

AMHERST PLANNING BOARD
Wednesday, August 27, 2019, 6:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Michael Birtwistle, Maria Chao, Christine Gray-Mullen, Acting Chair, Jack Jemsek, David Levenstein, Janet McGowan

ABSENT: Pari Riahi

STAFF: Christine Brestrup, Planning Director
Pamela Field-Sadler, Administrative Assistant

6:05 pm: Vice Chair Christine Gray-Mullen opened the meeting and explained she would serve as the Acting Chair for this meeting; other Board members agreed by consensus.

I. MINUTES

Mr. Birtwistle moved to approve the Minutes of June 19, 2019 as written. Mr. Jemsek seconded.

VOTE: 5-0-1 to approve **ABSTAINED:** McGowan

Mr. Birtwistle moved to approve the Minutes of June 26, 2019 as written. Mr. Levenstein seconded.

VOTE: 4-0-2 to approve **ABSTAINED:** Jemsek, McGowan

Mr. Birtwistle moved to approve the Minutes of July 24, 2019 as written. Mr. Jemsek seconded.

VOTE: 5-0-1 to approve **ABSTAINED:** Chao

II. PUBLIC COMMENT PERIOD – None

VII. OLD BUSINESS

B. SPR2017-13 – Craig’s Doors, A Home Association, Inc., 434 North Pleasant St. Condition #1 – Landscape Plan for area behind trailer at First Baptist Church
Mr. Gerald Gates introduced himself and explained he is presenting a landscape plan intended to screen the area behind the trailer currently used by Craig’s Doors as a Resource Center on the First Baptist Church property. Mr. Gates stated Craig’s Doors and First Baptist Church are concerned about a visually impermeable landscape screen which potentially could create an obscure area where people might hide. Mr. Gates is proposing to plant ornamental grass that grows to approximately 7’ tall and does not break down during the winter. During the summer, the plan is to add annual flowers to include more color in the landscape palette.

Ms. Chao reported on the site visit and noted the following observations:

- The trailer used as a Resource Center by Craig’s Doors was visible, as well as two, approximately 12’, utility trailers.
- The storage area behind the trailer is much tidier than it was at the original site visit.
- There was a stainless steel table with tools covered by a tarp.
- There were grasses planted approximately 6’ to 8’ apart; flowers were not planted yet.

In answering questions from the Board, Mr. Gates shared the following:

- At the time the SPR application was submitted, Mr. Gates was President of Craig's Doors and came before the Board to present the request. Although he is no longer President of Craig's Doors, Mr. Gates stated he is authorized to represent Craig's Doors in this matter.
- The First Baptist Church will be responsible for the maintenance of the landscaped area.
- The Resource Center is open year round.

Ms. Gray-Mullen asked if the trailer is considered a temporary use. Ms. Brestrup explained the trailer is considered temporary, however, there is no end date. The church hopes to expand their building and incorporate a year round shelter into the building.

Ms. Brestrup will check the site in the future to ensure the space remains organized and tidy.

Public Comment – None

Ms. Chao made the motion to approve the Landscape Plan as submitted and agree that it meets the requirements of SPR2017-13 Condition #1. Mr. Birtwistle seconded.

VOTE: 6-0-0 to approve

III. PUBLIC HEARING – SITE PLAN REVIEW AND SPECIAL PERMIT SPR 2020-01 & SPP 2020-01 – 462 Main Street LLC – Center East Commons

Continued from July 24, 2019

Joint public hearing to request Site Plan Review approval to construct a mixed-use building on the easterly side of the property, containing 16 dwelling units & one professional office space, including site improvements, under Section 3.325 to be co-located with the existing commercial building containing 7 office spaces, under Section 3.358 and in accordance with Section 3.01 & demolition of the existing accessory building. Request Special Permit to extinguish Special Permits ZBA FY2018-08, ZBA FY2005-18, ZBA FY2004-00034, ZBA FY1998-00024, ZBA FY1980-00071 & any other Special Permits currently or previously associated with the site (B-N Zoning District, Map 14B, Parcel 68)

6:30 p.m. Ms. Gray-Mullen stated this public hearing is continued from July 24, 2019 and read the application description.

Ms. Brestrup stated Ms. Chao has presented a written statement verifying she has met the requirements of the Mullin Rule and is eligible to participate in the vote.

