

AMHERST PLANNING BOARD
Tuesday, November 10, 2009 – 7:00 PM
Town Room, Town Hall
MINUTES

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

ABSENT: Jonathan Shefftz, Chair

STAFF: Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner

Mr. O’Keeffe, Acting Chair, opened the meeting at 7:11 PM.

I. PUBLIC HEARING – SITE PLAN REVIEW/SPECIAL PERMIT APPLICATION

SPR2010-00004/M3410-SPP2010-00001/M3411 – 43-51 North Pleasant St., Boltwood Place – Archipelago Investments, LLC - (Continued from October 21, 2009)

Dave Williams and Kyle Wilson of Archipelago, LLC presented the application, including new images of the proposed building. In response to comments made at the first Planning Board meeting [October 21, 2009] and first Design Review Board meeting [October 20, 2009], the architects have added new design treatments for the north and west facades of the building. They are planning to add a series of grills on the upper portions of the building which are intended to “dissipate the view of the building”. They have used similar techniques on other buildings elsewhere. The applicants showed photographs of some of these other buildings.

The façade of the proposed building will be stepped back and there will be voids behind the grillwork which will help to “diminish the impact of the solid” structure. The panel behind the grills will be painted and some of the color will show through. Mr. Williams stated that the discussion with the Design Review Board had improved the design of the building. In addition to the grills, the north side will have a scored façade below the grills and there will be a seam at the corners of the building. All of these added details will help to visually reduce the scale and impact of the building on the surrounding area.

Mr. Wilson showed images of courtyards that the architects had designed for other downtown buildings and stated that they would be using some of these techniques to design the courtyard for this building.

Mr. Williams pointed out that the fenestration of the new building will tie the elevations together with the existing buildings in the area. He asserted that the proposed building has a seamless design for all four elevations.

Mr. Wilson described the egress court which will also provide a rear entry to Judie’s Restaurant. He noted that the applicants intend to return to the Design Review Board with more information about the façade detailing, landscaping, signs and lighting, as the design of these features is developed.

Mr. Wilson stated that he is requesting permission to exceed lot and building coverage in the B-G zoning district. The site plan proposes to exceed the maximum allowable lot coverage of 95% and to exceed the maximum allowable building coverage of 70%. In support of the request for dimensional modifications he explained that the building is proposed to be located in the densest part of the densest zoning district and there are other properties in the vicinity which currently exceed building and lot coverage requirements. Mr. Wilson asserted that density is a positive condition and enhances life in downtown areas.

Mr. Wilson stated that he had met with Chief Stromgren of the Fire Department regarding emergency access issues. He asserted that this is a “pioneer project” in the parking garage area and as such it has highlighted some existing access issues in the area. He noted that pumper and aerial trucks can gain access to the building. Access across the deck for the newest truck (“the quint”) is still to be determined. He noted that none of the access issues would prevent the Fire Department from fighting a fire in this location.

Mr. Williams stated that the proposed building will be fully sprinklered inside and out and that it will meet all codes.

Mr. Wilson noted that he had talked with the Town Manager regarding parking. Residents of the new building will expect that parking will be available to them. Once the developers have determined the requirements of the residents with respect to parking they will develop a plan for providing parking spaces.

Janet Winston, Chair of the Design Review Board (DRB), presented the DRB’s review and recommendations with respect to the proposed building. Initially the DRB had found the north and west walls to be very stark and not compatible with the surrounding buildings. With the proposed revisions, the DRB found that the wooden slats [grills] that are being proposed and the color of the panel behind the slats will warm the walls and will tie the building in with its surroundings. The DRB appreciated that texture and warmth had been added to the design of the building. The Board was satisfied that the two sides with windows [south and east] would fit in with the surroundings, especially with the newer buildings in the area. At first, the Board had been concerned about the use of clapboard, but the design had changed with respect to the clapboards and is now acceptable.

