

AMHERST PLANNING BOARD
Wednesday, March 17, 2010 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Jonathan Shefftz, Chair (7:12); Jonathan O’Keeffe, Denise Barberet, David Webber, Richard Roznoy, Stephen Schreiber, Bruce Carson and Rob Crowner

ABSENT: None

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

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

I. MINUTES Meeting of: March 3, 2010

Ms. Barberet noted two changes, one of punctuation and one of substance. Mr. Shefftz arrived (7:12) and proceeded to chair the meeting.

Mr. Schreiber MOVED to approve the Minutes of March 3, 2010, as amended. Mr. Webber seconded and the vote was 8-0.

II. PUBLIC HEARINGS – ZONING AMENDMENTS

A-11-10 University Drive Rezoning (Planning Board)

To amend the Official Zoning Map to change the zoning designation of Map 13B, Parcel 33, from Office Park (OP) to Limited Business (B-L).

Mr. Shefftz read the preamble and opened the public hearing for this proposed zoning amendment. He reminded the audience that the Planning Board makes recommendations to Town Meeting regarding zoning amendments, does not have the authority to approve or deny zoning amendments by itself.

Mr. O’Keeffe reported on the Zoning Subcommittee’s discussions about the proposed amendment. This is a proposal to change the zoning of one parcel on the east side of University Drive from OP (Office Park) to B-L (Limited Business). He referred to two maps which show the proposed zoning change. Mr. O’Keeffe noted that the entire west side of University Drive [between Amity Street and Route 9] lies within the B-L zoning district. However, on the east side, from the southern property line of the Newmarket Center all the way to Route 9, the properties are zoned OP, which he characterized as a “vestigial” zoning district. He noted that this is the only area in town where the OP zoning district exists.

Mr. O’Keeffe stated that the OP zoning district places more limitations on allowed uses than does the B-L zoning district. This parcel is the only one on the east side of University Drive that has not been developed. If this parcel were to be rezoned as B-L it would be in the same zoning district as Newmarket Center, the abutting parcel directly to the north.

The impetus for the proposed zoning amendment was a specific project proposal which includes affordable housing for seniors on the rear of the property and mixed-use development close to the road. The specific development proposal would require zoning that permits residential uses, which the OP District does not. However, no project is certain and the ZSC looked at the long-term viability of zoning for the property in developing its recommendation. Mr. O’Keeffe directed the Planning Board’s attention to a document that lists and compares the uses allowed under OP and B-L zoning.

Mr. O’Keeffe noted that all of the properties on the west side of University Drive are covered by an R & D (Research and Development) Overlay Zoning District. The Zoning Subcommittee (ZSC) considered whether it was appropriate to recommend that the R & D Overlay District be extended to cover the B-L district on the east side of University Drive. Because of the slightly more intense uses allowed by the R & D Overlay District, the ZSC decided that it would not be appropriate to apply the R & D Overlay to the east side of University Drive where properties are closer to residential uses. It should be noted that the Newmarket Center, directly north of the parcel under consideration, is not within the R & D Overlay District.

The ZSC also considered whether it would be appropriate to rezone the entire OP zoning district on the east side of University Drive to B-L. While this might make sense in the future, the parcels to the south of the property are already developed, and the ZSC did not wish to introduce non-conformities to these properties. The ZSC has been considering this proposed zoning change for the past several months and voted 3-0 on March 17th to recommend to the Planning Board that it recommend adoption of this article to Town Meeting.

Ms. Brestrup noted that one proposed development scenario for this property, as described by Larry Shaffer, Town Manager, to the Zoning Subcommittee, would require a Comprehensive Permit from the Zoning Board of Appeals. She noted that a Comprehensive Permit application requires a fairly stringent review process.

Ms. Barberet stated that the project that Larry Shaffer had discussed with the ZSC was also presented to the Community Preservation Act Committee (CPAC). An amount of \$900,000 had been requested for acquisition and development. That request has since been withdrawn.

Michael Pill, attorney for David Marley, owner of 100 University Drive, stated that his client opposes the proposed zoning amendment vigorously. Traffic and wetlands are the primary reasons for his opposition. He asserted that there had not been any planning involved in proposing this zoning amendment and stated that the property should not be rezoned to accommodate one project. He referred to the Minutes of the Zoning Subcommittee and asserted that there had not been much discussion about the proposed change following the presentation by the Town Manager. He argued that this change was an example of “spot zoning”. He stated that the Zoning Subcommittee should have looked at other parcels in town to determine if another property were more appropriate for the proposed development. He asked about long-term impacts of the rezoning. He asked why the other parcels located in this “vestigial” zoning district were not being included in the proposed change. He stated that the property was currently being used for agriculture and that local agricultural production was essential for “homeland security”.

Mr. O’Keeffe stated that the ZSC had held lengthy discussions on the proposed amendment and had reviewed the list of uses allowed in the B-L district versus those allowed in the OP district item by item. The ZSC had thought about each use. The ZSC also considered the current agricultural use of the property. He noted that the property under consideration sits on a corridor with high levels of development. The ZSC did not look at other parcels in town that might be suitable for the proposed development presented by the Town Manager because it is not in their purview to do so. The process was “robust”, he said. Town Meeting will make the decision on the proposed zoning amendment by a 2/3 vote.

Steven Kravetz of the Center for Extended Care at Amherst asserted that any attempt to develop the property proposed for rezoning would be a “disaster”. He stated that University Drive has several problems, including stormwater issues. Mr. Kravetz said that Guilford Mooring, Superintendent of the Department of Public Works, has talked to landowners in the

area about alleviating some of the problems. The land is wet, one of the fire hydrants is under water and many of the properties have flooding problems. Sometimes the buildings are also subject to flooding.

