

**AMHERST PLANNING BOARD**  
**Wednesday, April 17, 2013 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** David Webber, Chair, Jonathan O’Keeffe, Bruce Carson, Rob Crowner, Stephen Schreiber, Connie Kruger, Richard Roznoy, Kathleen Ford and Sandra Anderson

**ABSENT:** None

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

Mr. Webber opened the meeting at 7:06 PM.

**I. MINUTES**

Ms. Ford MOVED to approve the Minutes of April 3, 2013. Mr. O’Keeffe seconded and the vote was 8-0-1 (Anderson abstained).

**II. PUBLIC HEARINGS – ZONING AMENDMENTS**

**A-16-13 Locational Requirements for Non-Conforming Structures in Mixed Used Centers (Planning Board)** *(formerly entitled “Form-Based Design Regulations for Non-Conforming Structures”)*

To amend Article 9, Non-Conforming Lots, Uses and Structures, by adding a new Section 9.3 which establishes design requirements for changes to non-conforming structures in the B-G, B-L, B-VC, B-N and COM Districts.

Mr. Webber read the preamble and opened the public hearing. Mr. Crowner presented the Zoning Subcommittee (ZSC) report. The Planning Board had discussed this zoning amendment at its last meeting and the recommended changes have been made. The amendment requires additions to non-conforming structures to conform to the new front setback dimensions [as outlined in Article 32]. Section 9.313 of this amendment would allow for a modification or waiver of the front setback requirement. The new setback requirements are meant to create a pedestrian-friendly streetscape. This article is a companion to Articles 31 and 32. This group of amendments would increase density in mixed use centers. The concept was derived from form-based design and the amendment fits into the existing Section 9 of the Zoning Bylaw, Non-conforming Lots, Uses and Structures. If Article 32 is adopted many structures will become non-conforming. The ZSC unanimously recommended this Article to the Planning Board.

Mr. Webber explained that a non-conforming lot or structure is a lot or structure that was created prior to a change in the Zoning Bylaw. Any pre-existing non-conforming structure in the designated districts would need to comply with this amendment.

Melissa Perot of Precinct 1 asked why the Commercial zoning district was included in this zoning amendment. Why is there a requirement to put the buildings up on the street? It constricts where a property owner can put a building.

Mr. Crowner explained that the Planning Board is reimagining all of the business zones and trying to create more pedestrian-friendly streetscapes in

these zones. Amherst is unlikely to see the development of any new malls or heavy industrial projects. The town needs to change how it thinks about its mixed-use centers.

Mr. Webber noted that this zoning amendment will only apply to lots that are non-conforming.

Ms. Perot commented that the Commercial zoning district is not an appropriate place for a Village Center. Therefore the Commercial zoning district should be excluded from the proposed amendment.

Mr. O’Keeffe noted that Section 9.313 creates the ability for a modification or waiver and would allow a building to be placed further back from the front property line if that were appropriate.

Mr. Webber stated that the Planning Board included the Commercial zoning district because all of the other business districts were included and the Board would like the Commercial district to become more like the other business districts.

Ms. Perot asserted that the amendment is really changing the zoning and this needs to be made clear to Town Meeting members.

Janet Keller of Precinct 1 stated that the people of North Amherst have a continuing concern over how the Commercial district is being treated.

Mr. Webber explained that the Planning Board has several options with regard to this Article:

- Recommend to Town Meeting that the article be passed;
- Recommend to Town Meeting that the article be rejected;
- Recommend to Town Meeting that the article be referred back to the Planning Board;
- Present the article in an amended fashion.

Mr. Crouner noted that if Article 32 does not pass the Board may not wish to go forward with this amendment.

Mr. O’Keeffe MOVED to close the public hearing. Ms. Kruger seconded and the vote was 9-0.