Mr. Williams noted that clapboards are no longer being proposed. He also stated that the wooden grills will be made of a new product named “Accoya”, which is a softwood impregnated with silicone. He asserted that there is no problem with color stability or durability and it is a “green” product.

Ms. Winston noted other concerns of the DRB, having to do with plantings around the entryway, but stated that the applicant had agreed to come back to the Design Review Board with details about the proposed plantings. Initially the height of the building had also been a concern. However, the addition of the warmer color, the vertical texture, and the setback of the top floor, will help to make the building blend in with the surroundings. Ms. Winston stated that the Design Review Board was pleased with the outcome and the solutions proposed by the architect.

Ms. Pavlova-Gillham asked for confirmation that the presence of the new building would not prevent the Fire Department from getting to the adjacent properties to fight fires.

Mr. Wilson stated that all of the properties in the vicinity will be accessible from the north side and that the new building will not obstruct access. The buildings that face Main Street are accessed by a fire lane at the back of the buildings. More conversations are needed with the Chief of the Fire Department regarding access on the south side. However, there will be no restrictions of access to other parcels as a result of the new building being constructed.

Mr. Wilson stated that he had had conversations with the Department of Public Works regarding utilities, noting that this part of town has had water pressure issues. A booster pump can be added to the sprinkler systems to aid with water pressure. An engineering consultant hired by the applicant will determine if a booster pump is needed.

Ms. Barberet stated that the south fire lane is problematic and that the covering over the stair headhouse in the southwest corner of the garage may prevent a fire truck from exiting the area. She asserted that new trucks are not smaller than the old trucks but rather that they are heavier and larger. This {new} building may not be a problem, but there may be problems of emergency access for the other older buildings. Newer, larger trucks cannot drive on the garage deck. The {safety of} other buildings in the area is a source of concern for her.

Mr. Wilson stated that this project is highlighting an issue that needs to be resolved by the Town. He reviewed the information that he had received from Chief Stromgren regarding the weight of the fire-fighting equipment:

- The pumper truck is 18 tons;
- The ladder truck is 31 tons;
- The “quint” is 23 tons.

He reiterated that the new building is not making it any more difficult to access the other buildings in the area and asserted that this project will not make the situation worse.

Mr. O’Keeffe stated that Judie’s Restaurant is fully sprinklered. Ms. Barberet noted that buildings along Main Street may not be sprinklered. Kyle Wilson stated that Judie’s, the Knights of Columbus building, Stacker’s and the Monkey Bar are sprinklered. He did not have information about the buildings along Main Street.

Niels la Cour of 124 North Whitney Street spoke in support of the project. He was involved in the development of the Master Plan, which recommends protecting open space and redeveloping the village centers and the downtown to expand the tax base. He questioned the concerns about the height and scale of the buildings, stating that parts of the existing downtown are out of scale (undersized) for a population as large as Amherst’s. For a population of nearly 40,000, the downtown is relatively small, he asserted. Saratoga Springs, New York, has a larger downtown with many mixed-use buildings. That city was successful in bringing residential uses into the center of town and creating a vibrant downtown area. There are no vacant storefronts in Saratoga Springs and because of the number of people who live downtown traffic has not been markedly affected.

Larry Shaffer, Town Manager, and a resident of 194 Amity Street, spoke in support of the project. This project is consistent with the downtown, it is important for the expansion of the tax base, and he hopes that it will spur on other projects. The Fire Department has stated that there are no fatal flaws in the proposal and that all of the issues can be addressed.

Ted Walker of 60 Overlook Drive spoke in support of the project.

Mr. Tucker stated that the town is dealing with the issue of fire access. There is a fire lane along the south edge of the parking lot that falls within town-owned property and town-held easements.

Mr. O’Keeffe stated that in addition to Site Plan Review, the applicant is asking for Special Permits to modify dimensional requirements. It will also be necessary for the Board to authorize development authorization dates [if the project is approved].

