

**AMHERST PLANNING BOARD**  
**Wednesday, August 6, 2008 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Jonathan Shefftz, Acting Chair; Eduardo Suarez, Susan Pynchon, Denise Barberet, Richard Howland, Jonathan O’Keeffe, Kathleen Anderson (7:38 PM)

**ABSENT:** Aaron Hayden, Ludmilla Pavlova-Gillham

**STAFF:** Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner; Jeffrey Bagg, Senior Planner; Sue Krzanowski, Administrative Assistant

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Mr. Shefftz opened the meeting at 7:09 PM, and announced that he would go directly to the public hearings.

**II. PUBLIC HEARINGS – SITE PLAN REVIEW APPLICATIONS**

**SPR2009-00001, New England Environmental, Inc. – Michael J. Marcus**

Mr. Shefftz read the preamble and opened the hearing for this request to construct two office buildings with associated storage buildings, parking and stormwater management systems, utilities, and landscaping, on a parcel of land on Larkspur Drive and Research Drive. (Map 21B/Parcel 81, PRP zoning district)

John Kuhn, Kuhn Riddle Architects, appeared on behalf of the applicants and introduced the following consultants present: Ann Marshall, Kuhn Riddle Architects; Chris Stidsen and Tom Hogan, Doucet & Associates; Andy Bohne, New England Environmental; Shaun Kelly, Vanasse & Associates.

Mr. Kuhn said that New England Environmental (NEE) is currently located on Research Drive and is proposing to build a new office building on a vacant lot on the site and put another similar office building on an adjacent parcel which it purchased. Just the first building will be constructed now, he said. The two, nearly identical buildings will be LEED certified, with low impact design for the site, he told the Board.

Mr. Kuhn said that they have consulted with various Town boards, held a neighborhood meeting, and focused on trying to do an appropriate development for Amherst. They have addressed Section 11.24, Design Guidelines, of the Zoning Bylaw, but he said there were 5 issues which he wanted to specifically address: (1) Traffic, (2) Lighting, (3) Parking Requirements, (4) Setbacks and (5) Sidewalks.

The buildings are expected to have a negligible impact on traffic as stated in the Traffic Impact Assessment which was submitted. The lighting will be focused on where it is needed, be low level and contained on site. Mr. Kuhn said that they have different calculations for the parking than the Town, but they are complying with the parking requirements by providing 78 spaces. They are also complying with the 50 foot side yard setback and will remove a proposed four-foot roof overhang if they have to, he said.

Although there is an existing sidewalk along Larkspur Drive, it is overgrown and impassable and proposed to be removed. Pedestrian traffic would be redirected to the east side of the property, and directed toward an existing bus stop further east on Old Belchertown Road.

Mr. Shefftz summarized the Site Visit report and noted that very little traffic had been observed at the time of the Site Visit. He noted that there were two bus stops nearby. Mr. Shefftz said that the Board had received an email from Patricia Ramsey and Fred Moseley listing concerns about the proposal, copies of which were available. Mr. Shefftz asked Mr. Kuhn to address the disparity between the number of parking spaces being provided and the traffic counts in the Traffic Assessment Report.

Mr. Kuhn said that they will lose one LEED point by providing more than the 53 required spaces. However, he said, they want to ensure that there are enough spaces for employees, visitors, and work vehicles the company owns. Green pavers will be used for the parking areas.

Mr. Suarez said that he wanted to commend the applicant for having an interest in LEED certification, but he felt that the 78 spaces proposed were too many and would support a plan with fewer spaces. He said that the project could be greener and noted that many other tools besides LEED certification are available.

Mr. Stidsen said that the parking was designed to meet the needs for both buildings in case the second building gets sold separately. It will be on its own lot. If the buildings are separated, each would need 31 spaces. There are a number of service vehicles that stay on the site at night, and a boat, Mr. Stidsen said. Grass pavers will be utilized.

Ms. Barberet asked about the height of the Patterson building, trailers, number of floors for the apartment and peak hours.

Ms. Pynchon asked if the business was changing at all with the expansion. Mr. Boehne said that because of increasing demand the business is expanding. NEE is bursting at the seams in its existing space, he said. The new building is intended to be a showcase for the firm's work, he said.

Additional items discussed by the Board and applicant's representatives included traffic counts, the rain garden in the north parking lot and the roof overhang.

Mr. Shefftz said that he would begin taking public comment. He noted that the use was allowed by right and asked the audience to address questions and comments which were relevant to the site plan review process.

