

**AMHERST PLANNING BOARD**  
**Wednesday, August 4, 2010 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Jonathan Shefftz, Chair; Jonathan O’Keeffe, Richard Roznoy, Bruce Carson, Rob Crowner, David Webber and Sandra Anderson

**ABSENT:** Stephen Schreiber

**STAFF:** Jonathan Tucker, Planning Director and Christine Brestrup, Senior Planner

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Mr. Shefftz opened the meeting at 7:05 PM and announced that the meeting was being recorded by Planning Department staff and was being recorded and broadcast by ACTV.

**I. MINUTES July 21, 2010**

Mr. Roznoy questioned the sequencing of the Planning Board Committee Reports on page 5 and the inclusion of comments that were not related to the reports. A format change was recommended to clarify the content of page 5.

Mr. Roznoy MOVED to approve the Minutes as amended. Mr. Carson seconded and the vote was 5-0-2 (Webber and Anderson abstained).

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

**SPR2011-00001/M6234 – 381-383 Main Street, Lumber Yard Restaurant LLC**

Request Site Plan Review approval for a Class I Restaurant, closing by 11:30 p.m.,  
(Map 14B/Parcel 62, B-VC Zoning District)

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

Rolf and Cindy Nelson presented the application for Lumber Yard Restaurant LLC. They have owned and operated a restaurant on Nantucket for the past 16 years and an adjacent wine shop for 7 years. They wish to open a restaurant in Amherst that pays homage to the history of the location and have chosen the name “Lumberyard Restaurant” because the site used to serve as a lumber yard. Mr. Nelson described the restaurant as a “modern American bistro and wine bar”.

Ann Marshall of Kuhn Riddle Architects presented the plans for the restaurant. She showed photographs of the existing building and stated that providing handicapped access to the front door is a challenge. The applicant is proposing to create a level platform at the elevation of the front door that will meet the level of the sidewalk on the west side of the property, near the Elements Hot Tub Spa entry. Handicapped people would park in the designated spaces on the adjacent property and proceed up the driveway, cross the driveway, move up the sidewalk and onto the level platform.

There is metered parking on Main Street and unmetered parking on Spring Street. The applicant is also proposing to lease parking from Bill Gillen, on the adjacent property to the south.

Mr. Shefftz read an email from Planning Board member, Stephen Schreiber, expressing concern about access from the handicapped parking spaces to the front door. Mr. Schreiber had attended the site visit but was not able to attend the public hearing.

Ms. Marshall suggested that she could talk to the town about using one of the on-street parking spaces as a handicapped space. Mr. Nelson noted that he had submitted a letter to the Select Board requesting permission to use the on-street spaces in front of the building for deliveries in the morning.

Ms. Marshall stated that the applicant is proposing to redo the sidewalk in front of the building, to smooth it out, because it is in bad condition, with cracks and bumps.

There is no accurate topographic survey of the sidewalk, so it is not possible to tell what the cross-slope of the sidewalk is from looking at the plans.

Mr. Tucker stated that most of the access problems noted in Mr. Schreiber's email are related to the public way or abutting private property. Therefore the applicant does not have the ability to address all of the problems.

Ms. Brestrup suggested that the Board could grant the approval with a condition that would require that the applicant meet with the Town Engineer and the Planning Department staff to work out a solution to the issue of handicapped accessibility from the parking lot to the front door.

Ms. Marshall stated that a bench with a wooden seat is proposed along the edge of the level platform, to provide a seat as well as to keep people from stepping off the platform inadvertently. No railing is required, since the vertical drop is less than 30". A planting area with a small tree is proposed between the platform and the sidewalk. Outdoor seating with four small tables and accompanying chairs is also proposed on this platform.

The exterior of the building will be treated in a manner that is in keeping with the historic buildings in the neighborhood. There will be minimal alterations to the façade. The existing brick will remain as is and the painted areas will be painted green. The window trim will be dark, like the Wheatberry building. The lighting and plantings are shown on the site plan. The lighting fixtures will have full cut-offs to prevent light spill.

Mr. Shefftz summarized the Site Visit Report and noted the questions that had arisen during the site visit.

Mr. Crowner noted that the Board had received a letter of support from a neighbor [Elements Hot Tub Spa], and that the neighbor had requested that venting of cooking exhaust be up and away from the buildings. Ms. Marshall stated that the exhaust venting would be directed up through the roof.

Jeffrey Krauth of Elements Hot Tub Spa stated that he and his wife are contiguous neighbors of the proposed restaurant and they support the application. It will be good for the neighborhood and good for the town.

