

**AMHERST PLANNING BOARD**  
**Wednesday, September 2, 2009 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Jonathan Shefftz, Chair; Jonathan O’Keeffe, Richard Roznoy, Bruce Carson, Ludmilla Pavlova-Gillham, Denise Barberet, David Webber, Stephen Schreiber

**ABSENT:** No One

**STAFF:** Christine Brestrup, Senior Planner; Sue Krzanowski, Administrative Assistant

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Mr. Shefftz opened the meeting at 7:08 PM.

**I. MINUTES – Meeting of August 19, 2009**

Ms. Barberet noted that a comma was missing from the date in the heading on Page 1, the word “they” was missing from the paragraph under the motion on Page 2. On page 3 under VI. UPCOMING..... the word “medications” should be “modifications”, and there should not be a hyphen in the “four-unrelated persons bylaw” phrase.

Mr. Schreiber MOVED: to approve the Minutes of August 19, 2009 as corrected by Ms. Barberet. Mr. Webber seconded, and the Motion passed 7-0-1 (Roznoy abstained).

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

**SPR2010-00001/M2885 – 389 College St. & 35 Belchertown Rd.,  
Cumberland Farms Inc.**

Mr. Shefftz read the preamble and opened the public hearing for this request for Site Plan Review approval to install new signs on front and side walls, and on the canopy over the gas pumps; change design detailing of canopy and fascia over front door. Map 5C/Parcels 18 & 5; COM Zoning District.

Robert Schuler, of Core States Engineering, gave the presentation on behalf of Cumberland Farms. The interior of the building on this site is being remodeled. There will be new food offerings and a different, upgraded image for the store. In keeping with this remodeling Cumberland Farms is proposing to replace its signs and logo. There will be no significant changes to the exterior of the building or to the site. The proposed changes include removing the existing orange and blue stripe and Cumberland Farms logo over the front door and replacing with a new stripe and logo. The existing lighting over the front entrance will be maintained.

Side of the building - Remove the existing logo and lighting; install a new logo higher up on the gable; install a smaller lighting fixture of the same style as the existing, higher up on the gable;

- 1) Canopy over the gas pumps – Remove the orange and blue stripe and the dentil molding; install a flat white fascia with a single green stripe; remove the two existing spotlights; install a new logo on each of the long sides of the canopy; internally illuminate the new logo;
- 2) Monument sign – Remove the existing monument sign, both the Gulf price sign and the Cumberland Farms sign; remove the existing roof structure; install a new monument sign on top of the existing brick planter; internally illuminate the new sign.

Mr. Schuler stated that the new monument sign will use less energy than the old sign.

John Marth from the Cumberland Farms Planning Department stated that only the letters of the new monument sign will be lit.

Mr. Shefftz noted that the Planning Board members had received a report on the site visit and he summarized the contents of the report.

There was no public comment.

Ms. Pavlova-Gillham MOVED to close the public hearing. Mr. Webber seconded and the vote was 8-0 in favor of closing the public hearing.

Ms. Pavlova-Gillham recommended that a condition of the permit should be to remove the two existing light fixtures on the canopy that are no longer functioning.

Ms. Barberet stated that she had never noticed the dentil molding until now and that she likes it now that she has noticed it.

Ms. Pavlova-Gillham stated that, as an architect and a former member of the Design Review Board, she would like to speak in support of dentil cornices. However, she agreed that what is being proposed is necessary. She suggested that the next time Cumberland Farms is considering renovations to this site that the columns on the front of the building should be redesigned to be more compatible with the architecture of the building.

Mr. O’Keeffe MOVED: that the Board grant the waivers requested. Mr. Carson seconded.

Ms. Barberet asked if the fence had performed as required and if it had been maintained. There were no reports about problems with the fence.