Mr. Kravetz stated that he has looked at the list of uses allowed in the B-L zoning district and that none of the uses makes sense for this property. Development of this property will negatively affect two large tax-paying property owners. He stated that The Arbors pays taxes and does not use many town services, such as police and school services. The proposed project will detrimentally affect the area. Affordable senior housing would be welcome, since the town's number of affordable units may soon dip below ten percent.

Mr. Kravetz directed the Board's attention to the list of questions that were asked by CPAC when money was requested from it for this development. He asked for information about the number of elderly low-income households that are on the waiting list for affordable housing in Amherst. He asserted that CPAC had rejected the project.

Ms. Barberet replied that CPAC had not rejected the project, but had asked a number of questions. The request for funding by the Housing Partnership had been withdrawn before CPAC voted on it. She noted that the project was in the preliminary stages.

Mr. Kravetz stated that he is a Commissioner on the Holyoke Geriatric Commission. He believes that this is "spot zoning" for one particular project.

Mr. Tucker stated that staff and members of the ZSC had made a point of viewing this proposed rezoning in the context of any potential future use. They had broadened the scope to look at possible future uses of other properties along the University Drive corridor. The specific project that has been mentioned may not come to fruition. He noted that the Department of Public Works has plans for traffic improvements on University Drive. The rezoning was examined in a larger context and did not constitute spot zoning.

Mr. Kravetz reiterated that there is already flooding in the area. The Arbors is served by only one driveway. If that driveway floods, access will be in jeopardy for ambulance and other services. He asked that the Board consider the people who live in The Arbors. The Arbors was built in 1998. The northern half of the property is wet. He asserted that the stormwater drainage system from Route 9 and Blue Hills Road is not working properly and contributes to the flooding of the properties along University Drive.

Mr. Tucker noted that the property at the end of Charles Lane is a dedicated open space for the Charles Lane cluster subdivision. He stated that if a specific development is proposed on the property under consideration for rezoning, the Planning Board, the Zoning Board of Appeals and the Department of Public Works will need to deal with the issues of storm drainage and wetlands. Any development will need to go through a review. The parcel does have some high, dry land, otherwise the land would not be able to be farmed. He further noted that the property has sat undeveloped since about 1980 when the OP zoning was established there.

Mr. Webber asked if the Zoning Subcommittee had considered any zoning district other than B-L for this property. Mr. O'Keefe stated that the ZSC did not consider any other zoning district. Anything else would have been out of place.

Mr. Webber read from the Zoning Bylaw the purposes of the OP and the B-L zoning districts. He stated that both districts are consistent with this property. He asked what the ZSC had considered when looking at surrounding properties.

Mr. O'Keefe stated that the ZSC had looked at the surrounding open space and the proximity of the residential development to the east. The open space at the end of Charles

Lane provides a buffer. The Arbors has open space nearby. The location of The Arbors was judged to be less of a concern.

Mr. Webber asked about dimensional requirements.

Mr. Tucker noted that the maximum lot coverage allowed for the OP zoning district is 70%. The maximum lot coverage allowed for the B-L zoning district is 85%. He noted that the amount of wetlands on the parcel would preclude any development from approaching 85% of lot coverage.

Ms. Barberet asked if there had been a formal study of wetlands on the property. She asked if a developer would be allowed to fill in wetlands.

Mr. Tucker stated that there had not been any formal studies on wetlands on the property. Ms. Brestrup stated that the maximum amount of wetlands that could be filled would be 5,000 square feet and that any wetland that is disturbed would need to be replicated.

Mr. Tucker stated that stormwater runoff from a developed site cannot exceed what was exiting the site before development. A developer cannot create a situation where he makes things worse than they were before the development occurred.

Mr. Webber stated that the Board also needed to consider the amount of land that can be covered by a building. The difference in building coverage is 35% [for B-L] versus 20% [for OP].

David Marley of 420 Allen Road in Belchertown stated that he is the owner of the property [at 100 University Drive] which lies to the south of the parcel that is being considered for rezoning. He bought the property about six years ago. The former owner of his property used to own the property to the north [the Idrees property being considered for rezoning]. He noted that landscape architect Bill Garrity had done the "land use work" when his building [100 University Drive] was built. He asserted that Mr. Garrity has information on the wetlands and site engineering for the property. The former owner sold the parcel north of 100 University Drive to Mr. Idrees to avoid bankruptcy. Mr. Idrees had wanted to build a mosque on the property. Mr. Marley would like to purchase the property from Mr. Idrees. He stated that he has plans to build an office building on the property which would use the parking lot that has been built on his property. He stated that there is groundwater about 14" below the paving on his property. The underlying soil is alluvial clay. The parking lot ices over in the winter time, posing a risk to his tenants and indicating the wetness of the site. Mr. Marley stated that he has discussed plans for building an office building on the property with the Planning Department. Mr. Marley stated that if anything is built on the property to the north it will negatively affect the surrounding properties. He asserted that the culverts are blocked on the east side of University Drive.

Mr. Marley stated that he is a commercial property developer, but he would like to buy the property and keep it the way it is. He is concerned that any building built to the north of his property will compromise the operation of the solar panels which he recently installed on his roof, at a cost of \$1 million.

Mr. Marley noted no one has been eager to develop the property being considered for rezoning.

Mr. Webber stated that the maximum height of a building in the B-L zoning district is 35 feet.