Mr. Crouner MOVED that the Planning Board recommend Article 35, Locational Requirements for Non-Conforming Structures in Mixed Used Centers, to Town Meeting, but if Article 32 does not pass, Article 35 should be referred back. Ms. Kruger seconded and the vote was 9-0.

**A-17-13 Fraternity Residence (R-F) Dimensions (Planning Board)**

To amend Table 3, Dimensional Regulations, to allow for modification of specific dimensions—building coverage, lot coverage, and maximum height—under a Special Permit in the Fraternity Residence (R-F) District

Mr. Webber read the preamble and opened the public hearing. Mr. Crouner reported that there had been no changes to this article since the Planning Board reviewed it at the last meeting. The article adds Footnote “a” to three of the dimensional requirements for the R-F zoning district – Building Coverage, Lot Coverage and Maximum Height. Footnote “a” allows a dimensional requirement to be modified with a Special Permit in context

with the surrounding neighborhood. There are properties in the R-F zoning district on Olympia Drive and on North Pleasant Street. The North Pleasant Street properties could be developed more intensely than the Olympia Drive properties because of their surroundings. The ZSC would like to provide flexibility in these requirements. The ZSC voted 3-0 to recommend this article to the Planning Board. There was no public comment.

Mr. O’Keeffe MOVED to close the public hearing. Mr. Carson seconded and the vote was 9-0.

Mr. O’Keeffe stated that he planned to vote in favor of this article because the properties were in a good location to allow this type of flexibility and development. Mr. Webber explained the Board’s options.

Mr. Crowner MOVED to recommend that the Planning Board recommend this article to Town Meeting for approval. Ms. Ford seconded and the vote was 9-0.

### **III. PUBLIC HEARING – SCENIC ROAD – JOINT HEARING WITH TREE WARDEN**

#### **Proposed Driveway Construction – Leverett Road (Map 3C, Parcels 107 & 108)**

Public Shade Trees potentially impacted by this project include the following:

1. 24” White Pine
2. 11” Red Oak
3. 34” Sugar Maple

Impacts include removal or root damage. Impacts may also include disturbance of a portion of a stone wall.

Mr. Webber read the preamble and opened the public hearing. Mr. Roznoy recused himself.

Joseph Aimua, developer of the property, presented the application to remove the trees. He explained that there had been one large lot that was divided into four smaller lots, including two flag lots. He is proposing to develop the two flag lots. He showed a plan with the location of the proposed driveway that will serve both flag lots. It is necessary to remove two public shade trees, the 24” White Pine and the 34” Sugar Maple, in order to construct the driveway as shown on the plan. The third tree, an 11” Red Oak, is not on town property.

Alan Snow, Tree Warden, acknowledged that the 11” Oak was located on private property. Its correct location had been discovered during a site visit.

Mr. Aimua showed the location of the two trees to be removed. He noted that he has not seen any stone wall on the properties.

Mr. Snow stated that the way the driveways are proposed there is no way to preserve the trees. The only way to preserve one of the trees (the White Pine) is to move the driveway further north. It is feasible that the White Pine could be saved if this were done.

Ms. Brestrup explained that the ZBA had held a public hearing session on a Special Permit for the flag lots a few weeks ago and had expressed concerns about sight distance along Leverett Road approaching the driveway from the north. She noted that if the driveway were moved to the north the sight distance would be made shorter.

Mr. Webber reported that the Board had held a site visit on March 20<sup>th</sup> and that a question had arisen about the possible presence of a stone wall. Ms. Kruger noted that there had been evidence of the remnants of a stone wall at a property immediately to the north. She noted that during the site visit she had looked for evidence that the stone wall on the adjacent property had been preserved as required in the Planning Board’s decision. She expressed concerns about the Planning Board’s ability to enforce conditions with regard to stone walls.

