

AMHERST PLANNING BOARD
Wednesday, May 4, 2011 – 6:00 PM
Library, Amherst Regional Middle School
MINUTES

PRESENT: Jonathan Shefftz, Chair, Jonathan O’Keeffe, Rob Crowner, Bruce Carson, Richard Roznoy and Stephen Schreiber

ABSENT: David Webber and Sandra Anderson

STAFF: Christine Brestrup, Senior Planner

Mr. Shefftz opened the meeting at 6:08 PM. He announced that the meeting was being recorded by Planning Department staff and was being recorded and would be broadcast by Amherst Media over the internet and on television.

I. MINUTES

Mr. Schreiber MOVED that the Minutes of April 6, 2011 be approved. Mr. O’Keeffe seconded and the vote was 6-0.

II. PUBLIC HEARING – SITE PLAN REVIEW

SPR2011-00008/M8844 - 351 Northampton Rd., Amherst Gourmet d/b/a Ginger Garden

Request Site Plan Review approval for a Class I restaurant with take-out service, closing by 11:00 PM, under Section 3.352.0 of the Zoning Bylaw. (Map 13D/Parcel 5; B-L, R & D zoning districts)

Mr. Shefftz read the preamble and opened the public hearing. He summarized the application, noting that it appeared to be straightforward, since the property had been operated as a Chinese restaurant in the past and was proposed to be a Chinese restaurant in the future. Mr. Shefftz noted that the two issues before the Board that appeared to be significant were that there had been a lapse in operation of a restaurant at this site for about two years and the building needed improved handicapped accessibility.

Attorney Kristi Bodin presented the application. She stated that the lapse in operation had not been quite two years. The previous restaurant had closed in August 2009. Until then, the building was being used as a restaurant.

Mr. Shefftz stated that the restaurant operation would be the same as it had been before. Although he had come late to the site visit, he had toured the site and he felt that the location was ideally suited to a restaurant use.

Mr. Shefftz noted that the issue of the sign, that had been brought up in the Development Application Report, was resolved to the satisfaction of the Building Commissioner and that the landscaping had been well-maintained, even though the restaurant was closed. It was one of the most nicely landscaped properties in the vicinity, he said. There is a line of landscape screening trees along University Drive. In addition, there is a handicapped access ramp leading to the front door, so the main entrance is already accessible. The handicapped parking needs to be restriped to meet current ADA and AAB requirements, and there is a need for handicapped ramps at the rear of the building.

Ms. Bodin stated that the applicants have been working with an architect, Jim Hawkins, who was due to appear at this hearing but had not yet arrived. The main issue to be resolved is the design of the handicapped ramps, which are to be constructed at the rear of the building. The

locations of the two new ramps are shown on the drawing dated March 15, 2011. The ramps would allow people to exit directly to the parking lots on either side of the building. The town staff had expressed concerns about the width and height of the ramps and the fact that one of the ramps appears to protrude into the parking area and thus was in danger of being hit by vehicles.

Ms. Bodin suggested that the Planning Board could grant approval of the Site Plan but impose a condition that the applicant shall submit a plan showing details of the ramps for review and approval by the Planning Board.

Ms. Bodin stated that the applicants were requesting a waiver from the requirement to screen the property from Route 9. There are plantings elsewhere on the site, and it would be difficult to get plants to grow on the Route 9 side, because of exposure to snow and salt. There is no screening on other properties in the area, she said.

Mr. Roznoy noted that there was no screening around the rear of the building.

Ms. Bodin observed that there are two large pine trees at the rear of the building which provided some screening. There are also other plantings. There is a large roll-off dumpster at the rear of the building now, but this is only for construction purposes. Once construction has been completed the large dumpster will be replaced by a standard-sized dumpster which will be located behind an existing concrete screen.

Mr. Roznoy commented that the rear of the building looks like a continuation of the mall that is located to the north. Mr. Shefftz noted that the rear of the property backs onto Dunkin Donuts and a bank ATM kiosk.

Mr. Roznoy suggested that the Board ask for a Landscape Plan. There is now a lot of parking and just a couple of landscaped islands, he said. If more landscaped islands were added, it would visually improve the setting of the restaurant. Now it looks more like a big-box retail store.