Ms. Brestrup advised the Board that they should review Site Plan Review criteria and make findings based on the criteria. The Board made the following findings with respect to those criteria:

- |                            |   |
|----------------------------|---|
| 11.2400                    | Conformance with the Zoning Bylaw – The proposal meets this criterion with respect to the sizes and placement of the new signs.   |
| 11.2401                    | Protection of Town amenities and abutting properties – The proposal meets this criterion because it does not impinge on Town amenities and abutting properties.   |
| 11.2402                    | Protection of abutting properties from detrimental site characteristics – The proposal meets this criterion because the existing spotlights are being removed, the lights for the signs will not be visually offensive, and the renovations to the building, canopy and signs will be of the same quality or better than the existing ones. |
| 11.2403, 11.2410 & 11.2411 | N/A   |

11.2412 & 11.2413 N/A

11.2414 Provision of adequate landscaping – The Board noted that the site was well-landscaped and that the site looks nice with the plantings on the corner.

11.2415 & 11.2416 N/A

11.2417 Protection of adjacent properties by minimizing the intrusion of lighting – The proposal meets this criterion because the existing spotlights are being removed and the lights for the signs will not be visually offensive; the lighting of the signs will be an improvement over the existing condition.

11.2418, 11.2419, 11.2420, 11.2421, 11.2422, 11.2423, 11.2424, 11.2430, 11.2431, 11.2432, 11.2433, 11.2434, 11.2435 N/A

11.2436 N/A – The Board noted that the requirement for a Traffic Impact Report was waived.

11.2437 N/A – The Board noted that the requirement for a Traffic Impact Report was waived.

Ms. Pavlova-Gillham stated that she had reviewed the application with reference to the Design Review Board criteria contained in Section 3.20 of the Zoning Bylaw. She had evaluated the proposed changes to the signs and detailing on the building and gas pump canopy based on these criteria. She specifically referred to Sections 3.2040 and 3.2041 with respect to stylistic features of the building and scale with respect to the signs.

Mr. O’Keeffe MOVED: to approve SPR2010-00001, Cumberland Farms, 389 College Street and 35 Belchertown Road, subject to the waivers requested and the standard conditions. Mr. Schreiber seconded, and the Motion passed 8-0.

**Waivers**

- 1) Landscape Plan
- 2) Lighting Plan
- 3) Soil Erosion Plan
- 4) Site Management Plan
- 5) Traffic Impact Statement

**Conditions**

- 1) The two existing spotlight fixtures on the gas pump canopy that are no longer operable shall be removed.
- 2) Three (3) copies of the final plans shall be submitted to the Planning Department.
- 3) This approval will expire in two (2) years if substantial construction has not begun.

Ms. Barberet asked if the Town Engineer and/or Fire Chief had commented. Ms. Brestrup said that they responded, and had no concerns.

**SPR2010-00002/M3054 – 1165 North Pleasant Street, Friends of Hospice House, Inc.**

Mr. Shefftz read the preamble and opened the public hearing for this request for Site Plan Review approval to add three (3) bedrooms to an existing facility and administrative space. Map 5C/Parcel 37; R-VC & B-VC Zoning Districts.

Chris Farley, an architect with Austin Design, and Greg Keochakian, Administrative Director of The Friends of Hospice House, Inc., gave the presentation.

Mr. Farley presented an aerial photograph of the property with the location of the proposed addition indicated. The addition will be 2,100 square feet in area, an expansion of the 4,700 square foot existing building. The addition will be a one-story frame structure with the floor level and the roof level being the same as the existing building. The addition will consist of three (3) bedrooms plus administrative and circulation space. The existing building has six (6) bedrooms, which will remain.

There are no proposed changes to the paving or to the front portion of the property. There is a possibility that photo-voltaic (PV) panels will be added to the roof. There is a row of tall trees on the eastern edge of the property which may need to be pruned or removed if the PV panels are installed, so that sun will not be blocked. Other than this row of trees, only one tree and one shrub will be removed in order to construct the building. Low shrubs and flowers will be planted around the building.

The pole-mounted light in the front of the building will remain, as will the light on the garage. The lights mounted at either side of the front door will also remain. Two pedestrian-scale lights, on poles of about six (6) feet in height, will be added in the rear parking area. Emergency lighting will be added to the existing building and the addition. There will be entry lights at the entryway to the addition.

Silt fence and hay bales will be installed prior to construction and will be maintained during construction, as shown on the plan.