Mary Streeter, 66 Larkspur Drive, said that she had not been notified about the hearing and was glad she found out about it. Ms. Streeter distributed handouts summarizing her concerns to the Board. Ms. Streeter said that the current sidewalk should be improved and maintained rather than removed. It serves as a path to the "other" bus stop (to the west on Old Belchertown Road), she said, where the buses stop for longer periods. More walking needs to be encouraged, Ms. Streeter told the Board. There is a sign that discourages people from walking on the sidewalk which goes through the Hart/Patterson building property, she said. Ms. Streeter also expressed concern about maintaining the residential character of the

neighborhood, adequate screening for the parking, HVAC, and dumpsters, and urged the Board to require a more comprehensive traffic study. Promises of the past have not been kept, she said, and asked when a formal traffic study will be required. Ms. Streeter applauded the green building standards proposed by NEE and urged the Board to allow less parking. Ms. Streeter said that her neighbor, Mr. Moseley, is out of town and is requesting that the Board continue the hearing to sometime in September so that more neighbors can attend and express their concerns.

Mr. Shefftz commented that this project would increase traffic on Research Drive, not Larkspur. Ms. Streeter said that Larkspur Drive is a popular shortcut to South Amherst, and some traffic generated by this project would come and go that way.

Paula Russell, 54 Larkspur Drive, said she is a direct abutter and she has good neighbors now. This is the only commercial piece in an otherwise residential area, she said. Hart & Patterson have put in appropriate landscaping and have maintained their property, but the owner/developer of the properties which are the subject of this application has used the site for dumping building material and has not maintained it. Ms. Russell asked the Board to require a sidewalk that functions, so that people can get to the bus stop. She asked that the lighting be kept down and expressed concern about a large stormwater detention basin proposed near the road.

The discussion about traffic/sidewalk(s) continued and suggestions were made about posting bus schedules, having adequate bicycle racks and providing showers for bike-riding employees.

Mr. Howland commented that he wasn't convinced that there would be measurable traffic as a result of this proposal.

Ms. Barberet asked what the difference was between a traffic assessment and a traffic study.

Shaun Kelly, Vanasse Associates, said that all of the elements of a full traffic study are included in the assessment, and the results of the assessment already indicated that the traffic would not rise to a level that would require a full study to demonstrate.

Ms. Streeter said that as each building has been built in the research park, it has had an incremental impact on the neighborhood. Neighbors have been asking for a Traffic Impact Study for a decade, she said. While it may not be necessary for this proposal, she said, it will be afterward to protect the neighborhood.

Mr. Suarez said he wanted it on the record that the Board should continue the hearing because the Board and staff had previously agreed to give ample notice to Ms. Streeter and the neighbors and that hadn't been done in this case.

Mr. Suarez MOVED: to continue the hearing. There was no second, and Mr. Shefftz said that he wanted to finish the public comment before closing the hearing.

Mr. Kuhn said that it was very important that the Board provide at least conditional approval tonight. A courtesy meeting had been held for the neighborhood, he said, and this evening's

hearing had been appropriately noticed. This is the kind of development Amherst should be seeking, he told the Board.

Ms. Russell said that she likes this project. She just wants good neighbors, she told the Board.

Kathryn Bryne, 37 Palley Village Place, requested more, larger plants for screening on the east side. Ms. Anderson suggested putting in a row of conifers.

Steve Klein, 67 Larkspur Drive, said that the removal of the sidewalk would be a real loss. It should be in the Board's purview to not allow removal of the sidewalk which leads to public transportation, he said.

Eva Franklin, 59 Larkspur Drive, said there have been so many broken promises. There's a lot of truck traffic to the development, she said. There is a bad curve and the speeding trucks prevent walking dogs or children playing in the street. Hart and Patterson has posted a sign "private property" which discourages use of their sidewalk.

At this point, Ms. Streeter showed a map to the Acting Chair and discussion continued about the sign at the Hart and Patterson property. Mr. Stidsen said that the sign is meant to allow people to use the walk but not go into Hart and Patterson's parking lot. The easement over which the sidewalk currently passes along the west side of the property is only for the town water line and doesn't mention the sidewalk or public access. Mr. Shefftz said that Hart and Patterson could block access to the sidewalk that runs through their property. Mr. Tucker said that a previous Site Plan Review Approval for that property included the walkway. Mr. Stidsen said that the Town could petition PVRTA to have the buses wait at the good bus stop.