There were no Board disclosures.

Attorney Tom Reidy, Bacon Wilson, P.C., John Wroblewski, owner and manager of 462 Main St., and Architect Kristine Royal, Maple St. Architects, were present. Attorney Reidy summarized the July 24, 2019 meeting, and explained the focus of their presentation would be to review the Architectural Plans and answer questions. Attorney Reidy also stated that the Photometric Plan, Parking Management Plan, Complaint Response Plan, draft commercial and residential leases and lighting cut sheets are available for review as requested.

Ms. Royal showed a rendering of the west façade of the proposed mixed-use building, and explained the design incorporates differing roof heights and varying building section setbacks to address the massing and scale of the building running north to south on the site. A rendering from Main St. depicts the existing building on the left side and the proposed building on the right side. The building frame is Garrison style with a short, porch like overhang on the first floor. Ms. Royal stated clapboard and shingle siding are proposed for

the exterior of the building in order to unify the site with the existing Main Street surroundings.

The Board reviewed the site plans showing the existing curb cut from Main St., the proposed parking plan, the side and rear setbacks and the 37' to the midpoint of the roof adhere to the dimensional requirements, and the stormwater management system. Although not shown on the site plan, Attorney Reidy pointed out that a step and light located behind the southeast corner of the proposed building have been removed; a final set of updated plans will be submitted.

The Board reviewed the Lighting Plan. Ms. Royal explained there are three types of lights proposed for the site. The applicant proposes three 12' pole lights; one pole light located at the north end of the site, one in the landscaped center island, and one near the site entry. The design includes bollard lights along the pathways and parking edge; recessed canopy lights are planned for the porch like overhang and entries along the west side of the building. All the lights are specified as 3000K and no less than 70 for a color rendering index; all the lights will be dark sky compliant.

Ms. Royal explained the details of the Photometric Plan noting the plan shows 0 footcandles (fc) along the site edge, 1 fc across the parking lot and 4 fc at the brightest spots. Ms. Royal stated there is an existing light pole at the edge of the site which was excluded from this study.

The Board reviewed the existing sign. Ms. Royal stated the plan is to refurbish the existing sign. The sign will not be made larger and will remain in the same location. The name of the proposed residential center and the new business name will be added. Landscaping of the site, primarily along the parking and edges of the new construction, will incorporate trees, shrubs and plantings.

There was a discussion regarding the trash room area; the door to the trash room is currently on the north side; however, the plan includes relocating the door to the east side. Ms. Royal explained the plan includes adding a bollard light for the walkway in this area. There are two existing wall sconces and 1 service mounted light in the trash room area which are intended to be retained and consistent with the new lighting standards. Additionally, Attorney Reidy assured the Board that the sign lighting will be functioning and focused on the sign.

Ms. McGowan asked about the applicant's policy to exclude undergraduate students as tenants and asked how this is enforced. Mr. Wroblewski stated students are not a protected class; the policy will be enforced through the application process. Mr. Wroblewski does not rent to undergraduate students at the existing building on the site; however, he has a rental property down the street where undergraduate students are tenants. Attorney Reidy added that Mr. Wroblewski avoids discrimination by engaging marketing strategies that attract professionals and families.

Mr. Birtwistle asked if Mr. Wroblewski would accept an undergraduate student as a tenant. Mr. Wroblewski stated in adhering with his policy that he would not, and pointed out that some marketing sites available specifically state "no undergraduates."

Mr. Birtwistle pointed out that other development projects have been told it is impossible to discriminate against undergraduate students as tenants; however, in this case we are told the developer has the ability to exclude undergraduates. Ms. McGowan noted the Amherst Housing Market Study recommends that Amherst needs to provide more non-student housing.

Mr. Levenstein inquired how the applicant expects to address subletting or a short-term rental such as an Air B&B. Mr. Wroblewski stated he will manage his policy in the same manner as his other properties. Any potential sub-lessee will undergo the required application process as a new tenant. Attorney Reidy stated he has not vetted the short-term rental question with the applicant yet. The Board discussed the possibility of imposing a condition regarding short term rentals. Ms. Brestrup explained the state is developing regulations for Air B&B's that the town intends to consider carefully. Ms. Brestrup will keep the Board apprised of any new information.