There is an existing sign post at the end of the entry driveway. The sign was stolen and a new, replacement sign will be installed.

The addition will be located within the R-VC zoning district and the required setbacks in the R-VC zoning district will be honored.

The existing building is brick and vinyl-sided. The addition will be clapboard with asphalt roofing. The materials used will be similar to that of the existing building.

Mr. Shefftz noted that the Board conducted a site visit on Monday and referred to the site visit report. It's a nice setting, he said, and quite private. There are large trees that separate the back yard from the adjacent property. Some trees might need to come down, he said. The property is well-landscaped. The configuration of the driveway has caused concern for the Assistant Fire Chief, who would like to be able to gain access the rear of the building with large equipment. However, this may not be possible given the present configuration of

the driveway and parking spaces. Mr. Shefftz noted that there is a fire hydrant at the front of the building.

Mr. Farley reported that he had tried to contact the Assistant Fire Chief and the Acting Fire Chief, to discuss the driveway configuration, but had been unsuccessful. He distributed a sketch with an alternative plan for parking spaces in response to the concerns of the Fire Department. This sketch showed a parking concept which eliminated parking spaces from the area along the driveway and added parking spaces in front of the building. It showed a total of 10 parking spaces, the number of spaces required by the Zoning Bylaw. Mr. Farley stated that he would keep trying to contact the Fire Department to resolve the parking and driveway issues.

Mr. Shefftz and Mr. O’Keeffe asked if there were any plans to deal with the screening issues on the east side of the property if the trees had to be removed or trimmed to allow for solar access to the PV panels. Mr. Farley stated that if the trees were removed or trimmed then they could be replaced at a lower height to provide appropriate screening for the adjacent property.

Mr. Roznoy asked about the possible elimination of five parking spaces from the area along the driveway. Mr. Farley stated that some of these spaces could be moved to the front yard, as shown on the sketch. He further stated that only ten (10) parking spaces are actually required by the Bylaw.

Mr. O’Keeffe questioned whether the Hospice could really get by with only ten (10) parking spaces, given the fact that they currently have thirteen (13) spaces. He asked if some of them are not currently used.

Mr. Farley stated that the maximum number of vehicles parking on the site would be twelve (12).

Mr. Roznoy asked if a wider driveway would be agreeable. Mr. Keochakian stated that a requirement for a wider driveway would not be a serious problem for the project.

Mr. Webber stated that he did not want to waive the requirement for a landscape plan if trees might be removed. He noted that there could be a condition requiring screening.

Ms. Pavlova-Gillham had questions about lighting. She asked about the lights near the parking spaces in back and wanted to know what they would look like. She questioned appropriateness of the proposed height of the pedestrian-scale lights (six feet), stating that this height seemed low.

Mr. Farley stated that six feet is typical for pedestrian-scale lighting. He offered to submit catalog cuts to the Board once lights have been selected.

Mr. Schreiber suggested that the applicant do a cost/benefit analysis regarding the trees and the PV panels. He stated that the trees were valuable because they provide shade in summer, which may reduce the amount of electricity used for air-conditioning. He

suggested that the applicant look for other possible locations for the PV panels that would not be affected by shade cast by the trees to the east.

Ms. Pavlova-Gillham asked about grading. She expressed concern about silt-laden water pouring down the driveway during construction. Mr. Farley noted that the site is primarily flat, except for a slight rise at the rear and north side of the property. Ms. Pavlova-Gillham stated that there is a need for erosion control on the south edge of the property.

Mr. Farley agreed that silt fence and hay bales could be added on the south side. He also stated that he would look at the expected path that construction vehicles would take and expressed willingness to modify the erosion control plan if necessary.

Ms. Barberet asked if the pedestrian lights would be on continuously. Mr. Farley stated that the existing site lighting is on a motion-sensor or timer and that the new lights will be operated in the same manner.

Mr. Roznoy MOVED to close the public hearing. Mr. O’Keeffe seconded and the vote was 8-0.

