inclusion of public art in this project. If public art is proposed for this site, the proposal for choosing and siting the public art shall be presented to the Planning Board at a public meeting for review and approval prior to its installation.

III. PLANNING & ZONING

- A. ZSC Report – Ms. Brestrup reported that the ZSC has not met recently. At the last meeting on June 20th the ZSC was working on a list of recommendations to pass on to the future Town Council.
- B. Public Comment – none

- C. Other – none

IV. OLD BUSINESS

- A. SUB2007-00006 – Apple Brook Cluster Subdivision – Paul Cole – Request release of Lots 1, 2, 3, 5, 6, 7 & 8

The Board could not act on this request because they had not yet received a report from the Town Engineer, Jason Skeels, regarding the status of the infrastructure. The Board agreed to meet on August 8th at 6:00 p.m. to take up the request again in the hope that they would receive a report from the Town Engineer by then.

- B. PA 85-6 Newmarket Center – 6-22 University Drive – Hospice Shop – new signs – previously approved earlier in the evening.
- C. Letter from Van Kaynor regarding referral of Article 34 from Annual 2018 Town Meeting – proposed rezoning of land in North Amherst from R-L to R-LD – Mr. Kaynor appeared to present his letter. Ms. Brestrup explained that the Zoning Subcommittee was interested in following up on his ideas and promised to notify him when the topic was on the ZSC agenda. Mr. Jemsek encouraged Mr. Kaynor to obtain information about wells, depth, casing length, yield in the area. He noted that the older wells often do not have records.
- D. SUB2018-01 – Elsie Fetterman – 148 Logtown Road – Echo Woods II Subdivision – resign Certificate of Amherst Planning Board Decision Amended Definitive Subdivision Plan – The Board re-signed the Certificate with the note added to the effect that “Such modification, amendment or rescission does not affect any lot or rights appurtenant thereto in such subdivision which lot was conveyed or mortgaged in good faith and for valuable consideration subsequent to the approval of the subdivision plan.” This note is required by the Registry of Deeds prior to recording.

- E. Request for refund of application fees for the following Preliminary Subdivision Plan applications that were filed but not reviewed by the Planning Board:

SUB2018-02/M45753 – W.D. Cowls – “Clark Estates” – Off Leverett Road & East Leverett Road; SUB2018-03/M45754 – W.D. Cowls – “Pulpit Hill Estates” – Off Pulpit Hill Road & Montague Road; SUB2018-04/M45761 – W.D. Cowls – “Keet Haskins Estates” – Off Market Hill Road & East Leverett Road; SUB2018-05/M45764 – W.D. Cowls – “Flat Hills Estates” – Off Shutesbury Road; SUB2018-06 – W.D. Cowls – “Johnson-Ruder Estates” – Off Market Hill Road, Flat Hills Road & Overlook Drive; SUB2018-07 – W.D. Cowls – “Eastman Estates” – Off Henry Street, Market Hill Road & Flat Hills Road

Ms. Brestrup explained the request from Cinda Jones of W.D. Cowls to have the application fees refunded for the six Preliminary Subdivision Plans that had been submitted. The legal ads had never been published and the applications were withdrawn after Article 34, a proposal to rezone the property, failed at Town Meeting. Town staff had not spent time analyzing the submissions.

Mr. Stutsman MOVED to approve the request to refund the application fees. Ms. Gray-Mullen seconded. Mr. Kaynor spoke in support of the request. The vote was 6-0-0.

- F. 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 the following ANR plans:

ANR 2018-15 W.D. Cows – 134 Montague Road

ANR 2018-16 W.D. Cows – Leverett Road

Ms. Brestrup explained an ANR application that was expected to come in from the Town of Amherst regarding the Epstein property on Bay Road in South Amherst and asked the Planning Board to authorize the chair or vice chair to endorse the plan when it was submitted. The Board agreed.

VII. UPCOMING ZBA APPLICATIONS – the Board declined to review the following ZBA applications:

ZBA2019-01 – Rick Hanks, 421-433 North East Street – non-owner-occupied duplex

ZBA2019-02 – Nina Weyl – 103 High Street – Amend Special Permit to convert existing accessory space at single family dwelling from yoga studio & studio apartment to two-bedroom apartment

ZBA 2019-04 – Ray Mann – 974 – 982 East Pleasant Street – modify ZBA 2009-28 to add a man-made pond

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – none

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS – no reports

Pioneer Valley Planning Commission – Jack Jemsek and Christine Gray-Mullen

Community Preservation Act Committee – Pari Riahi

Agricultural Commission – Stephen Schreiber

Design Review Board – Michael Birtwistle

Amherst Municipal Affordable Housing Trust – Greg Stutsman

Zoning Subcommittee – Rob Crowner, Greg Stutsman and Maria Chao

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman and Christine Gray-Mullen

Downtown Parking Working Group – Christine Gray-Mullen

X. REPORT OF THE CHAIR – Mr. Schreiber welcomed the arrival of August.

XI. REPORT OF STAFF – none

XII. ADJOURNMENT

The meeting was adjourned at 9:40 PM.