Mr. Marley also asserted that under a Comprehensive Permit there can be an increase in the density on a property and the height can also be increased. He suggested that the members

of the Planning Board walk the site during wet conditions [to have a better understanding of the property].

Mr. Schreiber noted that the sun shines from the south and therefore a building constructed to the north of 100 University Drive would not block the solar panels.

Mr. Marley stated that an office park would be more acceptable than the proposed [mixed use] development. He recommended that the Planning Board hear from consultants who had done work on the property.

Ms. Barberet noted that the proximity of a proposed building on Meadow Street had been a concern to the farmer who owned land to the south, and that the proposed building was only 20 feet away from the property line in that case.

Jim Smith, the former Town Engineer for Amherst, stated that he is aware of the conditions on University Drive. There are storm drain lines in University Drive but they are remote and too shallow to help with the flooding conditions on this site. The pipes are plugged and are in bad condition. There is a need for a new drainage system. However the permits required to alleviate the drainage problem will be complicated to obtain. He doubts that the condition will be fixed. He agrees with Mr. Marley that the drainage system is a "failed system".

Mr. Tucker agreed that there was a problem with drainage on University Drive. However, the question before the Board is a zoning change.

Ms. Barberet stated that if the zoning is changed to B-L then there can be more coverage on the land.

Mr. Shefftz stated that the arguments against the rezoning seem to be the fear that the Planning Board may unwisely approve an ill-advised project on the site in the future.

Mr. O'Keeffe noted that the lot coverage allowed in the existing OP zoning district was 70% and that given the practical realities of the site, whatever is proposed will not be able to approach 70% lot coverage.

Mr. Webber asked if the ZSC had considered effects on the surrounding properties when it had discussed the proposed zoning change.

Mr. O'Keeffe acknowledged that the ZSC had not heard from the abutters regarding possible effects on the surrounding properties at its meetings and that the information presented tonight was helpful.

Mr. Crowner stated that the Comprehensive Planning Committee had talked about using University Drive for more intensive uses. This would argue in favor of the proposed rezoning. However, the testimony heard in the public hearing might argue in favor of "down zoning" the property to FPC.

Jason Robertson of 130 University Drive, a Managing Partner of The Arbors, stated that the change in zoning would open up this property to uses that may not be compatible with the needs of the elderly residents of The Arbors and may affect their quality of life.

Mr. Pill stated that the rezoning will back the abutters into a corner and the project will end up before the Conservation Commission and the DEP (Department of Environmental Protection). Rezoning will touch off a "land use battle", he said.

Mr. Webber suggested continuing the public hearing to another date.

Mr. Shefftz stated that the Planning Board was voting on a recommendation to Town Meeting concerning a proposed rezoning, and that individual projects that are proposed will come before the Planning Board.

Mr. Schreiber MOVED to close the public hearing. Mr. Roznoy seconded and the vote was 7-1 (Crownor opposed).

Ms. Barberet asked if the Board had three options, to vote "Yes", to vote "No" and to refer the article back to the Board.

Mr. Schreiber MOVED to recommend to Town Meeting that the Official Zoning Map be amended to show this property rezoned from OP to B-L. Mr. Roznoy seconded.

Mr. O'Keeffe noted that the Planning Board's recommendation carries weight with Town Meeting and that the Board did not want to be blasé about its responsibilities. Ms. Barberet noted that there are problems with the specifics of this particular parcel. Mr. Tucker pointed out that part of the review process for a land use decision has to do with what the land can support. He stated that the Board is not voting on a specific proposal and he acknowledged that this is a problematic site.

Mr. Crownor stated that he is not really opposed to rezoning to B-L because of the Master Plan, but added that the testimony may suggest a different zone altogether.

Mr. O'Keeffe stated that rezoning to FPC (Flood Prone Conservancy) would be incompatible with the goal of maximizing usage of the corridor.

Mr. Tucker noted that the FPC District needs to have a direct correlation with flooding. He further noted that we do not currently have a working FPC zoning district and that the Planning Department staff is working with Information Technology to review the boundaries of the FPC zoning district.

The vote was 5-3 (Webber, Barberet and Crownor opposed).

A-13-10 Four Unrelated (Petition of Melick et al)

To amend Section 12.142 of the Zoning Bylaw, revising one definition of Family, in order to remove the limitation of no more than four unrelated people in a single dwelling unit.

Mr. Shefftz read the preamble and opened the public hearing for this proposed zoning amendment. He invited the petitioner to speak.

The petitioner, Daniel Melick, of Taylor Street, a 2008 graduate of the University of Massachusetts, and a Town Meeting member, stated that he proposes to amend the Zoning Bylaw to delete the limitation of four unrelated people in a single dwelling unit. While the law is usually enforced against houses that are problematic, it was recently enforced against a group of five girls living together on East Pleasant Street who had no history of noise problems. One person was forced to move out as a result of the enforcement.

The concerns of the community can be addressed by other laws, such as the Nuisance House Bylaw. Other laws, such as health laws, also govern overcrowding of houses.

Mr. Melick stated that he has been discussing alternatives with the ZSC and with Mr. Tucker. Raising the limit to five unrelated people would entail similar problems to the existing law and would be equally arbitrary. He had thought about creating certain districts that would allow a greater number of unrelated people, but was afraid that this would lead to student ghettos and party districts. It is better to integrate students with neighbors, he said. Rental registration is being discussed, but he predicted that this effort will suffer from the same problems as the current rental registration law. Simply knowing who lives at a property will not prevent problems.