The Board reviewed Section 11.24 of the Zoning Bylaw, Review Criteria/Design Guidelines. The Board made the following findings with respect to those criteria:

- 11.2400        The project conforms to all appropriate provisions of the Zoning Bylaw.
- 11.2401        The project protects Town amenities and abutting properties because if the trees along the rear property line are cut down they will be replaced with appropriate screening.
- 11.2402, 11.2403 & 11.2410        N/A
- 11.2411        There will be no change in the proposed methods of refuse disposal.
- 11.2412        The proposed sewage disposal and water supply systems are adequate to serve the proposed use because the project will tie into the existing sewer and water lines that serve the existing building.
- 11.2413        The proposed drainage system is adequate because the addition will be built on a flat section of the site and runoff is expected to be minimal.

Ms. Pavlova-Gillham stated that she might request further review of the erosion and siltation controls at the time of construction.

- 11.2414        The project provides adequate landscaping because the site is already well-landscaped and there will be a condition that will require screening if the trees along the eastern property line are removed or trimmed.

Mr. Roznoy noted that the applicant had requested a waiver from the requirement for a landscape plan. Mr. Shefftz stated that the applicant should not be required to submit a complete landscape plan, but merely to submit a plan for replacement of screening lost as a result of trimming or removing the trees along the eastern property line.

Ms. Pavlova-Gillham recommended that the requirement for a landscape plan should depend on whether PV panels are installed. If PV panels are installed the applicant should return to the Board with a landscape plan for that one area. But for now the landscape plan can be waived.

- 11.2415           The soil erosion control plan is adequate because the applicant will study the circulation patterns of the construction vehicles and re-evaluate the proposed erosion control plan to determine if erosion and siltation controls are needed on the south side of the site and will add them if they are needed. A condition of the permit will address this issue.
- 11.2416           N/A
- 11.2417           Adjacent properties are protected from intrusion of lighting because the proposed lighting will not be on all the time, but will be triggered by a timer or by a sensor.
- 11.2418 & 11.2419           N/A
- 11.2420           The existing building on this property is a non-contributing structure in a National Historic Register District, but the proposed addition will be located behind the existing building and will not be visible from the street and therefore will not have an effect on the Historic District.
- 11.2421           The development will be consistent with surrounding buildings and development because it complies with the requirements of the Zoning Bylaw, it is architecturally compatible with the existing building, and the building will not be visible from off-site.
- 11.2422           N/A
- 11.2423           There are two existing buildings on the site (the hospice and the garage) which relate harmoniously to each other. The proposed addition relates harmoniously to both existing buildings in size and scale as well as use of compatible materials (clapboard).
- 11.2424           Screening will be provided for utility areas because the back-up generator will be relocated to the north side of the machine room and will be screened by the building and the existing vegetation.
- 11.2430           The site will provide convenience and safety of vehicular and pedestrian movement because it operates well in its existing condition and there are no plans to change the vehicular or pedestrian movement other than to provide pedestrian access to the building addition from the parking lot and there may be minor changes to the location of parking spaces to satisfy the concerns of the Fire Department.
- 11.2431           There will be no change in the location and number of curb cuts.
- 11.2432           The location and design of parking spaces will be provided in a safe and convenient manner because the concerns of the Fire Department will be addressed, as required in the conditions.
- 11.2433, 11.2434 & 11.2435           N/A

11.2436 Adequate information on the impact of traffic was submitted with the application.

11.2437 N/A

Ms. Barberet asked how many family members might be expected to be on the site at one time. Mr. Farley stated that a maximum of three family members might be on site. Mr. Keochakian stated that there are no high levels of traffic at the property.

Mr. Shefftz reviewed the Development Application Report to determine if there were other issues to consider. He stated that there is no need for a Landscaping Plan, but if the trees were removed the Board would want to see a Landscaping Plan that addresses issues that might arise as a result of the tree removal. With regard to lighting, the Board would condition the permit in accordance with the Report.

Board members made the following observations with regard to application requirements and the Development Application Report:

Soil Erosion Plan – the Board should approve the application subject to the submission of a detailed site plan showing appropriate soil erosion controls;

Sign Plan – the Board should approve the application subject to the submission of information on what the new sign will look like, especially since this property is located in a Historic District;

Site Management Plan – there are no issues and the Site Management Plan is accepted as submitted;

Traffic Impact Statement – The information that was submitted is adequate and it is accepted as submitted; the Board should accept the one-page document as sufficient for a Traffic Impact Statement; the Board had talked about the reconfiguration of the parking spaces and the applicant should either widen the driveway or add parking to the front of the property so that there will be at least 10 parking spaces, total.