Taryn Laraja of 7 Strong Street spoke in support of the application, saying that it would be a wonderful addition to the town.

Scott Auerbach of 143 Gray Street spoke in support of the application, stating that the one thing that is missing from the area is a place that will bring people together. The restaurant is a perfect use for that space.

Ms. Anderson MOVED to close the public hearing. Mr. Webber seconded and the vote was 7-0.

Mr. Shefftz reviewed the Development Application Report. There is no problem with the parking, he said. The parking lot [to the rear of the building] is attractive.

Mr. Crowner asked what happens if the ownership of the adjacent property at 401-409 Main Street changes. The Planning Board cannot require a new owner to continue the lease. There was discussion about the issue of parking.

Mr. Carson noted that there are public parking spaces along the street. Ms. Marshall stated that there are public parking spaces located on Main Street and Spring Street. There was further discussion about parking.

Ms. Anderson asked what would happen if the restaurant wanted to expand its hours to include hours when the office buildings would be in use and therefore the parking needs would overlap.

Mr. Crowner questioned how to interpret Section 7.2 of the Zoning Bylaw. There was further discussion about parking requirements.

Ms. Marshall noted that the applicants were proposing to use 10 parking spaces on Mr. Gillen's property that are in excess of Mr. Gillen's needs. The applicant is also proposing to share 15 other spaces, since the restaurant use and the office use do not have the same peak hours of operation.

Mr. Webber noted that Mr. Gillen would continue to have 43 parking spaces available for his offices and other uses on site after hours if he leased and shared 25 spaces with the restaurant.

Ms. Anderson noted that the Management Plan lists 15 – 20 full and part-time employees. Mr. Nelson clarified that there would be a maximum of 10 employees on-site at any given time.

The Board discussed parking for loading and deliveries. The Board noted that Select Board approval would be required for use of on-street parking spaces for deliveries.

Ms. Marshall noted that some trucks would be able to pull around to the back of the building and unload close to the back door. Mr. Gillen has given permission for this.

The Board discussed light fixtures, noting that they should be downcast and should not shine onto adjacent properties. Ms. Marshall noted that the exterior light fixtures would be painted black.

Mr. Shefftz stated that he did not see a need for a Traffic Impact Statement.

The Board discussed signs for the restaurant. Ms. Marshall stated that the signs were proposed to be letters mounted directly on the building or on an awning.

Mr. Nelson explained that the origin of the restaurant name is that the site was previously used as a lumber yard. Another connection is that Ms. Nelson's family sold lumber at one time.

There were no concerns expressed about signs.

The Board discussed the proposal for seasonal outdoor dining. Ms. Marshall described the proposed placement of the four tables and accompanying chairs on the platform in front of the restaurant. Mr. Nelson stated that the tables and chairs would be brought inside and stored when they were not in use.

The Board discussed the proposal for live entertainment. Mr. Nelson stated that the entertainment would be in the form of jazz, singer-songwriters, small groups of community-based musicians. It would be the type of music that would accompany dining. The Board decided by consensus not to impose a probationary period on the live entertainment.

Ms. Marshall stated that the trim of the building would be green, similar to the color of the Dickinson fence. The Board stated that there was no need to submit color samples.

Assistant Fire Chief McKay reported that he had visited the site with the applicants and their architect. They had answered his questions about fire protection. He had no concerns about increased exposure on the part of the Fire Department to provide protection services. He was not clear about the plans for handicapped accessibility, which might affect the Department's ability to get a stretcher into the restaurant and the plans for ambulance parking were not clear. But he thought that the restaurant would be a benefit to the community.

