

AMHERST PLANNING BOARD
May 4, 2005 – 5:00 PM
Home Economics Room, Amherst Regional Middle School
MINUTES

PRESENT: Paul Bobrowski, Chair; Adrian Fabos, Chris Boyd, David Kastor, Rod Francis, Mary Scipioni, Pam Rooney (5:09 PM), Aaron Hayden (5:10 PM)

ABSENT: Carl Mailler

STAFF: Jonathan Tucker (Interim Director); Niels la Cour, Associate Planner; Sue Krzanowski

Mr. Bobrowski opened the meeting at 5:02 PM.

I. MINUTES – Meeting of April 6, 2005

Mr. Francis MOVED: to accept the Minutes of April 6, 2005 as submitted. Mr. Francis seconded, and the Motion passed 6-0.

Since it was not yet time for the scheduled public hearing, the Chair moved ahead on the agenda.

V. OLD BUSINESS – None

VII. UPCOMING ZBA APPLICATIONS

Scheduled to be reviewed at tonight's meeting:

ZBA 2005-00028, 28 Amity Street, Amherst Cinema, LLC

The Board decided not to review the following:

ZBA 2005-00029, 125 Sunderland Road, W.D. Cows, Inc.

ZBA 2005-00030, 103 North Pleasant Street, Tina Harding

The Board decided to review the following at the June 1st meeting:

ZBA 2005-00031, 151 Amity Street, Barry L. Roberts

II. PUBLIC HEARING – SITE PLAN REVIEW

SPR 2005-00007 367 North Pleasant Street, Mercyhouse

Mr. Bobrowski opened the public hearing for this request for Site Plan Review approval to restore the use of the 2nd and 3rd floors as a church-related residential facility with 1st floor use as church offices to continue.

Appearing for Mercyhouse were Mr. Bill Gillen, architect and Pastor Robert Krumrey. Mr. Gillen told the Board that Mercyhouse is proposing to reinstitute the rooms that were

rented in the house in the past. The house, which was previously owned by The United Methodist Church will be run as a boardinghouse with rooms rented to church members. The first floor will be used for offices. The only site changes proposed are the addition of a new entrance on the north side as required by building code to separate the residential and business uses, and a dumpster will replace one of the existing parking places at the rear of the building.

Parking issues were discussed with some concerns expressed. Parking for workers will be on the site while other church members will be allowed to purchase parking permits from First Baptist Church down the street.

Ms. Copper Giloth, 26 Mt. Pleasant Street, asked who would be renting the rooms and whether the impact on pedestrian rights-of-way over adjacent properties had been considered. Mr. Tucker responded that such rights of way were a private matter and did not affect the proposed use.

There was no additional public comment.

Mr. Kastor MOVED: to close the public hearing. Mr. Francis seconded, and the Motion passed 8-0.

Mr. Kastor MOVED: to approve SPR 2005-00007, 367 North Pleasant Street, Mercyhouse, subject to the following waivers and conditions:

Waivers:

- 1) Traffic Impact Statement
- 2) Landscaping Plan
- 3) Lighting Plan
- 4) Soil Erosion Plan
- 5) Sign Plan

Conditions:

- 1) Exterior building lighting shall be replaced with lighting that complies with Town standards.
- 2) Four (4) copies of the final plans shall be submitted to the Planning Department.
- 3) This permit shall expire in two (2) years if substantial construction has not begun.

Ms. Rooney seconded, and the Motion passed 8-0.

IV. NEW BUSINESS

- A. Town Meeting** – Mr. Bobrowski noted that Town Meeting would begin addressing the zoning articles at tonight's session. The Board discussed Article 19, Supplemental Apartments and some minor amendments in response to Select Board requests. By general consensus, the Board agreed to the amendments.

Next the Board discussed Article 22, Inclusionary Zoning, and although it was noted that more work on it will probably be needed in the future, there was a general consensus that, as written, the article was a needed first step.

Mr. Bobrowski said that Article 23, Preliminary OSCD, has met with significant opposition from people upset over the Sunwood Pines development and there has been discussion about having it referred back to the Board. The Board discussed the merits of the proposal and decided to argue for the article as proposed, and against referral.

III. APPEARANCE

ZBA2005-00028 28 Amity Street, Amherst Cinema, LLC

Amherst Cinema, LLC (Barry Roberts, Manager) seeks a Special Permit under Section 3.353 of the Zoning Bylaw to construct and operate three movie and/or live performance theatres in a general business and limited business zone and to approve a site plan for retail and office use under Section 3.350 and 3.358 of the Bylaw.