Mr. Melick referred to the recently enacted Boston law which imposes a limit on the number of undergraduates who may live together. He predicted that such a limitation will deepen the housing shortage and raise rents for individuals.

Mr. Roznoy disclosed that he lives on a property that abuts the property on East Pleasant Street from which the student had been evicted.

Derek Khana, of Nutting Avenue, is a student at UMass and is involved with the Student Government. He asserted that this proposed zoning amendment should receive a positive recommendation from the Planning Board. It affects many students, he said. The Student Government (representing 19,000 students at UMass) passed a resolution supporting the change. Many of these students (15,000) are residents of Amherst. Juniors can live off campus. He is concerned that students may get “thrown out” of their apartments and have to find a new place to live in mid-semester. It is unreasonable to have a law on the books that is unenforceable or enforced unequally. He asserted that this is a contract issue and that sometimes students are not on a lease because of this law. Police do not know who lives at a particular location if the residents are not on the lease. He recommended that problems with students be dealt with through other means, such as the Nuisance House Bylaw, regulations about the number of cars allowed on a property, and regulations regarding management of trash. He asked what landlords can do with houses that have five or more bedrooms.

Mr. O’Keeffe stated that the ZSC had voted 3-0 to recommend to the Planning Board to recommend to Town Meeting that this article be referred back to the Planning Board and the Board of Health jointly. He stated that the ZSC had held a session two weeks ago in which there was wide public input. The ZSC had wrestled with the issues and felt empathy with Mr. Melick and Mr. Khana, but also had reservations about removing the existing limit. Mr. O’Keeffe acknowledged that there is an enforcement problem. An arbitrary limit is inherently problematic, he said. However, removing the limit is a broad remedy that would have broad consequences. One issue is parking. The Zoning Bylaw limits the number of cars that can be parked within the front setback to two. More people in a house will lead to more violations of this type of limit. Rental registration is currently not enforced, but it has potential. Mr. O’Keeffe expressed reluctance to “just remove the limit”. The Planning Board should recommend to Town Meeting that this article be referred back with the understanding that the Planning Board and Board of Health will actively seek to get something done about this problem.

Mr. Shefftz noted that the Planning Board had received a letter from Town Counsel stating that there are no legal impediments to the current Bylaw and that Town Counsel had cautioned against enacting the Boston option.

Mr. Shefftz acknowledged receipt of a letter from Kerry Strayer and read aloud a letter from Elizabeth Rowell, both in opposition to the proposed zoning amendment.

Mr. Khana stated that since people had brought up the issue of parking, they should acknowledge that 5, 6 and 8 bedroom houses exist and that they are currently available for rent. If the limit is removed we will have the system that we have now – “de facto”. We already have many houses with more than four tenants. The change would be merely legalizing the system that we already have.

Mr. Tucker stated that the Town needed to work on a broader range of mechanisms to address this problem. He noted that the conversion of single-family homes into rental housing distorts the local housing system. It increases the value of the house and increases the assessment. Property taxes go up and this adds to the cycle of conversions. Group tenancies degrade the physical condition of housing. This is not beneficial to the community. It makes affordable housing for the middle class and workers harder to find. It

has an effect on the community's housing in general. He stated that there are many people who seek to purchase rental housing in town, because they view it as a money-making venture.

Ms. Barberet gave an example of this type of change happening on East Pleasant Street, from Chestnut to Strong Street, as well as north of Strong Street, past the North Amherst Fire Station. She noted that this change is happening in other parts of town as well.

Taryn Laraja of 7 Strong Street stated that her family owns 265 East Pleasant Street, the house that the student was forced to leave. It is within peoples' rights to buy a house and rent it, she said. This is a college town.

Mr. Shefftz stated that the Planning Board had received a long list of the regulations in other college towns, showing that they limit the number of unrelated people, usually to 3 or 4.

Ms. Laraja stated that noise and parking are problems. She wasn't aware of the "four-unrelated" rule when she rented the house.

Mr. Roznoy MOVED to close the public hearing. Mr. Schreiber seconded.

Herb Banner, a visitor from New York City, stated that Amherst has an abundance of riches. College students bring in a lot of money. The problem with students won't go away. Students need housing. Amherst needs to set up a mechanism for dealing with student houses, to control how these houses are maintained and used. The properties need to have adequate parking for each student. Amherst should set up a system, or a commission, to control this type of housing. This system or commission should include the Health Department, housing officials and the Police Department. Amherst should require that houses be licensed, including requiring that they be clean, safe, have enough parking and enough room for occupants.

The vote was 8-0 to close the public hearing.

Mr. O'Keeffe MOVED that the Planning Board recommend to Town Meeting that this article be referred back to the Planning Board and Board of Health for further study. Mr. Carson seconded and the vote was 8-0.

III. PUBLIC HEARINGS – SITE PLAN REVIEW

SPR2010-00005/M3724 – Meadow Street, Leigh F. Andrews and Donald A. LaVerdiere, Amherst Enterprise Park, Office Building *(Continued from January 20 and February 17, 2010)*

Construct a 12,800 square foot per floor, two-story, wood-frame office building, with access and parking. (Map 4D, Parcels 2 and 3, LI and FPC zoning districts)

Mr. Shefftz noted that the Planning Board had already received a lot of testimony on this application.

Ron LaVerdiere presented the petition for the applicants, noting that the applicants would give an abbreviated presentation and would entertain questions from the Board. He introduced the members of his team, Steve Savaria of Fuss and O'Neill, traffic engineers, Emily Anderson of Ford Gillen Architects, and Bill Garrity of Garrity and Tripp, civil engineers and landscape architects.