Ms. Bodin stated that there are already landscaped islands in and near the parking lot. She noted that the addition of landscaped islands would require the repaving of the parking lot. She asserted that it would be a hardship for the applicant.

Board members discussed the number of parking spaces that are required (52) versus the number provided (84). They asked why there are so many parking spaces.

Ms. Bodin explained that when the building was originally opened, there was a nightclub and dancehall in the basement. At that time, the building needed more parking. The current owners propose to use the basement for storage and for an employee changing area. (China Dynasty used the basement as it is proposed to be used by Ginger Garden.)

Ms. Bodin stated that although there is currently enough pavement width associated with the handicapped parking spaces, the existing spaces are not striped in accordance with the latest requirements. The current requirements call for the spaces to be 8 feet wide with a shared 8 foot access aisle between them. The spaces will be repainted to agree with the new ADA standards, she said.

Mr. Roznoy agreed that the Board could condition its approval on the submittal and approval of details related to the handicapped ramps. Mr. Crouner agreed with Mr. Roznoy that more landscaping was needed, but that islands did not need to be added to the parking lot, because of the expense. There was further discussion about the amount and placement of landscaping that might be required.

Mr. Crouner expressed concern about the location of the new handicapped ramps, noting that they are a long way from the handicapped parking spaces. Ms. Bodin explained that the main entrance is accessible and that the handicapped parking spaces are located adjacent to the main entrance. The new handicapped ramps are for emergency egress only, and are required because the configuration of the interior space and the occupancy load mandates that there be two emergency egress points from the rear of the building.

There was further discussion about the need for screening at the rear of the building, especially to hide the air conditioners.

Mr. Roznoy MOVED to close the public hearing. Mr. O’Keeffe seconded and the vote was 6-0.

The Board members discussed potential conditions, including a condition that the applicant consider installing additional shrubbery at the rear of the site to screen it from the adjacent property to the north.

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 and with the goals of the Master Plan;
- 11.2401 – Town amenities and abutting properties will be protected because having the restaurant open will be better and safer for the neighborhood;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use because there will be no change in the proposed use from the previous use as China Dynasty;
- 11.2403 – N/A;
- 11.2410 – N/A;
- 11.2411 – The proposed methods of refuse disposal are adequately addressed in the Management Plan;
- 11.2412 – The ability of proposed sewage disposal and water supply systems within and adjacent to the site is adequate to serve the proposed use; the property is connected to town sewer and water and the property has been operated as a restaurant for many years without apparent problems with respect to sewer and water;
- 11.2413 – The adequacy of the proposed drainage system within and adjacent to the site is adequate to handle the runoff because no substantial changes are being proposed and there have been no problems in the past;
- 11.2414 – Adequate landscaping will be provided because there is already landscaping on the site and a condition of the Site Plan approval will require that shrubs be added to the rear of the building to screen the property from its surroundings;
- 11.2415 – N/A;
- 11.2416 – Protection of adjacent properties by minimizing the intrusion of nuisances is adequate; the property was previously operated as a restaurant and there will be no change in the operation; there is a Management Plan that addresses these issues;
- 11.2417 – The adjacent properties will be protected by minimizing the intrusion of lighting because all lighting is existing, and there will be no change; no problems with existing lighting have been brought to the attention of the Board;
- 11.2418 – N/A;
- 11.2419 – N/A;
- 11.2420 – N/A;
- 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 it is already consistent and there will be no significant changes made to the property;

- 11.2422 – N/A;
- 11.2423 – N/A;
- 11.2424 – Screening shall be provided for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features because there is already screening along University Drive, the dumpster will be located in an area that is surrounded by a wall and a condition of this Site Plan approval will require the addition of shrubs to screen the rear portion of the property from the Big Y Shopping Plaza;
- 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; the site is already well laid out for use as a restaurant site;
- 11.2431 – The location and number of curb cuts minimizes turning movements and hazardous exits and entrances; the internal portions of the site are already well laid out and access from main roads is only available via the main entries to the Big Y Shopping Plaza;
- 11.2432 – The location and design of parking spaces, drive aisles, loading areas and sidewalks is provided in a safe and convenient manner; a condition of the Site Plan approval will require the addition of bicycle racks;
- 11.2433 – Provision for access to adjoining properties is provided as appropriate; there will be no change to the provision of access;
- 11.2434 – N/A;
- 11.2435 – N/A;
- 11.2436 – N/A; the requirement for a Traffic Impact Report will be waived;
- 11.2437 – N/A.