Marcy Sala, 161 Pine Street, Town Meeting member, said that she was excited about the environmental responsibility of the project. The concerns are sidewalk and screening, she said. She urged the Board to approve the proposal with conditions and let the Town get the economic benefits.

Mr. Howland MOVED: to close the public hearing. Ms. Anderson seconded.

Mr. Tucker noted that since Ms. Anderson had missed the beginning of the public hearing, she should not participate in the vote.

Mr. O'Keeffe seconded the Motion.

Ms. Barberet asked if the Board could still receive written comments after the hearing is closed. Mr. Tucker said that Town Counsel has advised that no new evidence should be considered after the hearing is closed.

Ms. Pynchon said that she would vote against closing the hearing because she hadn't had a chance to review all the materials.

Ms. Brestrup stated that Town Counsel has advised that the only information which the Board should consider after the close of a public hearing is for clarification of previously submitted material.

During the discussion about whether to close or continue the hearing, Mr. Shefftz noted that five people would be needed for the vote. Given Board members' schedules, it might be difficult to achieve a quorum in September and/or even October. The discussion continued concerning whether the hearing should be closed or continued and who needed more time, or not, to review the materials. Ms. Anderson thanked Ms. Sala for her comments and said that businesses are reluctant to come to Amherst because "we" continually erect barriers and excuses.

Ms. Barberet stated that she agreed with Ms. Pynchon and said it would not be responsible for her to vote on the application at this time. She said she wanted more time to read all the pertinent materials.

Mr. O'Keeffe said he sympathized with Ms. Pynchon's and Ms. Barberet's comments and agreed that the accompanying materials were complex, but he felt the Board had a responsibility to respond to proposals and that he was in favor of closing the hearing and moving on. Mr. Shefftz agreed. Mr. Howland noted that he will not be at the next meeting. Mr. Shefftz noted that his availability for September and October is questionable.

Mr. Kuhn urged the Board to make a decision tonight, and suggested that any issues could be addressed by applying conditions. He told the Board that his client would like to take advantage of a solar tax credit which is due to expire by the end of the year.

Again, Mr. O'Keeffe said that Planning Board members have a responsibility to act in a timely manner. There are six people eligible to vote, he said, and two will not be available for the next meeting so there will be quorum issues.

Ms. Barberet noted that she prepares for Planning Board meetings in advance but because Town Counsel's opinion on the overhang had been received and submitted to Board members just earlier in the day, she had not had time to read it.

Mr. Tucker suggested that the Board could discuss setting conditions to see if that might resolve the issues.

Mr. Shefftz said that he would like to resolve the application that night and suggested reviewing the Development Application Report. Mr. Shefftz noted that there were no waiver requests. He said that the covered entrance for the residential unit is the only aspect that would infringe on the 50' setback requirement. Mr. Kuhn said that his client would be willing to remove the overhang so the setback would no longer be an issue.

There was considerable discussion about whether or not a Traffic Impact Study should be required or if the Traffic Impact Assessment was adequate for this proposal and whether or not a waiver would be needed. Mr. Howland said that this was an important project for the Town and the Board shouldn't make the applicant jump through unnecessary hoops, for a project that will not greatly increase traffic. Ms. Anderson asked if a traffic report would be required if the proposal was for residential units. Mr. Tucker noted it would not. Mr. Suarez, for the record, stated that he is very supportive of the proposal and it was a "complete myth that we're against business." Mr. Kuhn said that the applicant would be happy to request a traffic study waiver. There was some consensus on the Board that the

Traffic Impact Assessment contained sufficient information for this proposal, and the Board moved on through the report.

Mr. Shefftz noted that the neighborhood and Board support keeping the existing sidewalk but it wasn't clear how this could be accomplished. Mr. Kuhn said that the best solution would be to continue the sidewalk along Larkspur Drive. Mr. Boehne said that he would be willing to talk to Mr. LaVerdiere about the sidewalk. Various requests and suggestions were considered and Mr. Howland offered the following draft condition language:

The applicant agrees that the sidewalk will be located to meet the needs of the neighbors and themselves and will present a plan to the Planning Board for final approval and will do something about the sidewalk to the west of the property. Mr. Tucker noted that the Board could not "require" the applicant to be responsible for a sidewalk which was not on its property.

Ms. Streeter asked the Board to request that the existing sidewalk be maintained until a new sidewalk is agreed upon.

Ms. Barberet proposed changing the wording of the draft condition to the following:

The applicant should make every reasonable attempt to preserve or construct a sidewalk on the west side of the property.