Ms. Pavlova-Gillham stated that of the three dimensional modifications that the applicant is requesting, the request for modification to the number of floors is the only one that may be of concern. She asked about how the building might be used in the future. With five stories—given the limited height of the building—there may be limits as to how the different stories can be used in the future. However, she acknowledged that if the increased number of stories is not approved it will hurt the project and she is comfortable with approving the additional floor.

Ms. Pavlova-Gillham also stated that 23% of the parcels in the B-G zoning district exceed the maximum building coverage allowed in the Bylaw. Therefore she sees no problem with allowing the increased building coverage, nor does she see a problem with increased lot coverage. “Tight spaces make the downtown fun.” With regard to the increase in lot coverage, she recommended that the applicant consider using permeable paving to minimize stormwater runoff.

Mr. O’Keeffe acknowledged receipt of information from the applicant regarding lot coverage and building coverage for parcels in the surrounding B-G zoning district. He noted that what is being proposed conforms to what is already there and that lot coverage on nearby parcels is already close to 100%.

Ms. Barberet asked about what would be done to mitigate problems caused by reduction in parking and lost revenue to the town when parking spaces are used for materials and equipment storage and site access during construction.

Mr. Williams stated that during construction of the Judie's expansion and the new Knights of Columbus building, ten parking spaces had been given up by the town for about one year. This new project will be constructed over a period of fifteen months. The town may experience a loss of revenue due to parking spaces being unavailable to the public but the town will regain the revenue once the building is constructed and more people are attracted to the downtown.

Mr. Wilson stated that he had worked with the town regarding use of parking spaces during construction of Judie's and that the town was willing to accommodate the temporary use of the parking spaces for construction purposes.

Mr. Schreiber asked if this building would be "Phase I" of a larger project.

Mr. Williams stated that this project will complete the applicant's development plans in the downtown area. Judie's is a destination for tourists and the applicants have no desire to replace it.

Mr. Schreiber MOVED to close the public hearing. Ms. Pavlova-Gillham seconded the motion and the vote was 7-0.

Mr. O'Keeffe referred to the Development Application Report. Ms. Pavlova-Gillham stated that the request to waive the Traffic Impact Statement might be questioned by someone because of parking and construction access issues, but that she didn't believe that a Traffic Impact Statement was necessary. Mr. O'Keeffe stated that parking would be more of an issue than traffic.

Mr. O'Keeffe noted that a waiver of the Lighting Plan had been requested. He stated that there should be a condition that lighting should be downcast and not shine up into the sky or onto the adjacent properties.

Mr. Schreiber suggested referring to the Design Review Board's recent memorandum and incorporating the same conditions into the Planning Board's decision.

Mr. O'Keeffe referred to the request for a waiver of the Soil Erosion Plan. Mr. Schreiber supported this waiver, stating that this is not the kind of site that would be subject to soil erosion. After some discussion Mr. O'Keeffe stated that the applicant should provide a plan prior to construction [outlining measures to be taken during construction to protect the surrounding properties]. Ms. Barberet reiterated that she would like to see a detailed construction phasing and staging plan, including information about parking.

Mr. Wilson agreed that the applicant would provide a plan describing construction sequencing and control of disturbance to the surroundings, including parking. Mr. Williams stated that the construction manager would prepare such a plan and that soil issues would be dealt with in this plan as well.

Mr. O'Keeffe referred to the request for a waiver of the Sign Plan. Ms. Brestrup suggested that the Board might consider requiring an overall Sign Plan similar to the one that had been prepared for the Amherst Cinema Center. In that plan, the location, size and general description of signs was approved by the Zoning Board of Appeals (ZBA), but specific signs that are installed for each tenant do not need to come before the ZBA.

Mr. O'Keeffe noted that no waiver had been requested for the requirement for a Landscape Plan. Ms. Barberet stated that the applicant should be urged to provide as much planting as possible.

Ms. Pavlova-Gillham asked about parking spaces being reserved for tenants in the parking garage and asserted that the town will still take in revenue for reserved parking spaces in the garage. Mr. O'Keeffe noted that parking spaces on the ground floor of the garage were not fully used. Mr. Tucker explained

that there is a system for obtaining parking permits on an annual basis for about 2/5 of the spaces on the bottom level of the garage.