Mr. Garrity stated that the applicants would be showing a Power Point presentation regarding the architecture of the proposed building and that they had submitted a Traffic Impact Statement, as requested by the Board. He also stated that the site plan had been altered slightly to show the proposed trees in locations that would not block the sight distance and that the applicants had requested another waiver from the requirements of the

Zoning Bylaw. The new waiver request was for a reduction in the amount of parking required for the building, from 83 parking spaces to 68 parking spaces. Mr. Garrity also noted that the light poles in the parking lots would be 15 feet high instead of 25 feet high. He explained that the applicants had submitted plans showing the pattern of light cast on the parking lot, in accordance with a request from the Planning Department.

Emily Anderson presented a slide show and video showing the architectural design of the proposed building. The proposed building was shown in context with surrounding buildings and with the proposed storage building that will be constructed farther south along Meadow Street. It was also shown from the point of view of someone driving by on Meadow Street and entering the site and driving through the parking lot. There were several changes that had been made to the architectural elevations, including covered entries at all of the doors, a colonnade entrance at the main door and a fence on the roof to hide the condensers.

Ms. Barberet noted that there is a large amount of agricultural land to the west of the site.

Mr. LaVerdiere presented information in support of the request for a reduction in the parking requirements. He compared the amount of space in the proposed building to two other developments in which he had been involved. One development is located in South Amherst and one is located in East Amherst. One development contains a mix of uses including uses that allow more people to visit the property. The other development contains fewer and more restricted uses. Mr. LaVerdiere stated that the building that is being proposed lies somewhere in between, in terms of intensity of use and the limitations placed on it by zoning. The number of parking spaces being proposed (68) is consistent with the amount of floor space in the proposed building, given that the use will be less intensive than the South Amherst property and more intensive than the East Amherst property. Mr. LaVerdiere noted that the Light Industrial (LI) zoning district does not allow offices which have visits by the public, even by appointment. He also noted that the limited number of parking spaces will mean that the number of vehicle trips per day will also be more limited.

Mr. Carson asked if the applicants were still proposing that a portion of the building be used for storage. Mr. LaVerdiere clarified this point, saying that it is currently proposed to be an office building, although about 20% to 25% of the average office is taken up with storage space. He stated that if the book company were to be the tenant, he would need to come back to the Planning Board for an amended Site Plan Review.

Mr. Schreiber asked about the Traffic Impact Statement. He questioned the relationship between the 367 trips per day that were estimated in the statement and the 30 to 40 trips per day that had been estimated in the initial application. He asked about the relationship between the number of cars parked on the site and the number of trips generated by the site.

Mr. Savaria stated that it is not a simple relationship. The estimate of 367 trips per day is based on nationwide standards, which are based on traffic counts for other office buildings throughout the country. These other office buildings can contain any type of mixed uses and are not as restricted in terms of their zoning.

There was further discussion about the number of parking spaces and the number of trips generated.

Mr. LaVerdiere stated that this is not a standard office building because it is not on a site with standard zoning.

Mr. Savaria stated that the zoning restrictions on this site would reduce the overall impacts of traffic. He stated that the peak hour trip generation would be about 40 trips coming in to the site in the morning and about 40 trips leaving the site in the afternoon. General office use, upon which national standards are based, includes a lot of uses that are not allowed here.

Ms. Barberet noted that there will be a 7.4% increase in traffic on Meadow Street.

There was discussion about where the trips would occur on Meadow Street. Mr. Savaria stated that most of the increase will occur to the north of the site. Ms. Barberet asked about the impact of increased traffic on the agricultural properties in the area.

Mr. Savaria stated that only about 12% of the increase in traffic will occur to the south of the entry driveways.

Joe Waskiewicz of Meadow Street questioned the difference between urban minor arterial roads and major rural connectors. Mr. Savaria explained that the same street can have a different classification when it crosses the town line. It depends on whether the area is considered an urban area or a rural area. Amherst is considered to be urban, while Hadley is considered to be rural, from a traffic engineering point of view.

Mr. Waskiewicz asked that the roadway nomenclature be clarified. He also asked about the proposed shrubbery in front of the building. He stated that anything planted in front of the building should not be more than 5 feet high, in order to prevent blocking of the sight distance. He stated that cars often pass him when he is riding on his tractor on Meadow Street, even near the curve in the road.

Mr. LaVerdiere noted that the Traffic Impact Statement (TIS) had gone beyond the standard requirements as a result of a request by the Town Engineer, who asked for speed data. The TIS had measured the 85th percentile speed which was 35 mph northbound and 38 mph southbound.

There was discussion about the placement of the counting devices. Mr. Waskiewicz noted that the counting devices had been placed south of Russellville Road and thus missed those vehicles coming off Route 116 and turning onto Russellville Road. Mr. Savaria noted that standard practice is to measure traffic volume in front of the site where the development is to be located. Also, those turning onto Russellville Road would only amount to about 10% of the traffic. The traffic study included turning movements at Route 116 and Meadow Street.

Mr. Webber MOVED to close the public hearing. Mr. Carson seconded and the vote was 8-0.