Ms. McGowan asked the applicant to confirm the request for a parking waiver under Section 7.910 of the Zoning Bylaw. Attorney Reidy stated the parking waiver request is twofold and Section 7.910 addresses the parking needs for the complementary use of the proposed building. Attorney Reidy additionally confirmed the applicant requests a waiver from Section 7.0000 requiring two parking spaces per residential unit. The application proposes one parking space for each 1 and 2 bedroom unit, and two spaces for each 3 bedroom unit. Attorney Reidy noted the parking restrictions will be explicit in the lease. Mr. Wroblewski stated his experience is the need for tenant parking is trending down, and there is room for overflow parking at the existing building.

Ms. McGowan asked the applicant to clarify the compelling reasons for safety aesthetics or site design that support the parking waiver request. Attorney Reidy responded stating that this area was re-zoned for this type of mixed-use building. The site is linear by nature and dictates parking on both sides of the drive aisle. The building was designed in an effort to remain consistent with the scale and aesthetics of the neighborhood. Mr. Wroblewski added he is also trying to save two maple trees on the site which provide shade to the neighboring properties. Mr. Wroblewski also explained the 6' fence shown on the plans has been installed; the neighbors appreciate the additional privacy this fence provides.

Ms. Chao expressed her appreciation for the stepped down architectural design at the street to keep to the scale of the existing houses. Additionally, Ms. Chao asked if the applicant intends to designate business and residential parking, as well as the plan for parking during construction. Mr. Wroblewski stated he is not planning to designate the parking, and reminded the Board he has an agreement with the VFW located across the street from the site for contractor parking during construction.

Ms. Gray-Mullen explained the applicant had appeared before the Historical Commission (HC) for approval of a garage demolition. The HC deemed the garage historical and issued a 12-month delay. Attorney Reidy stated the HC did not deem the garage significant in the past. The delay could be lifted sooner if Mr. Wroblewski can demonstrate the building is unfeasible to retain. Any changes, especially in regards to the parking, to the site plan will need to come back to the Board for approval.

Public Comment – None

Mr. Birtwistle shared his opinion that the proposed design solves all the aesthetic issues that in-fill development raises in Amherst, and commended the architect and developer for creating a project which fits beautifully into the existing landscape. Ms. McGowan agreed this is an attractive project, and noted the application packet was very well prepared.

Mr. Levenstein made the motion to suspend the proceedings for SPR 2020-01 & SPP 2020-01 – 462 Main Street LLC – Center East Commons until later in the meeting. Ms. Chao seconded the motion.

VOTE: 6-0-0 to suspend the proceedings to consider other items on the agenda.

IV. PUBLIC HEARING – SCENIC ROADS – JOINT HEARING W/ TREE WARDEN

Scenic Road tree removal – for construction of a mixed-use building and site improvements in the town Right-of-Way – 133 – 143 South East Street (Map 15C, Parcels 3 & 4)

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

- 6 – 18’ Arborvitae on northern property line
- 1 – 42” Catalpa
- 1 – 24” Spruce
- 1 – 22” Spruce (dead)
- 1 – 14” Crabapple
- 1 – 6” Hickory or Elm
- 1 – Swamp White Oak (to be transplanted by the town)

Several large Oaks & a Red Maple on southern edge that might have impact to roots as a result of grading

Ms. Gray-Mullen read the preamble and opened the public hearing. Ms. Brestrup presented photographs of the Catalpa tree and the Spruce tree proposed for removal. She noted that the Catalpa tree is splitting and is being held up by cables and that the Spruce tree, while healthy, has a split trunk.

Alan Snow, Tree Warden for the Town of Amherst, presented and read a memorandum that he had written regarding the condition of the trees that are proposed to be removed. Mr. Snow stated that all of the Board members, except Ms. Chao, had visited the site.

Mr. Snow stated that the Catalpa tree poses a low to moderate risk now, because the land around it is not heavily used. However, increased use around the tree, such as people coming onto the site and construction, will increase the risk.

Ms. Brestrup explained that in order for a public shade tree on a Scenic Road to be removed, both the Tree Warden and the Planning Board have to approve the removal. In this case we have received two letters of opposition to the removal. If the Tree Warden and the Planning Board both agree to the removal of the trees, the case will go to the Town Manager for final approval, because of the receipt of the letters of opposition.