Mr. O’Keeffe noted that there seemed to be no issues related to the Site Management Plan.

Ms. Barberet requested that the Fire Department’s issues be thoroughly discussed and adequately addressed. Mr. Carson asked that the issue related to the fire hydrant referred to in the Fire Department’s memorandum be looked into.

Ms. Pavlova-Gillham asked about Fire Department access to the east side of the building if there are cars parked in those parking spaces. Mr. Tucker stated that these are issues for the Town to resolve.

Mr. O’Keeffe asked about comments from the Town Engineer. Ms. Brestrup stated that there had not been any comments received from the Town Engineer, but that he was aware of the project and had spoken with the applicant about the need to relocate some of the utilities in the area. If he has problems with a project he usually puts his comments in writing.

Mr. Carson stated that he supported the changes that had been made to the north and west facades. Ms. Pavlova-Gillham commented that she appreciated the fact that every façade on the building had a slightly different design and noted that the design of the building is in the early stages and will be refined.

Mr. O’Keeffe asked if the Planning Board should apply the Design Review Board (DRB) guidelines to this project. Mr. Carson stated that the applicant had met with the DRB and that the design will be going back to the DRB. Mr. Schreiber stated that there should be a condition requiring that the design be reviewed by the DRB.

Mr. Tucker referred to Section 11.24 of the Zoning Bylaw stating that the Design Review Board has jurisdiction over design issues in the B-G zoning district and that the Planning Board does not use the DRB guidelines in this district. Mr. Tucker stated that it is up to the Planning Board to decide whether it will follow the advice of the DRB. Mr. Schreiber noted that the DRB is an advisory board.

Mr. O’Keeffe commended the applicant for pursuing LEED certification, stating that it sets an example for other developments town-wide.

Mr. Wilson stated that the applicants will work with the architects to finalize the materials to be used on the building and will present the revised elevations and materials to the DRB.

Mr. O’Keeffe stated that the applicant had requested modifications of three dimensional requirements, in accordance with Footnote “a” of Table 3. They are as follows:

- Increase allowed building coverage from 70% to 95%;
- Increase allowed lot coverage from 95% to 100%;
- Increase allowed number of stories from 4 to 5.

Mr. Webber stated that he had reviewed the criteria listed in Section 10.38 of the Zoning Bylaw and was satisfied that these criteria had been met. He stated that he was prepared to approve the project.

Mr. Tucker stated that all three dimensional modifications can be dealt with under a single Special Permit.

The Board discussed Section 3.01 of the Zoning Bylaw. Mr. Tucker noted that the Building Commissioner had recommended that the Planning Board make a finding that the principal uses proposed for the site are clearly complementary to each other. Ms. Barberet expressed reservations about such a finding.

Mr. Webber MOVED that this project complies with Section 3.01 of the Zoning Bylaw in that the mixed-use building being proposed is clearly complementary with the restaurant that already exists on this property. Mr. Carson seconded and the vote was 6-0-1 (Barberet abstaining).

The Board found, under Section 11.24 of the Zoning Bylaw for Site Plan Review, as follows:

- 11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw, except where the applicant is seeking a Special Permit for modification of dimensional requirements;
- 11.2401 – Town amenities and abutting properties will be protected during construction because the developer will have appropriate insurance during construction if the adjacent properties are affected and the developer plans to hire a professional construction manager who is experienced with working in tight urban sites;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics because the review process has carefully considered aspects of the project such as lighting and architecture; conditions of the decision will require that lighting be downcast and not shine onto adjacent properties and ongoing review by the Design Review Board will ensure that the building design continues to evolve in a way that is compatible with the surrounding buildings and properties;
- 11.2403 – The project will provide adequate recreational facilities, open space and amenities because it is located close to publicly-owned parks and open space in the downtown area;
- 11.2410 – N/A
- 11.2411 – The project will provide adequate methods of refuse disposal because the Site Management Plan addresses this issue; trash from this building and from Judie’s Restaurant will be stored indoors in a refrigerated storage room;
- 11.2412 – The sewage disposal and water supply systems within and adjacent to the site are town-owned and will adequately serve the needs of the project; the Town Engineer will have to approve the relocation of the sewer line;
- 11.2413 – The proposed storm drainage will connect with the town storm drainage system; the developers are considering using permeable paving in the courtyard to reduce the amount of stormwater runoff from the paved areas of the site;
- 11.2414 – Adequate landscaping will be provided because a condition of the permit will require the submission of a landscaping plan, which will be reviewed by the Design Review Board and the Planning Board;
- 11.2415 – N/A – There are no steep slopes on this property;
- 11.2416 – The adjacent properties will be protected by minimizing the creation of nuisances during construction because a condition of the permit will require that a construction sequencing and staging plan including soil erosion control measures and parking impacts will be submitted for review and approval by the Planning Board;
- 11.2417 – The adjacent properties will be protected by minimizing the intrusion of lighting because conditions of the permit will require that a Lighting Plan be submitted for review and approval by the Planning Board and that all lighting shall be downcast and shall not shine onto adjacent properties or streets;
- 11.2418 – N/A
- 11.2419 – N/A
- 11.2420 – N/A
- 11.2421 – The development shall be consistent with surrounding buildings and development because the streetscape on the parking lot side of the building will be an extension of the streetscape along the east side of the other buildings in the area and it will be restored to its previous condition, after construction is completed;
- 11.2422 – N/A
- 11.2423 – The buildings on the site will relate harmoniously to each other because the new building will be constructed using façade treatments compatible with those used on the Judie’s Restaurant building and the adjacent building to the north, and the treatment of the upper stories will lessen the visual impact of the building on the surrounding area;

- 11.2424 – Storage areas and loading areas will be incorporated into the building design; dumpsters will be eliminated from the site; the developers will work with the Design Review Board and the Planning Board to devise appropriate methods of screening for rooftop equipment, including the possible extension of the Accoya grills;
- 11.2430 – The site has been designed to provide for the convenience and safety of vehicular and pedestrian movement because there will be no vehicles on the site; deliveries will come via hand truck from the Boltwood Parking Garage area; pedestrians will access the site via town-owned sidewalks around Boltwood Garage and the developers will submit a plan to the Planning Board showing a courtyard designed to provide pedestrian access to the proposed building as well as to the rear of Judie’s Restaurant;
- 11.2431 – N/A
- 11.2432 – Regarding parking spaces, bicycle racks, drive aisles, loading areas and sidewalks, there will be no parking areas on the site, a condition of the permit will require submission of a site plan that will show the proposed entry courtyard; the developers are encouraged to include a bike rack in the courtyard design;
- 11.2433 – N/A
- 11.2434 – N/A
- 11.2435 – N/A
- 11.2436 – The requirement for a Traffic Impact Statement will be waived since there will be no parking on the site and the property is located in the Municipal Parking District;
- 11.2437 – N/A

Mr. Webber MOVED that the Board approve the Site Plan Review application for this project, as outlined in the criteria of Section 11.24, with waivers and conditions. Mr. Carson seconded.

Mr. O’Keeffe stated that conditions need to be crafted. He proceeded to list various conditions for the Board’s consideration, including the submission of various plans prior to the beginning of construction, such as:

- Lighting Plan
- Soil Erosion Plan
- Sign Plan.

Mr. Schreiber stated that he was in favor of waiving the requirement for a Soil Erosion Plan. Ms. Pavlova-Gillham stated that a Soil Erosion Plan would show the details of construction management. Mr. Williams stated that a detailed construction sequencing plan will be submitted, including details of soil erosion control. Ms. Barberet asked about control of erosion from soil that is excavated from the site and stockpiled. Mr. O’Keeffe noted that information related to the impact on parking during construction should also be added to the plan.