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

- 11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw; the applicant has requested modifications of the Zoning Bylaw with respect to Sections 7.01, 7.0041 and 7.104; Mr. Shefftz noted that the analysis of the parking requirements presented by the applicant seemed reasonable;
- 11.2401 – Town amenities and abutting properties will be protected because detrimental or offensive actions will be minimized; there are no issues related to this criterion;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics because lighting will be downcast and will not shine onto adjacent properties;
- 11.2403 – N/A;
- 11.2410 – The project protects unique or important historic and scenic features because the site is zoned for this type of development and the applicant presented a three-dimensional rendering of the new building so the Board could see and evaluate what it will look like in context;

Ms. Barberet noted that the CPAC (Community Preservation Act Committee) would be asked on March 18th to recommend purchase of a piece of land on the west side of Meadow Street, north of the site. She noted that the majority of parcels in the area are under some type of restriction, either conservation or APR (Agricultural Protection Restriction).

- 11.2411 – The proposed methods of refuse disposal are adequate because there will be an enclosed paved area designated near the southeast corner of the parking lot to house the solid waste dumpster and a local hauling company will be hired to haul away the refuse;
- 11.2412 – The ability of the proposed sewage disposal and water supply systems within and adjacent to the site to serve the proposed use has been reviewed by the Town Engineer, who submitted a letter of comment dated August 12, 2009; a condition of the permit will require that the issues listed in this letter with respect to utilities shall be addressed by the applicant to the satisfaction of the Town Engineer;
- 11.2413 – The ability of the proposed drainage system within and adjacent to the site to handle the increased runoff resulting from the development has been reviewed by the Town Engineer and found to be satisfactory;
- 11.2414 – Adequate landscaping will be provided because a landscaping plan has been submitted which shows proposed planting in the form of street trees, trees along the driveway and within the site, shrubs at the west side of the building and plantings in the rain garden on the east side of the building; and a condition of the approval will require that the landscaping shall be installed and continuously maintained; in response to concerns raised about sight distance, proposed trees have been moved back away from the road and out of the line of sight; there will also be a condition that will require that plants within the line of sight be kept at a height of 4 feet or below;
- 11.2415 – The soil erosion plan has been reviewed by the Town Engineer and found to be adequate;
- 11.2417 – The protection of adjacent properties by minimizing the intrusion of lighting has been established because the applicant will use lower heights for light poles in the parking lot (15 feet) than originally proposed and the lights will be downcast and the lights on the sign will be downcast as well; the applicant has also submitted a lumen plan to show where the intensity of light will fall on the site;
- 11.2418 – Protection from flood hazards has been reviewed by the Board and by the Town Engineer and has been found to be satisfactory;
- 11.2419 – Protection of wetlands has been reviewed by the Conservation Commission and an Order of Conditions has been issued;
- 11.2420 – With regard to the proposed architecture, the applicant has submitted architectural elevations and given a slide show presenting the architectural design for the building in context with its surroundings, which the Board found to be satisfactory;
- 11.2421 – The development is reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits, with surrounding buildings and development because the parking is behind the building and a landscaping plan has been submitted;
- 11.2422 – The building site avoids, to the extent feasible, the impact on steep slopes, floodplains, scenic views, grade changes and wetlands because there are no steep slopes, compensatory storage has been provided for areas of floodplain that have been filled, the applicant has provided views of what the building will look like in context, there are no significant grade changes and impacts on wetlands have been avoided;
- 11.2423 – N/A
- 11.2424 – Screening has been provided for dumpsters and rooftop equipment because the applicant has proposed that the dumpster be located in an enclosed area at the corner of the parking lot and there will be a fence installed on the roof to screen rooftop equipment;
- 11.2430 – The site has been designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties;
- 11.2431 – The location and number of curb cuts is such as to minimize turning movements and hazardous exits and entrances because there are two entrances, both of which have sufficient sight distance; a condition of the permit will require that no plantings obscure the sight distance and existing brush shall be cut back to improve sight distance;

11.2432 – The location and design of parking spaces, bicycle racks, drive aisles and sidewalks will be provided in a safe and convenient manner; the Town Engineer has reviewed the design of the parking lot with respect to size of spaces and drive aisles and found it to be satisfactory, bicycle racks will be provided near the sidewalk to the main building entrance; sidewalks are provided to connect the parking lots to building entrances;

11.2433 – N/A

11.2434 – N/A

11.2435 – N/A

11.2436 – A Traffic Impact Report has been submitted and reviewed by the Town Engineer and found to be satisfactory;

11.2437 – A Traffic Impact Report has been submitted and reviewed by the Town Engineer and found to be satisfactory.

Ms. Barberet expressed concern about Section 11.2437, Item #3, because of the particular type of traffic, namely farm vehicles that travel on Meadow Street. However, she was unsure what remedy could be devised to address the potential conflict between farm vehicles and other vehicles travelling along Meadow Street.

Mr. Shefftz reviewed the Development Application Report. Ms. Brestrup noted that one sign is allowed in this zoning district in accordance with Section 8.23 of the Zoning Bylaw. A second sign would require a Special Permit from the Zoning Board of Appeals.

Mr. Webber asked about sight lines with regard to signs. Both sign locations are outside of the “clear sight triangle”. Mr. LaVerdiere noted that the proposed signs are small and low.

Mr. Crowner asked about the hours of operation of the lights. He would prefer that there be no permanent lighting on the site after 10:00 p.m.

Mr. LaVerdiere stated that he agreed that the site lighting can be turned off at 10:00 p.m. but would like to have a switch to turn on the lights for five minutes to allow someone walking to his car late at night to be safe and secure.

Mr. O’Keeffe MOVED to approve SPR2010-00005/M3724, for a three-story building, subject to the waivers and conditions agreed to by the Board. Mr. Carson seconded and the vote was 7-0-1 (Barberet abstained).