Mr. Carson noted that the addition of bike racks was significant, especially because the property is across the street from the bike trail.

Mr. O’Keeffe MOVED to approve the application as proposed, subject to the conditions and to grant the requested waivers discussed by the Board. Mr. Schreiber seconded.

There was further discussion about whether additional landscaping should be required by a condition of the approval or whether the applicant should be merely encouraged to consider installing additional landscaping. Board members decided by consensus that the landscaping around the front and sides of the property was adequate as it exists. However, the applicant should be required to plant additional shrubbery at the rear of the building.

Mr. O’Keeffe amended his motion to change the wording of one of the conditions from a suggestion to a requirement that additional landscaping be installed at the rear of the building. The applicant will be required to bring back a plan for additional planting.

The applicant was encouraged to consult with Planning Department staff to determine what types of shrubs might be appropriate in this location.

Mr. Schreiber seconded the amended motion and the vote was 6-0.

Waivers

- 1) Traffic Impact Statement
- 2) Erosion Control Plan
- 3) Section 7.110 – requirement that 10% of the parking lot be landscaped
- 4) Section 7.112 – requirement that there be screening from adjacent streets

Conditions

- 1) The applicant shall submit plans and details for the two new handicapped ramps for review and approval by the Planning Board prior to the issuance of the Certificate of Occupancy.
- 2) The applicant shall submit a revised Landscape Plan showing the installation of shrubs at the rear of the building to screen air conditioner units, to screen the back of the building from adjacent property and to delineate the property from the Big Y parking lot.
- 3) The applicant shall add a bike rack to the property and shall show the location of the bike rack on the revised Landscape Plan.
- 4) Landscaping shall be installed in accordance with the approved revised Landscape Plan and, once installed, shall be continuously 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

SPR2011-00006/M7471, 79 Taylor Street, You-Pan Tzeng

Review and approval of plans and elevations in accordance with Conditions #1 and #3 of Site Plan Review approval SPR2011-00006

Mr. Tzeng appeared before the Board to present his revised Landscape Plan and Design Development drawing showing materials, as required by Conditions #1 and #3 of the Site Plan Review decision. He was accompanied by Dan Newberry of The Home Store.

Mr. Newberry presented a sample of the vinyl siding in a light beige/tan color. This siding will be installed on both existing and proposed sections of the building. Mr. Newberry also presented a sample of the roof shingles in a dark gray/black color and a sample of the Azek trim (in white) that will be used for corner boards, window trim, posts and other trim on both buildings.

Mr. Schreiber recommended that the Landscape Plan include a strip of landscaping close to the building on the Taylor Street side, since the walk that will run along that side of the building will not be flush against the house. The walk will stand out from the house due to the position of the stairs that will come down from the porch. He recommended that shrubs be planted in this landscape strip. These shrubs will act to screen the area under the porch. The stairs are not shown on the Landscape Plan.

Mr. Schreiber also asked if the plantings that are proposed near the garage will act to screen the cars. Mr. Tzeng stated that the plants in the corner had been agreed to at the last meeting.

There was further discussion about the position of the walkway in front of the building along Taylor Street. Mr. Tzeng agreed to plant shrubs in this strip between the walk and the building.

Mr. Tzeng presented the Grading and Drainage Plan that was prepared in accordance with Condition #4 of the Site Plan Review decision. Mr. Newberry noted that when holes were dug on the site for the foundation, the Building Inspector who was present commented that the soil was very well drained. The Town Engineer will review the Grading and Drainage Plan and Report, but Mr. Tzeng presented it to the Board to show that it had been completed.

Mr. O'Keeffe MOVED to approve the revised Landscape Plan and Design Development drawings with materials. Mr. Roznoy seconded and the vote was 6-0.

IV. NEW BUSINESS

- A. Lot Release Request – Lots 67 and 55 – Tofino Associates – Amherst Hills Subdivision

Gloria McPherson appeared on behalf of Tofino Associates. She noted that there was information on some of the maps in her office that led her to believe that certain lots had been released. However, she wasn't able to find the Certificates of Performance for all of the lots. Therefore Tofino is asking to have Lot 67 released, even though they believe that this lot has already been released. In addition, Tofino is asking for release of Lot 55.