Ms. Barberet asked about previous excavation on this site. Mr. Tucker stated that there had been no buildings on this back part of the site since the 1930’s and that there had been no major excavation since at least that time.

Mr. Webber stated that there should be a condition requiring that the applicant address the Fire Department’s concerns.

Mr. Tucker recommended that a Landscape Plan should be submitted.

Mr. O’Keeffe noted that the Board would waive the Traffic Impact Statement.

Mr. Webber MOVED to waive the requirement for a Traffic Impact Statement. Mr. Carson seconded and the vote was 7-0.

Mr. Tucker noted that the Design Review Board would remain involved in the project. The applicant will submit plans to the DRB before they submit them to the Planning Board. The Planning Board will then decide whether to take the advice of the DRB.

Mr. Webber added the following conditions:

- Four copies of the final plans shall be submitted;
- Landscaping shall be installed and maintained;
- The permit will expire in two years if not acted upon.

The vote was 7-0 to approve the Site Plan Review application with the following waivers and conditions:

Waivers

- 1) Traffic Impact Statement

Conditions

- 1) A Lighting Plan shall be submitted for review and approval by the Planning Board, prior to the installation of exterior lighting. The Lighting Plan shall include locations of fixtures, style and color of fixtures and a photometric or lumen plan. All lighting shall be downcast and shall not shine onto adjacent properties.
- 2) A Construction Sequencing, Staging, and Soil Erosion Plan shall be submitted for review and approval by the Planning Board, prior to the beginning of construction. This plan shall include information on areas for material and equipment storage, proposed measures for control of soil erosion and siltation and plans for use of town-owned land, including parking spaces, during construction.
- 3) A Sign Plan shall be submitted for review and approval by the Planning Board, prior to the installation of exterior signs. The Sign Plan shall show proposed locations, sizes and materials of all signs, including retail, building identification, address and other proposed signs.
- 4) A Landscape Plan shall be submitted for review and approval by the Planning Board, prior to the installation of landscape and site improvements. The Landscape Plan shall include paving materials and proposed site furniture, such as bike racks, and shall show species, size, locations and number of proposed plantings.
- 5) Information regarding the façade treatment of the building shall be submitted for review and approval by the Planning Board prior to the issuance of a Building Permit. This information shall include materials and colors of exterior walls, windows, storefronts and doors.
- 6) The Lighting Plan, Sign Plan, Landscape Plan and information regarding the façade treatment of the building shall be submitted for review by the Design Review Board prior to being submitted to the Planning Board.
- 7) In accordance with Section 14, Phased Growth, of the Zoning Bylaw, the Planning Board assigns a development authorization date of December 2009, for 100% of the proposed dwelling units.
- 8) Four (4) copies of final revised plans shall be submitted to the Planning Department.
- 9) All plantings shall be installed as shown on the Landscape Plan and continuously maintained.
- 10) This permit will expire in two (2) years if substantial construction has not begun.

Mr. O’Keeffe asked that the Board consider the request for a Special Permit to modify the three dimensional requirements [lot coverage, building coverage and number of stories as allowed by Footnote “a” of Table 3 of the Zoning Bylaw]. He directed the Board’s attention to Section 10.38 of

the Zoning Bylaw, and noted that many of these findings were already discussed during the review of the Section 11.24 Criteria.

The Board found, under Section 10.38, Specific Findings Required [for Special Permits] with respect to the dimensional modifications:

- 10.380 – The proposal is suitably located in the neighborhood because there are other properties in the vicinity that have similar lot and building coverage and height, and because the proposed architectural treatment will diminish the effect of the height of the building;
- 10.381 – The proposal is compatible with existing uses because it is a mixed-use building in a mixed-use downtown area;
- 10.382 – The proposal would not constitute a nuisance during construction because a condition of the permit will require that a construction sequencing and staging plan including soil erosion control measures and parking impacts will be submitted for review and approval by the Planning Board;
- 10.383 – The proposal would not be a substantial inconvenience or hazard because the site has been designed to provide for the convenience and safety of vehicular and pedestrian movement, because there will be no vehicles on the site, deliveries will come via hand truck from the Boltwood Parking Garage area, pedestrians will access the site via town-owned sidewalks around Boltwood Garage and the developers will submit a plan to the Planning Board showing a courtyard design to provide pedestrian access to the proposed building as well as to the rear of Judie’s Restaurant;
- 10.384 – Adequate and appropriate facilities will be provided because the building will be connected with public sewer and water and will be accessible via town-owned property and easements from the Boltwood Garage area;
- 10.385 – The proposal reasonably protects the adjoining premises because access by emergency vehicles will be available from the Boltwood Garage area; in addition, the review process has carefully considered aspects of the project such as lighting and architecture; conditions of the decision will require that lighting be downcast and not shine onto adjacent properties and ongoing review by the Design Review Board will ensure that the building design continues to evolve in a way that is compatible with the surrounding buildings and properties;
- 10.386 – The proposal ensures that it is in conformance with the Parking and Sign regulations of the Bylaw because it is in the Municipal Parking District and a Sign Plan will be submitted in the future;
- 10.387 – The proposal provides convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets and property because there will be no vehicles on the site, the site is in the Municipal Parking District, fire and emergency vehicles will be able to gain access to the building from the north and south and pedestrians will be able to gain access to the building via a new egress courtyard; the Traffic Impact Statement was waived;
- 10.388 – The proposal ensures adequate space for loading and unloading of vehicles because loading and unloading will be accomplished within the town-owned parking lot and hand trucks will be used to deliver goods to the buildings; a plan showing construction sequencing and management of construction impact to surrounding properties will be submitted for the Planning Board’s approval;
- 10.389 – The proposal provides adequate methods of disposal for sewage, refuse, recyclables and wastes because the new building will be connected with the town sewer system and there will be indoor, refrigerated storage of trash and recyclables;
- 10.390 – N/A
- 10.391 – N/A
- 10.392 – The proposal provides adequate landscaping because a Landscape Plan will be submitted to the Planning Board for approval as a condition of this permit;

- 10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting because a Lighting Plan will be submitted for the Planning Board’s approval;
- 10.394 – N/A
- 10.395 – The proposal does not create disharmony with respect to the use, scale and architecture of existing buildings in the vicinity because the design of the building has been and will continue to be revised in consultation with the Design Review Board;
- 10.396 – The proposal provides screening because the building provides indoor storage for trash and recyclables; when the location and nature of the rooftop equipment is determined, it will also be screened;
- 10.397 – The proposal provides adequate recreational facilities, open space and amenities, because it is located close to town-owned parks and open space;
- 10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw.

Ms. Pavlova-Gillham MOVED to grant the Special Permit for modification of the dimensional requirements, in accordance with Footnote “a”. Mr. Carson seconded and the vote was 7-0 to grant the Special Permit.

Mr. O’Keeffe explained the Phased Growth requirements in the Zoning Bylaw. The Board reviewed the Phased Growth Tally Sheet and discussed assigning points to this project under each criteria. Sixty-seven points were assigned on the Phased Growth Tally Sheet [a copy of which will be kept in the Planning Department files for application SPR2010-00004.]

Mr. Schreiber MOVED that the Board assign 67 points to this project based on the criteria outlined in Section 14, Phased Growth, of the Zoning Bylaw. Ms. Pavlova-Gillham seconded and the vote was 7-0.

Mr. O’Keeffe noted that for developments of this size (with 5 to 12 dwelling units) a total of 67 points would allow 100% of the units to be authorized per year.

Mr. Webber MOVED to approve a development authorization date of December 2009 for this project. Mr. Carson seconded and the vote was 7-0.

III. PUBLIC MEETING – SIGN APPROVAL & ENTRYWAY

The Kamins Building – 400 Amity Street (Newmarket Center) – Review and approval of signs and change to entryway in accordance with conditions of Plan Approval #85-6.