Ms. Barberet stated that she abstained from the vote because, although the application had met the conditions for Site Plan Review approval, she did not feel that the proposed use was an appropriate use of this site.

Waivers

1. Section 7.01 of the Zoning Bylaw – Off-street parking to be provided in same zone as principle use
2. Section 7.104 of the Zoning Bylaw – Width of driveway at property line
3. Section 7.111 of the Zoning Bylaw – Landscaped islands in parking lot
4. Section 7.0041 of the Zoning Bylaw – Number of parking spaces required

Conditions

1. Exterior lighting shall be installed in accordance with revised information submitted (15 foot tall poles); exterior lighting shall be downcast and shielded.
2. Lighting for the sign at the entry drive shall be mounted above the sign and shall be downcast.
3. The hours of operation of exterior lighting shall be dusk to 10:00 p.m. with the exception of security lighting for the parking lot which may be turned on for a period not to exceed five minutes to allow safe passage from the building to the parking lot for a person leaving the building late at night.

4. The developers shall work with the town to investigate and remediate infiltration and inflow (I & I) problems on the 12" diameter sewer interceptor line as noted in the letter from the Town Engineer, dated August 12, 2009.
5. All of the issues listed in the letter from the Town Engineer, dated August 12, 2009, shall be addressed and resolved to the satisfaction of the Town Engineer.
6. Plantings shall be installed and continually maintained.
7. The height of plantings and other vegetation within the area of sight distances from the entry drives shall be maintained at a maximum of 4 feet; existing brush and trees along the road shall be removed, in consultation with the Tree Warden, to improve sight distances at the entry drives.
8. Four copies of the final revised plans shall be submitted to the Planning Department.
9. This permit will expire in two (2) years if substantial construction has not begun.

SPP2010-00010/M4721 – 14 Gray Street, Hills House LLC (Russ Wilson)

Request approval to convert a single-family to a two-family dwelling under Section 3.321 of the Zoning Bylaw, including construction of a garage and associated site work (Map 14B, Parcel 252, R-G Zoning District)

Mr. Shefftz read the preamble and opened the public hearing.

Jerry Guidera, Mr. Wilson's business partner, presented the application. He noted that the Board had conducted a site visit on the previous Monday. He distributed handouts in response to questions that had arisen at the site visit, regarding the history of the property, screening of parking spaces and plantings.

Mr. Guidera stated that while the drawings submitted with the application had shown plantings on the south side of the property for screening of parked cars, the applicants had decided to install a fence instead. The handouts included drawings of the proposed fence.

Mr. Guidera stated that he and Mr. Wilson had bought the property and the building and relocated the building to the property in January 2008. Mr. Guidera and Mr. Wilson had already moved two other buildings to the corner of Gray Street and Main Street. They have tried to maintain the area in the style of a traditional residential neighborhood.

The building that is the subject of the current Site Plan Review will be converted to two dwelling units. They will be sold as condominiums. The building contains 4,200 square feet of interior space. It will be a market-rate, owner-occupied building. He reviewed the spaces that will be constructed in the interior. He described the trash enclosure and proposed fencing along the south side. The applicants plan to use the same style of fencing that is used to screen the cars to also screen the trash barrels for the southern unit. The northern unit will have its trash stored in the garage.

Mr. Guidera asserted that the neighbors are supportive of the project. He noted that Ed Wilfert, a local historian, had written and contributed a short history of the building. The applicants have received positive responses regarding their work from the neighbors.

Mr. Shefftz reviewed the Site Visit Report. He noted that the site visit was conducted on March 15th, a cold, wet day.

Mr. Carson asked about the parking for the southern unit. Mr. Guidera stated that parking for the southern unit (Unit A) would be provided in front of the building. The Bylaw requires each dwelling unit to have two parking spaces. There was discussion of building a carport down near the road to house the two parking spaces. The applicants would like to accommodate the needs of the buyers in deciding where to put the parking spaces. For now the parking spaces are proposed to be as shown on the plan, in front of the building.

Mr. Webber MOVED to close the public hearing. Mr. Carson seconded and the vote was 8-0.

Ms. Barberet asked about the two curb cuts that are proposed. Mr. Wilson stated that the applicants had reviewed the plan with the Town Engineer and he had agreed to grant two curb-cut permits for the property.

Ms. Barberet questioned the choice of arborvitae for the plantings.

Mr. Wilson stated that the applicants had decided to use fencing on the south side to screen the parking and that they are leaning towards using shrubs in front of the building to screen the parking from the front. They propose to use shrubs that are 4 feet or lower in front of the property, or possibly use a fence rather than the arborvitae initially proposed.

Ms. Barberet asked about the beech tree that is located at the southeast corner of the property.

Mr. Guidera stated that the tree is not on the subject property, but rather on the adjacent property, and that the applicants had met with Alan Snow, the Tree Warden, and had discussed the tree. Mr. Snow had determined that the tree was already in decline. Ms. Brestrup stated that she had also spoken with Mr. Snow and that he had said that the tree was suffering from a fungus and that there was not much that could be done to save the tree.

Ms. Barberet asked about the problem with silt and ice on the sidewalks. The Board agreed to impose a condition requiring that an erosion control plan be submitted to the Town Engineer for his approval.