The rest of the Board agreed with this wording.

Ms. Anderson asked if the applicant would put in conifers on the east side of Research Drive. Mr. Boehne said they would be willing to put in a low evergreen hedge that would not interfere with the photovoltaic solar array.

There were no issues raised about lighting, signs or the accessory units. It was agreed that the grass pavers will mitigate the number of parking spaces.

The Board reviewed the Town Engineer's comments which had just been received and noted that the approval of the proposal could be conditioned on the Town Engineer's approval.

Mr. O'Keeffe requested reconsideration of the porch protrusion. However, Mr. Tucker noted that the Board could not waive the setback requirement, and the applicant had agreed to remove the overhang.

The vote to close the hearing was 6-0-1 (Anderson abstained).

Mr. O'Keeffe Moved: to approve SPR2009-00001, New England Environmental, Inc., subject to the list of conditions the Board just went through, and including the three standard conditions. Mr. Suarez seconded, and the Motion passed 6-0-1 (Anderson abstained).

[The following summary of the Board's conditions has been generated by staff, and as such was not part of the proceedings. It is included here for informational purposes. (sk)]

Conditions for Approval of SPR2009-00001, New England Environmental, Inc.

- 1) The covered entryway for the caretaker's apartment that protrudes into the 50-foot setback shall be eliminated.
- 2) The applicant shall make every reasonable attempt to preserve or construct a sidewalk on the west side of the property.
- 3) A low evergreen hedge shall be installed on the east side of Research Drive.
- 4) This proposal shall be approved by the Town Engineer.
- 5) All proposed landscaping shall be installed and continuously maintained.\*
- 6) Four (4) copies of the final plans shall be submitted to the Planning Department.
- 7) This permit will expire in two (2) years if substantial construction has not begun.

\*At the September 17, 2008 meeting, the Board amended Condition 5 as follows:

- 5) All proposed landscaping shall be shown on a revised final landscape plan to be reviewed and approved by the Board at a public meeting and shall be installed and continuously maintained.

**SPR2009-00002, Trustees of Amherst College, The Lord Jeffery Inn, Jim Brassord**

Mr. Shefftz read the preamble and opened the hearing for this request to rebuild a portion of the building and construct an addition and renovate the existing inn and food and beverage facility (no change in use) at 30 Boltwood Avenue and 31 and 37 Spring Street (Map 14A/Parcels 267, 269 and 270, B-G zoning district).

Mr. Shefftz disclosed that he and Mr. Howland were alumni of Amherst College but that did not represent a conflict of interest with regard to participating in this hearing.

Mr. Tom Davies, Director of Design & Construction at Amherst College, presented the proposal to the Board with a 3-D rendering showing what will remain and what is proposed. It will look like a refurbished Lord Jeff, he said, but bigger. The inn, ballroom, restaurant, bar and patio service will be expanded. There will be an on-site parking lot for 20 cars and there will be a walkway which ties into the alumni lot off Spring Street.

Mr. Davies reviewed the Development Application Report with the Board and addressed the issues. A Traffic Impact Study was submitted which indicates that impacts to the intersections in the vicinity would be insignificant. Extensive landscaping is proposed, including the re-establishment of street trees along Spring Street. Several existing large trees at the front and back of the building will remain, while some will need to be removed to allow for construction of the expanded building and the new parking lot. Adequate screening will be provided for the parking. In a joint effort with the Town, Spring Street will be enhanced with bump-outs and a re-built sidewalk similar in design to the downtown area. Appropriate lighting is proposed and the post lanterns proposed for Boltwood Avenue and Spring Street will be the Town of Amherst period streetlights.

Mr. Davies told the Board that he would meet with the Fire Department and Town Engineer to discuss issues in their reviews, copies of which he had just received today. They are also working on the property line and property configuration issues as noted in the Development

Application Report. Mr. Davies talked about LEED certification and said that The Lord Jeff is one of only a few historic inns to be LEED certified.

Other issues discussed included pedestrian access, handicapped parking and access, screening, showers for employees, transportation, solar panels and geothermal heating/cooling system that will eliminate the need for cooling towers or fans, and retail operations.

Mr. Shefftz summarized the Site Visit report and Town Counsel's letter addressing the Site Plan Review issue, then asked for public comment.

Mr. John Robinson, representing Grace Church, spoke in support of the project but said he had some concerns. Principal among these was how the reconstruction of Spring Street would impact the church's side of the road. Mr. Robinson also had concerns about the sewer line and storm drainage.