Mr. Tucker recommended that the applicants consult with the Fire Department as well as the Town Engineer and the Planning Department with regard to universal access and that this could be part of the conditions of 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 except Sections 7.002, required off-street parking, and 7.3, loading areas, which will be waived in accordance with Section 7.90; the property has recently been rezoned to Business Village Center; this is now a more urban zoning district, similar in character to downtown Amherst; the downtown area has no off-street parking requirement for restaurants; there are on-street parking spaces available in the neighborhood; in addition the applicant is proposing to lease and share parking spaces on an adjacent property;
  - 11.2401 – Town amenities and abutting properties will be protected because detrimental or offensive actions will be minimized; exterior lighting will be downcast, and live entertainment will be inside the building and will be of a style and decibel level to accompany dining;
  - 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use; the exhaust venting is proposed to go up through the roof and the exterior lighting is proposed to be downcast and shielded;
  - 11.2403 – N/A
  - 11.2410 – The project protects unique or important historic and scenic features because changes to the site and the building will be minimal and the details and colors of the façade treatment will be compatible with surrounding historic buildings;
  - 11.2411 – The proposed methods of refuse disposal are adequate; there is an area behind the building that accommodates a pair of dumpsters to be shared with the adjacent property at 401-409 Main Street; the dumpster area is screened from view; waste oil will be stored in closed containers at the rear of the building, near the dumpsters and will be removed on a weekly basis;
  - 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 in the past, for other permit applications for this site, by the Town Engineer; the site is connected to the town sewer and water systems; the Town Engineer has not raised any concerns about this use;
  - 11.2413 – N/A – There will be no increased runoff as a result of this project;
  - 11.2414 – Adequate landscaping will be provided because, although the site is very small, the applicant is proposing to create a new planting area at the front of the building; a condition of the permit will require that a landscape plan be submitted for review and approval by the Board;
- Mr. Tucker asked about the species of tree that is being proposed for the planting area and he encouraged the applicant to consider planting a street tree. Ms. Marshall stated that the applicant would choose something that is not too large because of overhead wires in the area.
- 11.2415 – N/A – The requirement for an Erosion Control Plan will be waived because no substantial filling or excavation is being proposed;
  - 11.2416 – N/A
  - 11.2417 – The protection of adjacent properties by minimizing the intrusion of nuisances has been determined to be adequate by the Board, due to the condition requiring downcast lighting; the Board is satisfied with the lighting information submitted with the application and there is no need to waive the requirement for a Lighting Plan;
  - 11.2418 – N/A
  - 11.2419 – N/A
  - 11.2420 – The property is located in the B-VC zoning district; the building is a non-contributing structure in the Dickinson National Historic Register District; the Board has discussed the historic nature of the neighborhood; the applicant is proposing to make minimal changes to the building, all of which are in keeping with the historic fabric of 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; these issues were discussed during the public hearing and deliberations following the hearing; the other buildings in the neighborhood are equally close to the property line and have similar amounts of lot coverage and building coverage;
- 11.2422 – N/A;
- 11.2423 – N/A; there is another building in close proximity on an adjacent parcel; the buildings are compatible in terms of architectural style, site location and building exits and entrances;
- 11.2424 – Screening has been provided for dumpsters; the dumpsters are located behind the building and have an existing wooden screen around them;
- 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; concerns have been expressed about handicapped accessibility; a condition of the permit will require that the applicant meet with the Fire Department, the Town Engineer and the Planning Department staff to resolve issues of handicapped accessibility;

Mr. Crowner proposed that the Board waive the requirement to provide on-site parking as described in Section 7.002 of the Zoning Bylaw, since the neighborhood is similar to the areas of the downtown that are contained within the Municipal Parking District. He also proposed that the Board waive the requirement for off-street loading as described in Section 7.3 of the Zoning Bylaw.

The Board discussed these proposals and agreed, by consensus, that these waivers were appropriate, as authorized by Section 7.90 of the Bylaw.

Diana Krauth of Elements Hot Tub Spa noted that Bruno's Pizza has a large delivery truck that parks along the street every Wednesday morning and it has not been a problem.

Mr. Tucker agreed that, since the area has just been rezoned to B-VC, these waivers are appropriate.

- 11.2431 – N/A – The number of curb cuts will not change as a result of this proposal;
- 11.2432 – The location and design of parking spaces, bicycle racks, drive aisles, loading areas and sidewalks has been discussed; waivers will be granted for parking and loading areas; sidewalk access will be resolved in discussions with the Fire Department, Town Engineer and Planning Department staff; a rudimentary, but serviceable bicycle storage area is provided at the back of the building;
- 11.2433 – N/A
- 11.2434 – N/A
- 11.2435 – N/A
- 11.2436 – The requirement for a Traffic Impact Report will be waived;
- 11.2437 – N/A

The Board discussed the request for waivers of the Sign Plan and Lighting Plan requirements and agreed by consensus that sufficient information about signs and lighting has been provided as part of the application. Therefore there is no need for these waivers.

Ms. Anderson MOVED to approve the Site Plan Review application as presented with the conditions and waivers as discussed. Mr. Carson seconded and the vote was 7-0.

#### Waivers

1. Traffic Impact Statement
2. Erosion Control Plan
3. Sections 7.002 of the Zoning Bylaw, required off-street parking for restaurants
4. Section 7.3 of the Zoning Bylaw, Loading Areas

Conditions

- 1) Exterior lighting shall be downcast and shall not shine onto adjacent properties or streets;
- 2) A Landscape Plan shall be submitted to the Board for review and approval, including species and sizes of proposed plantings.
- 3) The applicant shall meet with Fire Department staff, the Town Engineer and Planning Department staff to resolve the issue of handicapped accessibility to the front door.
- 4) Landscaping shall be installed in accordance with the approved Landscape Plan and, once installed, shall be continually maintained.
- 5) Four 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.