Ms. Brestrup reported that she had visited the site on April 17<sup>th</sup> with the intent of locating the remnants of the stone wall on the flag lots (if any), since there had been snow cover at the time of the site visit on March 20<sup>th</sup>. Ms. Brestrup reported that on April 17<sup>th</sup> she had seen a pile of rocks near the corner of the southernmost flag lot, where it abuts 130 Leverett Road, but that there were trees along the line where the stone wall would have been if the pile of rocks were actually part of a stone wall. She had dug down among the debris on the site and had found no evidence of a stone wall on the portion of the flag lots where the driveway was to be located.

There was ensuing discussion about whether the trees proposed for removal had any redeeming value. Mr. Snow stated that the White Pine was in good condition and that the Sugar Maple was alive and showed evidence of leaf buds. He described what defines a Scenic Road and stated that Leverett Road was more of a scenic road on the Leverett side of the town line since there are more trees along the roadway edge.

Mr. Crouner agreed that old trees add to the scenic nature of the roadway and stated that the northern tree (the Sugar Maple) was important for the scenic aspect of the roadway.

Mr. Aimua stated that if the driveway were to be moved north, he may need to disturb more trees. He noted that there is currently about 175' of sight distance along Leverett Road at the proposed driveway entrance. He showed how the slope is proposed to be regraded to increase the visibility of the driveway entrance. He stated that a retaining wall could be used to lessen the amount of disturbance. Mr. Aimua presented a plan showing the relationship between the proposed driveway and the driveway of the property to the north.

Ms. Kruger expressed support for the flag lot type of development with shared driveways and stated that many of the trees along the Amherst and Leverett portions of the road have died. She was inclined to approve the removal of the trees and to collect the fee for removal so that more trees could be planted elsewhere.

Mr. Snow expressed support for shared driveways and suggested that in the future, in a development such as this one with four lots, they should all share a common driveway. There was discussion about common driveways and whether the four lots shown on the ANR plan could have all been served by a common driveway. Ms. Brestrup noted that two of the lots are frontage lots and the Planning Board and ZBA have very little control over frontage lots when they are developed by individual developers. However, the ZBA can require that flag lots be served by a common driveway.

There was discussion about where replacement trees could be planted. Mr. Snow reported that there will be very little room within the town right-of-way for replacement trees to be planted once the grading for the driveway has been done. He reported that the Amherst Public Shade Tree Committee recommended moving the driveway to the north to try to save the White Pine.

Scott Ardizzone of Henry Street stated that he is a real estate professional who has clients who wish to move to this area and the "price point" that they are seeking is not available here. The cost of construction is going up and restrictions placed on developers, such as trying to save trees, will make the costs higher.

Mr. Aimua explained how he is planning to grade the slopes around the driveway entrance and he noted that he is planning to plant new trees.

Ms. Brestrup explained to the Board that the Planning Board and the Tree Warden should try to reach agreement on the removal or preservation of the trees. If the Planning Board and Tree Warden cannot reach agreement the Select Board will be asked to determine the fate of

the trees.

Mr. Snow stated that he would like to maintain the scenic character of the road and that one way to do this is to try to preserve the trees. However, he was not sure if moving the driveway 10' to the north would save the White Pine.

The Board discussed imposing a surcharge on the trees proposed to be removed, as they had for a previous tree removal along Leverett Road.

Mr. Snow explained that he has raised the fee that the town now charges for removal of public shade trees to \$90 per inch of diameter at breast height (DBH). [The fee had been \$55 per inch.] He believes that \$90 fairly represents the replacement value of a public asset, namely a public shade tree. He explained that the town is losing a public asset for private gain. He discussed the cost of purchasing a 2" caliper tree and planting it. The \$90 inch per inch replacement cost is reasonable. It provides the town with money to buy new trees and represents the real cost of putting a new tree in the ground. In this case, for the removal of a 24" White Pine and a 34" Sugar Maple he would charge a fee of \$5,220.

Ms. Kruger expressed support for the new fee schedule and her hopes that the fee was universally applied.