Mr. O’Keeffe stated that the Board would need to see a final parking plan.

Ms. Barberet asked what impact the construction will have on the quality of life of the current patients. Mr. Farley stated that the construction will occur during certain work times and that it will be completely outside of the existing building.

### **Decision**

Following discussion the Board voted 8-0 to approve SPR 2010-00002, The Friends of Hospice House, Inc., to construct an addition to the existing hospice facility to add three (3) bedrooms and administrative space, with the following waivers and conditions:

### **Waivers**

Landscape Plan

**Conditions**

- 1) If trees or shrubs are to be removed or pruned along the eastern edge of the property (other than the two plants already identified for removal) the applicant shall submit a Landscape Plan to the Planning Board for review and approval at a public meeting.
- 2) All new exterior lighting shall be downcast and shall not shine onto adjacent properties. Catalog information on the proposed exterior lighting shall be submitted to the Planning Board for review and approval at a public meeting.
- 3) A site plan shall be submitted prior to construction that will show appropriate soil erosion control to ensure that drainage of silty water from the site during construction will be adequately handled.
- 4) Prior to installation of the proposed sign, detailed information on its placement, size, design, materials and colors shall be submitted to the Board for review and approval at a public meeting.
- 5) After consultation with the Fire Department, a parking plan shall be submitted to the Board for review and approval at a public meeting.
- 6) Three (3) copies of the final plans shall be submitted to the Planning Department.
- 7) This approval will expire in two (2) years if substantial construction has not begun.

**III. NEW BUSINESS**

- A. Lot Release Request – Lot 51 & 53 Amherst Hills Subdivision, Tofino Associates

The Board received a request for the release of the above lots. Ms. Brestrup noted that the Town Engineer has reviewed the request and has said that there is no reason to not release these two lots.

Mr. Webber MOVED: to approve the release of covenants for Lots 51 and 53. Mr. O’Keeffe seconded, and the Motion passed 8-0.

The Board signed the Certificate of Performance.

- B. Other – None

**VI. FORM A (ANR) SUBDIVISION APPLICATIONS – None**

**VII. UPCOMING ZBA APPLICATIONS - None**

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

**IX. PLANNING BOARD SUBCOMMITTEE REPORTS**

- A. **Zoning** – Mr. O’Keeffe said that the Subcommittee is continuing to work on zoning amendments for the Fall Town Meeting.
- B. **Master Plan** – see below

**X. PLANNING BOARD COMMITTEE REPORTS**

- A. **Pioneer Valley Planning Commission** – Mr. Schreiber said that the Commission has not met.
- B. **Community Preservation Act Committee** – Ms. Barberet said that a quorum was not achieved at the last meeting, so no formal actions could be taken. The Committee will meet soon, she said.
- C. **Agricultural Commission** – Mr. Roznoy said that the Commission is working on the upcoming Farm Festival which is scheduled for October 3<sup>rd</sup>. The Commission also discussed rules for marketing crops on Town-owned land, which may come before the Board, he said.

Mr. Roznoy noted that he received notice from the Select Board that he has been appointed as a full member of the Agricultural Commission.

- D. **Save Our Stop** – Mr. Schreiber said that there are regional efforts underway which work for and against Amherst.

After a short break, the Board returned to the agenda to discuss how to proceed with the Master Plan.

**IV. OLD BUSINESS**

- A. **Master Plan** – Mr. Shefftz said that he was unsure how to start and wondered if anyone had concerns.

Mr. O’Keeffe said that the Subcommittee has worked extensively on the draft and made a lot of changes, but no substantive policy changes. The final draft reflects the process, he said.