**III. OLD BUSINESS**

- A. Master Plan Implementation** – Discussion of proposal to use appropriated Master Plan Implementation funds for consultant services for North Amherst and Atkins Corner village center planning and rezoning projects.

Mr. O’Keeffe stated that the Zoning Subcommittee had been working on a proposal to rezone the North Amherst and South Amherst (Atkins Corner) Village Centers. Planning Department staff had recommended the use of a consultant to help the town with this process. A consultant could provide an effective and expedient process. The Zoning Subcommittee had discussed this recommendation. Some of the landowners in the area would like to move quickly to rezone the North Amherst Village Center. The Zoning Subcommittee thought it was a good idea to use a consultant.

Mr. Tucker explained that there were two amounts of money that had been appropriated for Master Plan Implementation - \$10,000 for general use and \$50,000 [one third of a multi-year request] for rewriting the Zoning Bylaw and other land use regulations and combining them into a comprehensive code. A total of \$60,000 is available. The Village Centers are central to what the Master Plan is trying to do, he said.

Mr. Webber asked about the efforts to reform Chapter 40A at the state level and whether this effort would affect our efforts to re-write our zoning and land use regulations. Is it premature to create a new Zoning Bylaw at this time?

Mr. Tucker stated that there is nothing in the new reform efforts that would interfere with Amherst’s desire to implement form-based zoning. We are no longer talking about a whole-scale rewriting of the Zoning Bylaw. This recommendation is for a smaller scope of work for a consultant and it won’t use all of the available funds.

Mr. Roznoy stated that there has been discussion at the Zoning Subcommittee about the need to integrate basic zoning changes with form-based zoning. There is a concern that this be done quickly.

Mr. Tucker stated that it would be a two-part process – the creation of a plan for the Village Center area and the creation of zoning. The Atkins Corner area has been largely done. North Amherst is all new. It will take staff much longer to do the work without the assistance of a consultant.

Mr. O’Keeffe MOVED that the Planning Board support the use of up to \$40,000 of previously appropriated Master Plan Implementation funds for the propose of acquiring consulting services to facilitate rezoning projects in North and South Amherst, to include the incorporation of form-based code.

Mr. Roznoy seconded and offered an amendment that the Planning Department develop a request for proposal or qualifications for review by the Zoning Subcommittee at its next meeting and that the Zoning Subcommittee have the authority as granted by the Planning Board to approve the RFP or RFQ. Mr. O’Keeffe accepted the amendment.

Ms. Anderson asked that the word “timely” be inserted in the motion to indicate that there would be no need for a consultant if the work is not done in a “timely” fashion.

Mr. Shefftz related a story about being the only bidder on a project in Boston and having his bid rejected in an untimely fashion because he was the only bidder. He offered this as a cautionary tale against slow-moving bureaucracy.

The vote was 7-0 to approve the motion.

**B. Other – Transportation Plan**

Mr. Roznoy stated that he had an interest in transportation and that he had received information about a “Rail Revolution” Conference in the fall, which he distributed to interested Board members. Mr. Roznoy suggested that he start to promote the issue of transportation by speaking with the Public Transportation and Bicycle Committee (PTBC) to encourage the PTBC to begin a Transportation Plan for Amherst. Mr. Roznoy expressed an interest in light rail, stating that it would be a way to link village centers together.

Mr. Tucker noted that the PTBC has already begun to take some steps to develop a Transportation Plan in accordance with the Master Plan that was recently adopted by the Planning Board.

Mr. Carson stated that there is a bond issue being discussed for roadway reconstruction. He requested that there be more of a commitment for new sidewalk construction.

Mr. Tucker stated that the Public Works Committee develops a list each year of sidewalks that need work.

Mr. Roznoy quoted from a recent email that he had sent to Mr. Tucker requesting that:

“the Public Transportation & Bicycle Committee undertake, pursuant to the Priority Implementation steps of the Master Plan, the development and implementation of a Transportation Plan which supports Amherst’s land use, housing, economic development, and other public interests in a manner consistent with the Master Plan and its intentions for community sustainability over time, especially as set out in . . .”

and he quoted from sections of the Master Plan having to do with Transportation.

Mr. Roznoy stated that he would be pleased to represent the Planning Board in PTBC meetings to encourage the development of a Transportation Plan.