Mr. O'Keeffe encouraged the Planning Board members to come to an agreement with the Tree Warden on this request to remove two public shade trees. He asked Mr. Snow if he would support the removal of the trees with an inch per inch replacement fee. Mr. Snow agreed.

Mr. Crowner expressed disagreement with the fee and encouraged the Board to consider a surcharge.

Mr. Webber stated that the fee to take down the trees is steep and he would support the fee along with the removal of the trees.

Mr. Snow clarified that the fee is not a fine. He explained that a developer would be charged by the town for the removal or disturbance of any of the town's infrastructure.

Mr. O'Keeffe MOVED to close the public hearing. Ms. Kruger seconded and the vote was 8-0.

Ms. Kruger MOVED that the Planning Board agree to approve the removal of the two trees as proposed, the 24" White Pine and the 34" Sugar Maple. Mr. O'Keeffe seconded. Mr. Carson asked for an amendment to the motion to include the condition that the applicant be required to pay the \$5,220 replacement cost.

The Board discussed the motion, including whether there could be planting in lieu of paying the fee. Mr. Snow stated that there is a lot of tree cover on the site now. He would rather have the money to plant trees where they should be planted, elsewhere in town.

The Board voted 5-3 on the motion, amended to include a requirement that the applicant pay the replacement cost of \$5,220. (Carson, Crowner and Anderson opposed).

Mr. Roznoy rejoined the meeting.

#### **IV. PUBLIC HEARINGS – SITE PLAN REVIEWS**

**SPR2013-00009/M16948, 417 West Street – Ronald LaVerdiere** (*request to continue public hearing to June 5, 2013*)

Request Site Plan Review approval for Phase 2, Amherst Office Park – Construction of a mixed-use, three-story, wood-frame, office and apartment building with 10,928 square feet on each floor, offices on the first floor and 12 apartments (6 on each of the 2<sup>nd</sup> and 3<sup>rd</sup> floors)

(Map 19D/Parcel 2; B-VC/FPC Zoning District)

Mr. Webber read the preamble and opened the public hearing. He read a letter from Ronald LaVerdiere, the applicant, requesting that the public hearing be continued to June 5<sup>th</sup>. The Board did not take any testimony.

Ms. Kruger MOVED that the public hearing be continued to June 5, 2013. Ms. Anderson seconded and the vote was 9-0 to continue.

**SPR2013-00010/M17206, 121 North Pleasant Street – Unitarian Universalist Society of Amherst**

Request Site Plan Approval for the construction of a 2,844 SF addition on the east side of the current building, and includes reducing and repaving the existing parking lot on the east side of the building and improvements along Boltwood Walk. (Map 11C/Parcel 288; B-G Zoning District)

Mr. Webber read the preamble and opened the public hearing. Mr. Roznoy recused himself. Peter Wells of The Berkshire Design Group, Jonathan Salvon of Kuhn Riddle Architects and Carolyn Cave, President of the Unitarian's Board of Trustees, presented the application.

Ms. Cave's comments included the following:

- The Unitarian Universalist Society has been a part of Downtown Amherst since 1893;
- The congregation has chosen to stay in Downtown Amherst;
- The building has not been significantly altered in 90 years;
- To continue its traditions and service to the community the Society intends to invest over \$2 million in the building and site, to preserve and improve the building's functionality, accessibility and historical features;
- The improvements to the building will include a performance space, a social space and a meeting room.

Mr. Wells reported that:

- The site is small, less than 1/3 acre, and is about 65 feet wide and 200 feet deep;
- The grade change from North Pleasant Street to the rear of the site is about 8 feet;
- The grade change makes it suitable for a "walkout" basement level;
- There will be a new sewer connection and new gas and electric lines;
- The existing parking lot contains 14 spaces, nine of which will be eliminated and five will be retained;
- The majority of the site is already made of impervious material;
- There are four large Pin Oaks on the north side of the property, within the town's right-of-way, and five Honeylocust trees along the southern edge of the property, four of which are in a town easement on the adjacent parcel and one of which is on church property;
- The addition will be 2,844 square feet in area;
- The project was presented at a public hearing conducted by the Tree Warden, with the Public Shade Tree Committee in attendance.