Respectfully submitted:

Approved:

Christine Brestrup
Planning Director

Stephen Schreiber, Chair

DATE: _____

ATTACHMENT #1

TO: Members of the Planning Board
FROM: Michel Birtwistle
SUBJECT: Current Proposal for 26 Spring Street
DATE: JULY 31, 2018

Ladies and Gentlemen:

I regret that I am unable to the meeting of the Planning Board on August 1, 2018 but I have several comments concerning the 26 Spring Street project that I wish to have included in the record and reproduced in the minutes of the meeting.

By this letter, I urge the Planning Board to find that (in contravention of Zoning Bylaw 10.395) the proposal does “...create disharmony with respect to the use, scale and architecture of existing buildings in the vicinity...” and should therefor not be approved.

I come to this position because I believe, for the following reasons, that the current proposal violates both the spirit and the letter of the applicable Design Review Guidelines and is significantly inferior to the one previously submitted. I urge that the current proposal be rejected and that the currently permitted project proceed as previously authorized.

1. The current proposed design is more monolithic and therefore less appropriate to the surrounding environment than was the initial proposal. While no smaller, the previous design, with its dormers and more modest fenestration, was significantly more in keeping with Grace Church and the Lord Jeffrey Inn, the site's closest major neighbors. Design Review Standards (Zoning Bylaw 3.2041 (4) requires that the Design Review Board determine whether “The shape of roofs, windows, doors and other design elements (are) compatible with the architectural style and character...of its surroundings.” In the board's view, they are not compatible. The current proposal also violates the General Principle stated in 3.2040 (4) that “Contemporary design for new structures...should not be discouraged when such new development ... is compatible with the design character of the surrounding environment.” I believe the current proposal is not compatible and therefore should not be approved.
2. The reduction of in the number of previously permitted one and two bedroom units in favor of additional studio apartments is a significant reversal of Archipelago's original presentation which emphasized bringing families to reside downtown. That, in my view, was a sound reason to support the project. Now, however, the target market is said to be graduate students, a rather more transient demographic which differs markedly from the more stable empty-nester and young family orientation of the original plan. The original plan was good for downtown Amherst. The current revised plan is not.
3. The abandonment of underground parking spaces (which were provided in the original proposal) and the likely removal of a few current on-street parking spaces will exacerbate the already crowded Spring Street parking situation. This is a big step in the wrong direction.

4. The original presentation called for a gallery space in the first floor, perhaps operated in conjunction with Amherst College. This seemed to offer an excellent opportunity to bring a space devoted to the arts to a central downtown location. Now the proposal calls for yet another coffee shop. Don't we have enough of those in the downtown already?

I voted to approve the previous proposal because I believed it represented responsible social and cultural development – and therefore was a plus for Amherst's downtown. However, the revised proposal has eliminated all the elements which made it, in my view, sensible development. Therefore, I urge the Planning Board to exercise its responsibility and authority under 11.2501 to deny Site Plan approval on the grounds that “the project does not meet the requirements of Section 11.2”.

These requirements are specified in 11.2420: “...the Permit Granting Authority shall, if it deems the proposal likely to have a significant impact on its surroundings, be permitted to use the design principles and standards set forth in Sections 3.2040 and 3.20401, 1) through 9)…” (emphasis mine)

The design principles and standards 1) through 9) each require “compatibility with...the surroundings”. In this regard, I draw your attention to sub-sections 1) Height, 2) Proportions, 3) Relation of Structure and Spaces, 4) Shape, 6) Scale and 7) Directional Expression – all of which are not compatible with the proposed building's surroundings. The final sentence of 8), in reference to architectural details, is particularly telling in summing up the obvious failure of this proposal to meet Design Review Standards: “In the downtown business districts, these details should blend with their surroundings to create a ... unified streetscape.”

The same concerns are again specified in 11.2421 which requires that “The development shall be reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development.” (emphasis mine).

Finally, it is worth noting that The Design Review Board, in its meeting of July 31, voted 3-1 to recommend the Planning Board not approve the recent proposal.

Again, I apologize for not being with you to present and, if necessary, argue these objections. I hope you will be attentive to the Design Review Board's thoughtful conclusions and consider the above issues carefully. And I urge you to exercise the Board's legal authority and civic responsibility by denying Site Plan approval.

I look forward to meeting with you all again soon.

Michael Birtwistle