Ms. McPherson will return to the Planning Board in the future to ask for the release of other lots that Tofino believes have been released but for which the paperwork has been lost.

Ms. Brestrup noted that the Town Engineer does not have any concerns about the release of Lots 67 and 55.

Mr. O'Keeffe MOVED that the Planning Board approve the release of Lot 67 on Linden Ridge Road and Lot 55 on Concord Way. Mr. Roznoy seconded and the vote was 6-0.

The Planning Board members signed the Certificate of Performance for Lots 55 and 67.

- B. Other new information – Ms. Brestrup noted that the Visioning Process for North Amherst Village Center would begin on Saturday, May 7th, at the North Amherst Congregational Church, from 8:30 a.m. to 3:30 p.m.

She also noted that the Visioning Process for Atkins Corner Village Center would be held on Saturday, May 14th, at Franklin Patterson Hall at Hampshire College, also from 8:00 a.m. to 3:30 p.m.

Ms. Brestrup offered to forward the agendas for these meetings to Planning Board members.

Mr. Crowner asked if Planning Board members could participate in the process. Mr. O'Keeffe stated that the meeting on May 7th was posted as a Planning Board meeting. He was not aware of any restrictions on Planning Board members participating in the Visioning Processes.

V. FORM A (ANR) SUBDIVISION APPLICATIONS

The Planning Board endorsed ANR plans as follows:

ANR2011-00003 – Louis Manfredi, 1055 South East Street

ANR2011-00004 – Trustees of Amherst College/Amherst Inn Company, 23 Spring Street and 30 & 46 Boltwood Avenue

VI. UPCOMING ZBA APPLICATIONS – none

VII. UPCOMING SPP/SPR/SUB APPLICATIONS – none

VIII. PLANNING BOARD SUBCOMMITTEE REPORTS

Zoning – Mr. O'Keeffe reported that Town Meeting had begun that he would let Planning Board members know when zoning amendments were to be considered.

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Mr. Schreiber reported that the PVPC had met two weeks ago. The next version of Valley Vision is coming out, and PVPC will be seeking endorsement from all communities in its service area. He noted that it would be helpful if the Planning Board were to endorse Valley Vision prior to its being presented to the Select Board for its endorsement. The Valley Vision document will be published in mid-summer. The document is referred to as “Valley Vision 3”. Mr. Schreiber offered to send the current working draft to the Planning Department staff who could then forward the draft to Planning Board members and Select Board members. Mr. Schreiber also reported that the PVPC’s annual meeting would be in June at the Springfield History Museum.

Community Preservation Act Committee – none

Agricultural Commission – none

Public Transportation and Bicycle Committee – Mr. Roznoy reported that the budget for 2012, to be considered at the Annual Spring Town Meeting, contains money for the preparation of a town-wide Transportation Plan.

Amherst Redevelopment Authority – none

X. REPORT OF THE CHAIR – Mr. Shefftz noted that he enjoys seafood when he is not dining with his wife, who is allergic to seafood. He is looking forward to the opening of the Ginger Garden in order to be able to dine on seafood, which appears to dominate the menu.

Mr. Shefftz also noted that someone in Town Meeting will be proposing that the budget be cut for Planning. This is baffling, since Town Meeting is interested in promoting economic development in town. Having good professional planning support for the Planning Board and ZBA is very useful in dealing with development issues. The budget cut proposal would also imperil Building Inspections positions. The proposal is short-sighted, he said.

XI. REPORT OF STAFF – Ms. Brestrup reported that a new Planning Board member had been appointed – Connie Kruger, who used to work in the Planning Department. Ms. Kruger is very knowledgeable about matters having to do with planning, particularly housing and affordable housing. The Planning Department staff is looking forward to working with Ms. Kruger.

The next Planning Board meeting is scheduled for June 1st.

XII. ADJOURNMENT

The meeting was adjourned at 7:21 p.m.

Respectfully submitted:

Christine M. Brestrup, Senior Planner

Approved:

Jonathan Shefftz, Chair

DATE: _____