Mr. Snow stated that he recommends removal of the trees. He explained that the money received from the applicant for removal of the trees goes into a tree planting fund for new trees to be planted around town.

The applicant has a planting plan that includes new trees to be planted in the public way.

Mr. Snow described the Catalpa as an old tree that is fast-growing and weak-wooded. The proposed project on Mr. Mikhchi’s property will change the grading around the trees and most trees cannot tolerate a change of grade.

There was further discussion about the condition of the trees and the memorandum written by Mr. Snow as well as the report that had been written by the applicant’s consultant, Charles McCarthy.

There was discussion about how much it would cost to save the tree in the long run.

Henry Lappen, Chair of the Public Shade Tree Committee (PSTC), stated that the PSTC had voted in favor of maintain and preserving the tree. It could live for decades, he said.

Charles McCarthy, the consultant who wrote the tree risk report, stated that the Catalpa has cavities in the leaders, as well as the trunk. It is susceptible to winter damage and is highly susceptible to

failure. The Spruce is very tall. Its two leaders are likely the result of storm damage. It will more than likely fail again.

Amir Mikhchi, the applicant, stated that he had taken care of the trees over the years, and intended to save the Catalpa tree, but the risk report points out that there are risks to saving the tree. Any type of development on the site will have an impact on the tree. Mr. Mikhchi wants to preserve the safety of the public, by preventing injury from the trees.

Mr. Levenstein moved that the Planning Board accept the recommendation of the Tree Warden for removal of the trees and to accept the recommendation of the Tree Warden for the compensation to be paid to the town for tree removal, and to close the public hearing. Ms. Chao seconded.

Mr. Birtwistle spoke in favor of preserving the trees. This is public property. The PSTC supports preservation of the trees. The issue is driven by the proposed project. If there is no project, there is no tree problem, he said. The trees are an environmental asset. He will vote “no” on the motion, although there is no guarantee of survival of the trees.

Ms. Chao spoke in support of the request for removal. This project gives something back to the town. The town needs housing, she said.

Mr. Snow noted that his decision was not made lightly. People will notice the void where the trees once were. However, the town wants a healthy tree canopy and species diversity.

Board members noted that Mr. Mikhchi is proposing to plant at least 12 trees along the front of the building.

There was further discussion about the relationship between the status of the trees and the proposed new development. The trees are beautiful but lack structural integrity, Mr. Levenstein noted.

VOTE: 5-1-0 to approve

OPPOSED: Birtwistle

The Board took a brief break at 8:30 p.m. and returned to the meeting at 8:40 pm.

V. PUBLIC HEARINGS – SITE PLAN REVIEW AND SPECIAL PERMIT

SPR 2019-07 & SPP 2019-04 – Amir Mikhchi – South East Street Court Housing – 133 & 143 South East Street – continued from July 24, 2019

Joint public hearing to request Site Plan Review approval to construct a new 3-story mixed-use building with 62 apartment units, 1358 sq. ft. of retail space and associated site improvements and work in the town right of way, under Section 3.325 of the Zoning Bylaw & request a Special Permit to modify the front and side setback requirements under Footnote “a” of Table 3, Section 6 of the Zoning Bylaw (B-VC Zoning District, Map 15C, Parcels 3 & 4)

After a brief discussion with Mr. Mikhchi and his consultant about the time needed to review the applications Board members decided to continue the public hearing to September 18, 2019.

Mr. Levenstein moved to continue the public hearing for SPR 2019-07 & SPP 2019-04 – Amir Mikhchi – South East Street Court Housing – 133 & 143 South East Street to September 18, 2019. Mr. Birtwistle seconded.

VOTE: 6-0-0 in favor of continuing the public hearing to September 18, 2019.

III. PUBLIC HEARING – SITE PLAN REVIEW AND SPECIAL PERMIT

SPR 2020-01 & SPP 2020-01 – 462 Main Street LLC – Center East Commons

8:45 p.m. Ms. Gray-Mullen announced that the public hearing would now be resumed after having been suspended earlier in the meeting.

The Board discussed findings and conditions.