Mr. Wells presented the site plan showing the existing building and proposed addition. The site plan showed the proposed site improvements including precast concrete pavers at the entry to the ramp on the south side of the building. The pattern of these concrete pavers will be similar to patterns found in the Tiffany window. The other precast concrete pavers on the south side of the building will be set in sand to provide a pervious surface. On the east side

of the building will be a poured-in-place concrete sidewalk, with a handicapped accessible entrance to the lower level at the northeast corner of the addition.

Mr. Wells reported on various other items as follows:

Planting – The Planting Plan is limited. It includes a 3 ½” Cornus Kousa (Kousa Dogwood) tree at the southwest corner of the building, to replace the Zelkova that is being removed. The plan provides planting areas around the building that will be prepared by the contractor. The planting areas will be planted by the congregation based on a list of native plants provided by The Berkshire Design Group. The congregation will engage children in the planting of the garden areas as a learning experience. The Crabapple trees along the south side of the building will be removed.

Signs – There will be no additional signage. The church will continue to use its existing sign on the North Pleasant Street side of the building.

Traffic Impact Statement – A waiver has been requested because the number of parking spaces will be reduced.

Parking Lot – A small ramp will be provided at the south end of the newly reorganized parking lot to allow for back-out space and also as a place for service trucks and safety vehicles to access the Boltwood Walk area.

Erosion Control Plan – A waiver has been requested. There will be some excavation on the site, but it will be controlled excavation and the excavated material will be carted off site. The existing catch basin at the low end of the site will be protected and there also be a “silt sack” at the low end of the property.

Lighting Plan – A waiver has been requested. There are three existing traditional decorative lights along the south side of the property. There are two light poles on North Pleasant Street. The removal of the Crabapple trees on the south side will allow more light to shine on the walkways along the southern edge of the property. There is an existing cobra-head streetlight on Kellogg Avenue and a spotlight on a pole on Kellogg that shines in the direction of Rao’s Café. There will be lighting at all of the entries to the building for pedestrians.

Site Improvements – The space between the church property and the building owned by Barry Roberts at 103 North Pleasant Street is a good area for benches. This property is not owned by the church. The church budget is tight and is not able to include any proposed benches, even though they have been shown on the site plan. The church is willing to work with the town to find sources of funding to pay for benches here.

Mr. Wells concluded his presentation by noting that this project provides good infill in the downtown area, it provides easy pedestrian access around the church and the site improvements will make it safer for church members and members of the public.

Pin Oaks – The design team and church members met with the Amherst Public Shade Tree Committee and the Tree Warden. The church will attempt to save the 36” Pin Oak. They will do investigative work with an air spade to determine where important roots are located and try to avoid these roots during installation of utilities. This investigative work will be done prior to excavation for the building and will be under the supervision and with advice from the Tree Warden, who will analyze the conditions to determine if the tree can be saved. The other Oak farther to the east will be removed by the town.

Mr. Salvon presented information about the proposed building addition and renovation:

- The site is constrained; existing building is about 3,000 square feet; the addition will almost double the size of the building;

- Accessibility is a challenge; there will be a new ramp at the southern side of the building, providing access to a new main entry on the south side;
- There will be a new main entry and lobby on the south side of the building with an elevator and a new fire stair;
- The property line runs along the southern edge of the portion of the building that juts out towards the south; the main portion of the new addition will be set back 10 feet from the southern property line;
- The Sanctuary will be left as it is;
- In the addition, the upper level will house a new social hall and toilets;
- The lower level will house classrooms and offices with an accessible entry at the northeast corner;
- There are covered porches at both new entrances;
- The exterior of the addition has been designed to work with the aesthetics of the existing building; a wide plank cement board siding will be used, with a reveal to match the existing siding; the whole building will be re-roofed;
- The Tiffany window will be restored.