Ms. Brestrup said that the primary unresolved issue is the Town Center and Village Center definition(s). One of the origins of this issue is that previous plans talked about the Town Center. When the Master Plan was being developed the wording was changed to “downtown”. The question, she said, is what does “downtown” include – only the General Business and Limited Business districts? Or does it include adjacent residential areas? The same applies to the Village Centers, she said.

Ms. Barberet said that the downtown is a limited area as are the village centers. Ms. Barberet said that there are two proposals to eliminate footnote “m” which protects neighborhoods.

Ms. Brestrup noted that the Master Plan will be around for many years. It should be flexible and allow for reviews to be done on a case-by-case basis.

Mr. O’Keeffe said that using Ms. Barberet’s interpretation would just keep the business core while he supports broadening the existing commercial area. The downtown is surrounded by a densely populated area and the Board should promote policies that encourage this. The goal of the Master Plan is to protect outlying areas and this would be accomplished by directing growth broadly toward downtown areas and village centers. Mr. O’Keeffe said that he agreed that the area on the map is too large and should be amended.

Jim Oldham, Columbia Drive, Town Meeting member, Comprehensive Planning Committee member, said that while he appreciates the comments about flexibility and planning for the future he feels that the proposed language changes may go too far in the other direction. He said it was very clear during the public sessions that when people said “downtown” they meant downtown, and the same for village centers. The Town can’t all be a center, he said. Density is getting to be the goal, instead of protection. Mr. Oldham told the Board that preserving the character of the Town was one of the highest priorities on the list. Proposed mixed use centers encourage density, he cautioned. Mr. Oldham also said that the map was not creating walkable centers.

Ms. Brestrup noted that there are two proposals at the state level to alter the zoning enabling legislation and broader interpretation of the goals of the master plan might be beneficial in complying with state regulation.

Larry Ely, Middle Street, asked the Board if they received his email on global warming. Staff said that it came in late and will be copied for the next meeting. Mr. Ely said that the Town should strive toward having a walkable community. The Master Plan shouldn’t be too precise in its intent and can be revisited. Intensify in the center, he said, and put housing and commercial around it. Sprawl should be discouraged, he said. Transportation will dictate the future, Mr. Ely said.

Ms. Pavlova-Gillham said that the Master Plan contains a number of smart growth tools and should be carefully open-ended.

Mr. Roznoy said that the narrative provides both flexibility and specifics. However, the map doesn’t match the narrative, he said. The map is not a definition, it’s an interpretation of the dialogue, he said.

Mr. Webber said that the densest portions of town are apartments and dormitories. It would be appropriate to have stores within walking and biking distance of these, he added.

Mr. Schreiber said that it's appropriate to conceive of Amherst as a series of centers, as long as there's a nucleus in each center.

Mr. Ely commented that Wilbraham is the opposite of a central core town. Everything is all spread out, he said.

Mr. Shefftz asked the Board to focus on what their next steps should be and how they wanted to proceed.

Mr. Schreiber noted that the Board needed to adopt the plan, commenting that he would rather adopt it as is, rather than try to create a perfect plan.

Mr. O'Keeffe summarized the remaining issues that needed to be addressed, both in the plan and in the map. The map is part of the plan and was developed by the Master Plan Subcommittee, he said. The Board needs to agree on it and adopt it as part of the plan. Important to remember is that walkability is key to what constitutes a center, he said. The Subcommittee needs direction on the maps, he said.

Mr. Oldham told the Board that the map was part of the product which was put together by the consultants. It was a draft and needs to be worked on, he said.

The map discussion continued and there was general agreement that the maps were confusing and hard to decipher.

Ms. Barberet commented that Jane Ashby, former Zoning Board of Appeals member, had said that the Town should build up, not out.

Mr. O'Keeffe asked that staff revise the map based on the Board's discussion.

Ms. Brestrup said that it should be kept very general. It's just a conceptual plan at this level, she said. This is not the point at which zoning districts were changed.

There was continued discussion about what the maps should and should not include.

**XIII. ADJOURNMENT**

Mr. O’Keeffe MOVED: to adjourn this meeting at 10:00 PM.

The meeting was adjourned.

Respectfully submitted:

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Sue Krzanowski, Administrative Assistant

Approved:

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Jonathan S. Shefftz, Chair

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