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;
- 11.2401 – Town amenities and abutting properties will be protected through minimizing detrimental or offensive actions; the proposed use of the property (residential and office uses) is unlikely to create detrimental or offensive actions; these uses are both allowed in the B-N zoning district by Site Plan Review;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use; lights will be downcast and/or shielded;
- 11.2403 – Provision of adequate recreational facilities, open space and amenities has been addressed because there is adequate space on the site for recreation;
- 11.2410 – Unique or important natural, historic or scenic features will be protected; the Historical Commission has reviewed the proposed demolition of the garage and has imposed a 12-month demolition delay on the removal of the garage; the historic building that now houses offices will be retained;
- 11.2411 – The project provides adequate methods of refuse disposal as described in the Management Plan; trash will be collected in an enclosed section of the rear of the existing building and will be picked up by Amherst Trucking twice weekly;
- 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 as well as preservation of some of the existing mature 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; 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 exterior lighting be downcast and/or shielded and not shine onto adjacent properties;
- 11.2418 – N/A;
- 11.2419 – N/A;
- 11.2420 – The Planning Board did not choose to refer to the design principles and standards set forth in Sections 3.3040 and 3.2041 of the Zoning Bylaw because the Planning Board stated that the project was well designed and fit well into the surrounding neighborhood;
- 11.2421 – The development is reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development; the development complies with the dimensional requirements of the Zoning Bylaw;
- 11.2422 – N/A;
- 11.2423 – There is more than one building on the site, and the buildings relate harmoniously to each other in architectural style, site location and building exits and entrances;
- 11.2424 – Screening has been provided as appropriate, via a fence along the western and northern property lines;
- 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; the parking lot has been carefully designed to allow back-up and turning

- movements and pedestrian circulation; and a condition of the permit will require that vegetation at the entrance drive be trimmed to improve sight distance along Main Street;
- 11.2431 – The existing curb cut on the property will be retained and improved;
- 11.2432 – The location and design of parking spaces, bicycle racks, drive aisles, loading areas and sidewalks has been provided in a safe and convenient manner;
- 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; however the applicant did submit a statement from F.A. Hesketh & Associates, Inc. with estimated trip generation figures;
- 11.2437 – N/A.

Draft Conditions

General

1. Development shall be built substantially in accordance with plans submitted to the Planning Board and approved on August 27, 2019. Insubstantial field changes may be approved by the Building Commissioner.
2. Development shall be managed substantially in accordance with Management Plan submitted to the Planning Board and approved on August 27, 2019.
3. Upon a change of ownership, or if the property is no longer managed by John Wroblewski, 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.
4. A Sign Plan shall be submitted to the Planning Board for its review and approval at a public meeting, prior to installation of new signs. Existing signs have been approved as proposed.
5. All exterior lighting shall be dark sky compliant. Exterior lighting shall be downcast, shielded and shall not shine onto adjacent properties or streets.
6. 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.
7. Changes to the project and/or substantial changes to any approved site plans or to the exterior of the building 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 Special Permit or Site Plan Review approval.
9. 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.
10. One (1) hard copy and one (1) digital copy of the final revised plans shall be submitted to the Planning Department.
11. The office space shall be available to be rented by a member of the public and shall not be used solely as the management office for the proposed mixed-use building.
12. Shrubs and vegetation that block the sight distance on the east side of the driveway entrance shall be cleared.

13. The applicant shall install an electric vehicle charging station with two charging ports.
14. The applicant will investigate the installation of solar panels and install solar panels if feasible.

Construction

15. Prior to issuance of any Building Permit, a pre-construction meeting shall be scheduled with the applicant, the applicant's contractor, the Town Engineer, the 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
16. A written construction fire management plan shall be submitted to the Fire Chief and Building Commissioner, prior to the issuance of a Building Permit.
17. A Construction Logistics Plan shall be provided at the pre-construction meeting and shall cover the following items:
 - 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. Details and locations of directional, marketing and job signs related to construction;
 - f. Emergency contact information, such as name and cell phone number of developer and contractor;
 - g. Information about construction signs, including advertising signs for contractor, developer and architect;
 - h. The company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on the Project Site
 - i. Proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work;
 - j. Any other relevant information that they may request.
18. The Construction Logistics Plan shall be subject to the following conditions:
 - a. Construction activity shall occur only between 7:00 AM and 7:00 PM, Monday to Saturday, unless written consent is provided by the Chief of Police. Interior construction activity may be allowed on Sunday, if written consent is provided by the Chief of Police.
 - b. Parking for contractors shall be restricted to the Project Site, unless written permission is submitted to the Building Commissioner for parking elsewhere.
 - c. There shall be no parking or idling of construction trucks and equipment in any public right of way.
 - d. Any blasting or hammering of rock or material to be noticed to Town Officials and abutters 24 hours in advance and completed between 9:00 AM and 3:00 PM.
19. 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.
20. There shall be no exterior construction activity, including fueling of vehicles, on the Project