Ms. Anderson noted that Transportation Plans should consider parking as well and that “multi-modal” transportation centers could be part of a Parking and Transportation Plan.

Mr. Roznoy stated that successful municipalities have good transportation systems.

Mr. O’Keeffe MOVED that Planning Board supports Mr. Roznoy’s request and supports and deputizes Mr. Roznoy to convey the request to the Public Transportation and Bicycle Committee. Mr. Carson seconded and requested that there be some consideration for the construction of sidewalks. The vote was 7-0.

The Board members agreed by consensus that the Planning Department staff would draft a letter to the PTBC for Mr. Shefftz's signature, outlining the request as voted.

**IV. NEW BUSINESS**

- A. Hampshire College** – Renovation of Admissions/Blair Hall/Red Barn parking lot and access drives – ED zoning district – Informal presentation to the Planning Board?

Mr. Shefftz stated that the proposed complex was set back away from Route 116. He was not in favor of requesting a presentation by Hampshire College. The Planning Board has no authority over the project and it is not a productive use of time. Mr. Webber agreed.

- B. Other** – Board members agreed not to hold a meeting on August 18<sup>th</sup>.

**V. FORM A (ANR) SUBDIVISION APPLICATIONS - None**

**VI. UPCOMING ZBA APPLICATIONS**

The Planning Board declined to review the following ZBA applications:

ZBA FY2010-00012 – Burt Ewart and Linda Muerle – 327 Shays Street  
ZBA FY2011-00002 – Paul DeBenedetto – 665 Main Street  
ZBA FY2011-00003 – Layne Floyd – 192-194 Belchertown Road  
ZBA FY2011-00004 – Layne Floyd – 204-206 Belchertown Road  
ZBA FY2011-00005 – Deborah Eaton – 13-15 High Street  
ZBA FY2011-00006 – Lit c/o Reza Rahmani – 41 Boltwood Walk  
ZBA FY2011-00007 – Amherst Winery – 529 Belchertown Road

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

Ms. Brestrup reported that there may be a request by the residents of Swallow Farms Road in South Amherst to have the roadway accepted as a town road, if the roadway can be brought up to the standards of town roadways, as determined by the Town Engineer and the Planning Board.

**VIII. PLANNING BOARD SUBCOMMITTEE REPORTS**

Zoning – Mr. O'Keeffe reported on the August 4<sup>th</sup> meeting of the Zoning Subcommittee. He had previously reported on the discussion regarding the request that a consultant be hired to work on rezoning of North and South Amherst. The August 4<sup>th</sup> meeting had been dedicated primarily to a discussion of the rezoning of South Amherst (Atkins Corner). A map showing an initial proposal for rezoning of the area had been reviewed. A resident of the area had commented about the gun fire emanating from the Norwottuck Rod and Game Club. Generally the feedback on the rezoning effort had been supportive. The ZSC had looked at a proposal for expanding the right to keep livestock and poultry. This amendment will likely be put on the Warrant for Fall Town Meeting. The need for zoning regarding wind turbines had been discussed. A draft of the Development Modification zoning amendment will be sent to Town Counsel for review. The ZSC will meet on August 18<sup>th</sup>, even though the Planning Board will not meet that night.

**IX. PLANNING BOARD COMMITTEE REPORTS**

- A. Pioneer Valley Planning Commission** – There was no report.



- B. Community Preservation Act Committee – Ms. Anderson expressed interest in representing the Planning Board on the CPAC.

Mr. Roznoy MOVED to nominate Ms. Anderson as the Planning Board’s representative on the CPAC. Mr. Carson seconded and the vote was 6-0-1 (Anderson abstained).

- C. Agricultural Commission – Mr. Webber offered to act as the Planning Board’s representative on the Agricultural Commission.

Mr. O’Keeffe MOVED to nominate Mr. Webber to be the Planning Board’s representative on the Agricultural Commission. Mr. Carson seconded and the vote was 6-0-1 (Webber abstained).

- D. Save Our Stop Committee – Mr. Shefftz reported that there is a lot happening with regard to saving the railroad stop in Amherst, but the Save Our Stop Committee has not been active in the effort recently.

**X. REPORT OF THE CHAIR** – Mr. Shefftz had previously reported on his experience with an unsuccessful bidding process.

**XI. REPORT OF THE DIRECTOR** – None

**XII. ADJOURNMENT**

The meeting was adjourned at 9:02 p.m.

Respectfully submitted:

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Christine M. Brestrup, Senior Planner

Approved:

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Jonathan Shefftz, Chair

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