Mr. Tucker indicated that improvements on the northern side of the street were being designed and undertaken by the Town, and that the church should contact DPW for details.

Mr. Jim Brassord, Amherst College, said that Amherst College will continue to talk with the Town and Grace Church to come to a successful resolution on the concerns expressed by Mr. Robinson.

Mr. Howland MOVED: to close the public hearing. Mr. Suarez seconded, and the Motion passed 7-0.

An unidentified person asked about the screening related to the previous public hearing. Mr. Shefftz noted that the hearing had been closed and finalized earlier and the Board would no longer discuss it.

Mr. Shefftz reviewed the Development Application Report. No waivers were requested. There were no issues with the proposed lighting. The Board agreed to modify the parking requirements to reflect the current permit and use agreements. Ms. Barberet and Mr. Suarez agreed that fewer spaces are better. The handicapped parking should be shown on the plans. The property boundaries for the next lot to the east of the inn should be resolved and the plan recorded with the Registry of Deeds prior to the issuance of a Certificate of Occupancy. The applicant will meet with the Fire Department to discuss their concerns, and then come back before the Board for review and approval of the plans. The applicant will meet with the Town Engineer to resolve sewer and drainage issues and the final plans will be approved by the Board.

Mr. Howland MOVED: to approve SPR2009-00002, The Lord Jeffrey Inn, subject to the conditions discussed above, including the three standard conditions. Mr. Suarez seconded, and the Motion passed 7-0.

[The following summary of the Board's conditions has been generated by staff, and as such was not part of the proceedings. It is included here for informational purposes. (sk)]

- 1) The parking requirements shall be modified to reflect the current agreements with the Town.



- 2) The property boundaries of the residential lot east of the inn shall be readjusted and the revised plan recorded at the Registry of Deeds prior to the issuance of a Certificate of Occupancy.
- 3) The plans shall be approved by the Fire Department and resubmitted to the Board for review and approval.
- 4) The sewer and drainage issues shall be resolved with the Town Engineer and the final plans approved by the Board
- 5) All proposed landscaping shall be installed and continuously maintained.
- 6) Four (4) copies of the final revised plans shall be submitted to the Planning Department.
- 7) This permit will expire in two (2) years if substantial construction has not begun.

**I. MINUTES – Meeting of July 16, 2008**

Because it was late, the Board postponed action on this until the next meeting.

**III. NEW BUSINESS**

**A. Design Review Board Representative**

Mr. Tucker told the Board that Kathryn Grandonico has been appointed to the Design Review Board and is interested in serving as the Planning Board's representative. Mr. Suarez felt she should appear before the Planning Board. Ms. Brestrup noted that there are only two members currently and one is due to have a baby soon. It was difficult to obtain a quorum and time was a factor.

Mr. Howland MOVED: to appoint Kathryn Grandonico as the Planning Board's representative to the Design Review Board. Mr. O'Keeffe seconded, and the Motion passed 5-0-2 (Barberet, Suarez abstained).

**B. Lot Release Request – Lots 29 & 57, Amherst Hills Subdivision**

Mr. Tucker noted that the Superintendent of Public Works had recommended releasing the lots.

Mr. Howland MOVED: to release Lots 29 & 57 as requested. Ms. Anderson seconded, and the Motion passed 7-0.

The Board signed the Certificate of Performance.

**C. Other - None**

**X. REPORT OF THE CHAIR – Mr. Shefftz reported on his attendance at the Glasgow Lands Scottish Festival, which he recommended.**

**IV. OLD BUSINESS**

- B. Request to Schedule Meeting with Hadley Conservation Commission Regarding Meadow Street Storage Facility** - Ms. Barberet said that she thought that the Planning Board should meet with the Hadley Conservation Commission to discuss the above proposal. Mr. Tucker said that the Board could invite them to the September 3 Planning Board meeting and suggested including the Agricultural Commission, too.

**V. FORM A (ANR) SUBDIVISION APPLICATIONS**

Mr. Shefftz endorsed the following:

ANR2009-00001, 18 Wildflower Drive – Joseph Shaw

**IV. OLD BUSINESS (continued)**

- A. Signing of Decision – SPR2008-00007, Storage Shed, 125 West Bay Road – Eric Carle Museum** – The Board signed the Decision as submitted.

**XII. ADJOURNMENT**

The meeting adjourned at 10:55 PM.

Respectfully submitted:

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Sue Krzanowski, Administrative Assistant

Approved:

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Jonathan Shefftz, Acting Chair

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