Site before 7:00 a.m., or after 7:00 p.m., Monday through Saturday, unless written consent is provided by the Chief of Police. There shall be no construction on the Project Site on the following legal holidays: New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas. The Applicant agrees that the hours of operation shall be enforceable by the Amherst Police Department and/or Inspection Services.

21. The Project Site shall be fenced during construction.
22. Appropriate measures shall take place to control dust, dirt, debris and construction materials on site.
23. Prior to and during construction, physical barriers shall be installed to provide tree protection along the limit of the clearing line. Erosion controls and tree protection measures shall be continuously maintained throughout the course of construction.
24. All catch basins shall be protected from soil and debris contamination during construction and shall be cleaned at the end of construction.
25. No stumps, demolition material or construction debris shall be buried or disposed of at the project site.
26. The Town Engineer and Building Commissioner shall inspect the construction of the entry driveway and all onsite paved areas for conformance to Town Standards.
27. The Applicant shall provide As-Built Plans that show building locations, grades, access ways, parking areas, sidewalks and walkways, curbing, stormwater management facilities, lighting and utilities to the Building Commissioner, Town Engineer and to be placed with the Site Plan Review decision in the Planning Department.
28. The final Certificate of Occupancy shall not be issued until:
 - a. The final topcoat of paving for all driveways and access 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 have been approved by the Building Commissioner and Town Engineer.

Waivers

- Section 7.91 – peak parking occurs at different times for different uses
- Section 7.104 – up to 50% of parking spaces may be for small cars (8’ x 16’)
- Traffic Impact Statement

The Board discussed the motions that they would need to make, including a motion to close the public hearing and motions to approve the Site Plan Review application and the Special Permit application.

Attorney Reidy explained again that the property at 462 Main Street was formerly zoned General Residence, however, the property is now in the Neighborhood Business zone. The applicant is requesting the Board, under Section 10.33 of the Zoning Bylaw, to extinguish any Special Permits currently or previously associated with the site, because a Special Permit is no longer required for office uses in this zoning district.

The Board determined to make separate motions for the Site Plan Review and Special Permit applications.

Mr. Birtwistle MOVED to extinguish the Special Permits enumerated in the application, and any Special Permits currently or previously associated with the site, and to find that the decision to extinguish the Special Permits is consistent with the purposes and intent of the Zoning Bylaw, as required by Section 10.33 of the Zoning Bylaw, and a public hearing has been held. Ms. Chao seconded.

VOTE: 6-0-0 to approve the extinguishing of the Special Permits.

Mr. Levenstein MOVED to close the public hearing and to approve the Site Plan Review application with findings, conditions and waivers as enumerated. Ms. Chao seconded.

VOTE: 6-0-0 to approve the Site Plan Review application.

IV. PLANNING & ZONING

- A. ZSC Report – None
- B. Public Comment about ZSC Report – None
- C. Other – None

VI. OLD BUSINESS

- A. SPR2018-16 & SPP2018-04 – Archipelago Investments LLC – 26 Spring Street
Review and approval of submittals to meet conditions of Site Plan Review decision, required prior to issuance of Building Permit:

Condition #3 – detailed plans and information about site improvements

Condition #12 – complete Lighting Plan, Photometric Plan and details

Condition 14 – new location of streetlight that is to be relocated

Kyle Wilson and Dave Williams presented the materials that had been prepared to satisfy the conditions of the SPR decision.