Mr. Barry Roberts gave a brief overview of the proposal where he proposes to do an adaptive re-use of the old Amherst Cinema building for retail and offices, in addition to three new theaters for the Amherst Cinema Center group, which will be leased from him. The cinemas will be in a new addition attached to the rear (south) of the existing building.

Mr. John Kuhn, architect, presented the site plan and floor plans to the Board. He noted that rear setback requirements were being met through the creation of a small new lot. An internal second floor will be added to the existing building which will be used for offices.

Ms. Carole Johnson, president of the board for the Amherst Cinema Center, said that the Amherst Cinema Center has an agreement to lease the theaters from Mr. Roberts with the right to purchase. They plan to operate the cinemas as a place that people will want to come, she said, with state-of-the-art theaters. The Amherst Cinema Center is confident that the venture can be successful and are thrilled to be working with Mr. Roberts, she said.

Mr. Tucker commented that the applicant was requesting the Planning Board's support for a waiver of the parking requirements for the southwestern portion of the new addition which will extend beyond the municipal Parking Zone. Ms. Johnson said that the cinema group will lease 45 spaces from the Bank of America for after-hours parking. The Board discussed the project's central location in the downtown business district and the project's efforts to secure shared parking arrangements with existing businesses. Members were very supportive about waiving the parking requirements. Mr. Hayden suggested that measures be taken to strongly encourage the use of existing parking downtown. Mr. Tucker told the Board that the Design Review Board and Historical Commission had both enthusiastically supported the project.

Mr. Francis commented that, for numerous reasons, that area of Amity Street is quite hazardous for pedestrians and this project may be an opportunity for the Town to enhance pedestrian activity there.

Mr. Hayden MOVED: that in recognition of the applicant's efforts to secure shared parking arrangements with neighboring businesses, the Planning Board strongly supports a waiver of the parking requirements. The Board also strongly supports a waiver of the Traffic Impact Statement. Mr. Francis seconded, and the Motion passed unanimously, 8-0.

IV. NEW BUSINESS

A. Town Meeting (continued)

Mr. Boyd MOVED: that the Board leave Article 23, OSCD as is. Mr. Francis seconded, and the Motion passed 7-0-1 (Scipioni abstained).

Mr. Bobrowski and Mr. Tucker left the meeting to attend a Select Board meeting. Mr. Hayden assumed the chair.

The discussion turned back to the OSCD amendment. Ms. Scipioni said that support for this amendment which appears to make process easier for developers reinforces the belief that the Planning Board favors developers and this may feed into those misconceptions. Mr. la Cour urged the Board to continue its support, saying that this is a valuable and needed type of development.

Mr. Francis commented that the misconceptions are mostly among small vocal groups. The Planning Board's work as a Town board is to guide the work of developers to ensure quality development, he said.

Mr. Fabos left the meeting at 6:40 PM.

Ms. Rooney MOVED: to take no action. Ms. Scipioni seconded. There was no vote.

The Board also discussed Article 37, and decided they did not have enough information to make an informed vote.

B. May/June Meeting Schedule – The Board will not meet May 18th. The next meeting will be June 1st, 5:00 PM at the school. June 15th (*an internationally well-known event celebrating somebody's birthday*) will be the next tentative meeting date or possibly the annual picnic, depending on Town Meeting schedule.

VI. FORM A (ANR) SUBDIVISION PLANS

Mr. Hayden endorsed the following:

ANR 2005-00014, 149 Sunderland Road, W.D.Cowls
ANR 2005-00015, 28-34 Amity Street, Barry L. Roberts
ANR 2005-00016, Parcel A, Heatherstone Road, Ruth L. Perry
ANR 2005-00017, Heatherstone Road, Ruth L. Perry

Ms. Rooney MOVED: to establish June 2005 as the date that ANR 2005-00017 would be eligible for a building permit. Ms. Scipioni seconded, and the Motion passed 6-0.

VIII. UPCOMING SPC/SPP/SPR/SUB APPLICATIONS – None

IX. PLANNING BOARD SUBCOMMITTEE REPORTS – None

X. COMMITTEE REPORTS – None

XI. REPORT OF THE CHAIR – None

XII. REPORT OF THE DIRECTOR – None

XIII. ADJOURNMENT

Mr. Boyd MOVED: to adjourn this meeting at 6:55 PM. Ms. Scipioni seconded, and the Motion passed unanimously.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Paul G. Bobrowski, Chair

DATE: _____