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

- 11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw;
- 11.2401 – Town amenities and abutting properties will be protected because detrimental or offensive actions will be minimized; there are no issues related to this criterion;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics because an erosion control plan will be presented to the Town Engineer for his approval;
- 11.2403 – N/A;
- 11.2410 – The project protects unique or important historic and scenic features because the proposed development is beautiful and the scenic views are preserved;
- 11.2411 – The proposed methods of refuse disposal are adequate because trash and recycling for Unit A will be in an area enclosed by a fence and trash and recycling for Unit B will be in the garage; a hauling company will pick up the trash once a week;
- 11.2412 – The site will be connected to the town's sewer and water system;
- 11.2413 – The ability of the proposed drainage system within and adjacent to the site to handle the increased runoff resulting from the development is adequate;
- 11.2414 – Adequate landscaping will be provided because the applicant discussed plans for landscaping with the Board; the applicant may choose to provide a fence to screen the parking at Unit A rather than install plant materials; the applicant also did not wish to block views of the Hills House with plantings;
- 11.2415 – A condition of the approval will require that a soil erosion plan be submitted to the Town Engineer for his review and approval prior to the continuation of earthwork;
- 11.2416 – N/A
- 11.2417 – The protection of adjacent properties by minimizing the intrusion of lighting has been established because the applicant will use downcast lighting at each egress doorway and at the garage;
- 11.2418 – N/A
- 11.2419 – N/A
- 11.2420 – With regard to architecture, the building is a historic structure which is being appropriately renovated and is compatible in style with the other buildings in the neighborhood;
- 11.2421 – The development is reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits, with surrounding buildings and development;

- 11.2422 – N/A
- 11.2423 – Buildings on the site and on adjacent sites relate harmoniously to each other in architectural style, site location and building exits and entrances;
- 11.2424 – Screening will be provided for the storage of trash barrels for Unit A; trash barrels for Unit B will be stored in the garage;
- 11.2430 – The site has been designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties because there will be a turnaround provided so that cars will not need to back out over the public sidewalk and onto Gray Street;
- 11.2431 – The location and number of curb cuts is such as to minimize turning movements and hazardous exits and entrances because there are two entrances, both of which have been reviewed and approved by the Town Engineer; turnaround areas will be provided to prevent the need to back out onto Gray Street;
- 11.2432 – The location and design of parking spaces will be provided in a safe and convenient manner because there will be two parking spaces for each unit and turnaround areas will be provided to prevent the need to back out onto Gray Street;
- 11.2433 – N/A
- 11.2434 – N/A
- 11.2435 – N/A
- 11.2436 – A waiver from the requirement for a Traffic Impact Report has been requested and will be granted because the project is small and there will be only four parking spaces on site;
- 11.2437 – The requirement for a Traffic Impact Report has been waived.

Waivers

Traffic Impact Statement
Sign Plan

Conditions

1. Parking for Unit A shall be screened by a wooden fence with lattice, along the southern property line (Main Street), as shown in the information submitted during the public hearing.
2. Parking for Unit A shall be screened by a low wooden fence or shrubs no taller than 4 feet, along the Gray Street side of the property.
3. An Erosion Control Plan shall be submitted to the Town Engineer for review and approval prior to resumption of earthwork.
4. In accordance with Section 14, Phased Growth, of the Zoning Bylaw, the Planning Board assigned a development authorization date of April 2010 for the one additional dwelling unit.
5. Four (4) copies of the final revised plans shall be submitted to the Planning Department.
6. This permit will expire in two (2) years if substantial construction has not begun.

Mr. Carson MOVED to approve SPR2010-00010/M4721, with waivers and conditions. Mr. Webber seconded and the vote was 8-0.

IV. OLD BUSINESS – Mr. Crouner stated that he was ready to vote on the zoning amendment regarding non-profit human service uses. Ms. Barberet stated that she was not ready to vote on the proposed amendment. Mr. Shefftz stated that due to the lateness of the hour, the Planning Board would not take a vote this evening.

- V. **NEW BUSINESS** – There was no new business.
- VI. **FORM A (ANR) SUBDIVISION APPLICATIONS** – There were no Form A applications.
- VII. **UPCOMING ZBA APPLICATIONS** – No upcoming ZBA applications were discussed.

VIII. **UPCOMING SPP/SPR/SUB APPLICATIONS**

The Amherst Planning Board will hold a public hearing on **Wednesday, April 7, 2010** in the **Town Room, Town Hall**, to consider the following Site Plan Review application:

SPR2010-00009/M4678 – 264 Harkness Road, Hampshire Mosque

Request approval to operate a non-profit religious institution (Hampshire Mosque) under Section 3.330 of the Zoning Bylaw (Map 18D, Parcel 100, R-N Zoning District)

IX. **PLANNING BOARD SUBCOMMITTEE REPORTS**

Zoning – Mr. O’Keeffe gave the Zoning Subcommittee report during the public hearings for the zoning amendments. He noted that the ZSC would be meeting on March 24th to discuss the proposed zoning amendment on Development Modifications.

X. **PLANNING BOARD COMMITTEE REPORTS**

- A. Pioneer Valley Planning Commission
- B. Community Preservation Act Committee – Ms. Barberet stated that the CPAC would meet on March 18th at 7:00 p.m.
- C. Agricultural Commission
- D. Save Our Stop Committee

XI. **REPORT OF THE CHAIR** – Mr. Shefftz had reported earlier that it was a beautiful evening and he had taken advantage of the weather to ride his bicycle to the meeting, causing him to be a few minutes late.

XII. **REPORT OF THE DIRECTOR** – None

XIII. **ADJOURNMENT** – The meeting was adjourned at 10:58 p.m.

Respectfully submitted:

Christine M. Brestrup, Senior Planner

Approved:

Jonathan Shefftz, Chair

DATE: _____