Condition #3 – detailed plans and information about site improvements. Mr. Wilson noted that detailed plans had been presented on August 1, 2018, by Mr. Williams, but the

plans had not been submitted to the Planning Board. They are now being submitted to the Planning Board, along with a blow-up of the area along Spring Street, showing the proposed drop-off area. One of the questions during the public hearing in 2018 had been whether street trees would be proposed for the front of the project or whether parking would be proposed and what the applicant and Eversource would do with the power lines that were in Spring Street. Three utility poles adjacent to the site will come down and a fourth near Grace Church will come down.

Mr. Wilson explained that a lot of the work in the street has already been done by the Town and Amherst College as part of its improvements to the Inn on Boltwood (formerly The Lord Jeffery Inn).

Mr. Wilson described the new development that is proposed for 26 Spring Street, including a plan of the site, elevations of the building, details about the site improvements, including grading, landscaping, accessibility and drop-off area. The sidewalk will be removed during construction, in front of the site, and replaced in the same form as the existing. The existing light pole will be removed. Parking spaces along the street will be restriped. The small islands along the street will be removed. Mr. Wilson described the proposed materials of the paving, curbing and walls.

Condition #12 – Lighting Plan, Photometric Plan and details. Mr. Wilson presented the Lighting Plan, Photometric Plan and lighting details. There will be no off-site lighting impact, except around the entry to the building. Mr. Wilson stated that the lights will be at 3,000K or lower, meaning that the lighting will tend toward warmer colors.

Condition #14 – new location of streetlight to be relocated. The streetlight will be removed and will not be relocated. There is enough light on the building and ambient light in the street so that the streetlight will not be needed.

Ms. Chao MOVED to approve the submittals and information and to accept them as meeting the requirements of Conditions 3, 12 and 14 of Site Plan Review decision SPR2018-16. Mr. Levenstein seconded.

VOTE: 5-0-1 to approve (McGowan abstained).

VIII. NEW BUSINESS

- A.** Signing of Decision – SPR2019-06 & SPP2019-03 – Town of Amherst Dog Park – 95 Old Belchertown Road – The Planning Board signed the decision.
- B.** Downtown Planning – brief discussion about restarting the conversation – there was a brief discussion about downtown planning. Ms. McGowan noted that there is money available for hiring a facilitator or consultant to lead discussions about downtown planning. Planning Department staff will put together summary materials from the first and second planning forums and this topic can be brought up again in October.
- C.** Topics not reasonably anticipated 48 hours prior to the meeting

IX. FORM A (ANR) SUBDIVISION APPLICATIONS

The Planning Board endorsed the following ANR plans:

ANR 2020-02 – Emily Urquhart – 405 Market Hill Road – Map 3D, Parcel 36

ANR 2020-03 – Amherst Real Properties LLC – Leverett Road – Map 3A, Parcels 17 & 23

ANR2020-04 – Jeffrey Dykes – 84 & 86 East Leverett Road – Map 3C, Parcels 12 & 14

X. UPCOMING ZBA APPLICATIONS

The Planning Board requested an opportunity to review the following ZBA applications:

ZBA 2019 - 22 - Tip Up, LLC – 119 North Whitney Street – Special Permit for proposed non-owner occupied duplex

Solar project at landfill – not yet submitted

The Planning Board declined to review the following ZBA applications:

ZBA 2019-07 Nancy Gittleman – Request Variance to allow increase in number of residential units at 410 Old Montague Road

ZBA FY2019-17– Breck Group Amherst Massachusetts LP (Aspen Heights Residential Community) – coming back to ZBA to present information and materials to meet conditions of the decision

XI. UPCOMING SPP/SPR/SUB APPLICATIONS – none reported

XII. PLANNING BOARD COMMITTEE & LIAISON REPORTS – no reports

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

Community Preservation Act Committee – Michael Birtwistle

Agricultural Commission – Pari Riahi

Design Review Board – Michael Birtwistle

Amherst Municipal Affordable Housing Trust – vacant

Zoning Subcommittee – Maria Chao and David Levenstein

Downtown Parking Working Group – Christine Gray-Mullen

XIII. REPORT OF THE CHAIR – none

XIV. REPORT OF STAFF – Ms. Brestrup thanked the Planning Board members for their patience and fortitude during this lengthy 4 hour meeting.

XV. ADJOURNMENT

The meeting adjourned at 10:15 pm.

Respectfully submitted:

Approved:

DATE:

Christine Brestrup
Planning Director

Christine Gray-Mullin
Chair