Mr. Tucker explained that Newmarket Center, of which this building is a part, was created in 1985 and approved via a Plan Approval process that was the precursor to the Site Plan Review process. As part of that process there was a requirement for approval of a sign plan and subsequent changes in signs. This building (400 Amity) was part of that larger project and is operating under the permit for the entire Newmarket Center property. In this case, new signs and an entryway are being proposed. The Building Commissioner has determined that the changes to the plan (involving the new entryway) are “di minimis” (minor) changes and therefore will not require a full-blown Site Plan Review, but she recommended that the Planning Board review the entryway changes when it reviews the new signs.

The owner proposes that an existing window in the middle of the north façade be converted to a new entry door, with an associated canopy and short sidewalk. A new van-accessible parking space with an access aisle will be created in the row of parking opposite the new entry. A new walkway will be added to connect the new doorway with the parking lot.

Ms. Barberet noted that there is no sidewalk on the north side of the building and that pedestrians walk in the road. Mr. Tucker stated that this issue can be addressed in the next phase of the project which will involve the property owner applying for Site Plan Review approval to separate this building from the Plan Approval #85-6 for Newmarket Center.

Patrick Kamins, the new owner of the property, described where new signs and a new awning/canopy over the entryway will be located. The awning will say "400 Amity Street" on the north end and "The Kamins Building" on the east and west sides. A new sign "Kamins Real Estate" will be installed on the north façade, over the easternmost ground-floor window. The existing sign "400 Amity Street" on the north façade will be moved to the west façade and installed over the existing door. Mr. Kamins noted that there is already lighting that illuminates the north façade. It is located in the planting area at the base of the building wall. New lighting will be installed above the new entryway.

Mr. Tucker noted that there is a band of brick above the windows where the signs will be located. The signs on the building will consist of 6" three-dimensional letters, mounted directly on the brick wall.

Ms. Pavlova-Gillham and Ms. Barberet both noted the need for a sidewalk on the north side of the building.

Ms. Pavlova-Gillham MOVED to approve the sign and entryway proposal. Mr. Carson seconded and the vote was 7-0.

IV. TOWN MEETING

Mr. Tucker stated that, as a follow-up to the passage of seven zoning amendments by Town Meeting, the Planning Board members needed to sign forms for the Attorney General. Mr. O'Keeffe noted that there had been eight warrant articles related to zoning. One article had been referred back to the Planning Board for further study and seven had passed.

Mr. Tucker noted that the Town Moderator had congratulated the Planning Board on its work with regard to the zoning amendments and had stated that the Board's presentations to Town Meeting had been effective.

Mr. O'Keeffe stated that the major item that needs to be worked on now is the replacement for the Phased Growth Bylaw. This will be given top priority.

V. NEW BUSINESS

- A. Request for Extension of Time to Hold Public Hearings
 - SPR2010-00003 – Amherst Enterprise Park – Storage Facility
 - SPR2010-00005 – Amherst Enterprise Park – Office Building

Ms. Brestrup explained that Mr. Andrews and Mr. LaVerdiere had submitted applications for two projects for which they had requested withdrawal without prejudice last year. The reason for the withdrawal had been that, since both cases had taken so long to go through the public hearing process, the applicants were concerned that there would not be a sufficient number of Planning Board members who were eligible to vote on the applications.

Applications for the Meadow Street developments were recently resubmitted. Due to the Town Meeting schedule and the personal schedules of the applicants the hearings were not able to be opened earlier in the fall.

Mr. O'Keeffe MOVED to extend the time in which to hold a public hearing for both applications until the end of January 2010. Mr. Webber seconded and the vote was 7-0.

- B. Master Plan – Schedule

Mr. Tucker stated that the Master Plan can be discussed at the Planning Board meeting on December 2, 2009, if the Board agrees.

Respectfully submitted:

Christine M. Brestrup, Senior Planner

Approved:

Jonathan O'Keeffe, Acting Chair

DATE: _____