Mr. Salvon presented elevations of the proposed building exterior. The church will be applying for a variance from the AAB (Architectural Access Board) from the requirement for a ramp at the front entry.

Ms. Anderson asked about the underground tank on the south side of the building, on the adjacent property and how its removal would impact the church's project. Mr. Wells explained that the underground oil tank is not on the church's property. It is on Barry Roberts' property.

Barry Roberts, owner of 103 North Pleasant Street, the property immediately to the south of the church property, reported that he has been working with an LSP (Licensed Site Professional) and he is under an order from the DEP (Department of Environmental Protection) to mitigate the oil leakage from the tank. The leakage was discovered during the process of doing borings for the church project. He described approximately where the tank is located and noted that it is partially under the walkway. The tank may need to be removed or it might be able to be closed in place. The oil leakage goes towards the existing door at the lower level of the church and is 15 feet deep. There is groundwater at that level and the oil will need to be separated from the groundwater. Contaminated soil will need to be removed. The sidewalk in the area will be removed and replaced. The work will begin around May 1<sup>st</sup> and will take about a week to complete.

Mr. Webber reviewed the Site Visit Report.

Mr. Wells reported that the overhead wires leading to the north façade of the church building would be removed, but the utility poles along Kellogg Avenue would remain. There will be no storage of materials on the site. Demolition and excavation materials will be carted away. The whole parking lot and the front plaza area will be a "lay-down" area for construction.

Ms. Ford asked about screening for the six condensers that will be installed on the north side of the building. There was discussion about screening. The issues that were brought up were as follows: concern about creating a dark spot for people to hide on that side of the building if a tall fence were installed; lack of room for screen plantings; disturbance of the root zone of the Pin Oaks to remain; the clearance needed between the condensers and any type of screening (about 3 to 4 feet); the location of a transformer that will also need to be accommodated in this area; the size of the concrete pads that will hold the condensers (3' x 3'). A low fence or lattice were discussed as screening alternatives.

The Board discussed issues related to the parking lot. Ms. Cave stated that it is the intent of the church to lease parking spaces to the town. The Board of Trustees is working on this and they plan to make an arrangement with the town to lease the parking spaces. Mr. Webber noted that the five spaces that remain will have an enhanced importance in the downtown area.

Ms. Anderson asked about contractors' parking. She praised the project as a wonderful project, a classic example of infill and noted that CPAC money may be used to restore the stained glass window. She asked about the work limit line, the construction fence, the lay-down area.

Ms. Brestrup noted that in similar situations such as The Lord Jeffery Inn and Boltwood Place the applicants had worked out agreements with the Select Board for contractor's parking and staging areas and that any use of the town's public ways would need to be agreed upon with the Select Board.

Mr. Salvon stated that Wright Builders, the contractors on the project, had begun a conversation with the town about these issues.

Mr. Webber noted that Site Plan Review can consider certain issues but not where the contractors will park. That is beyond the scope of the Planning Board in Site Plan Review.

The Board discussed the need for a Lighting Plan. Mr. Salvon stated that the code will require egress lighting for all entryways. There will be lighting on the front porch, at the covered entryways on the south side and at the northeast corner. There will also be wall sconces and step lights at the ramp and "wall packs" at the exit doors.

Mr. Wells explained that there are three decorative traditional lights in the pedestrian alley on Mr. Roberts' property, installed by the town. He reminded the Board about the lighting on Kellogg Avenue and North Pleasant Street.

Mr. Carson asked if the lighting on the porches will be on all night. There was discussion about whether the lighting should be on timers. Mr. Carson stated that it might be good if the lights on the building were on all night for security reasons.

Mr. Webber suggested that the Board require that the applicant submit cut sheets (catalog cuts) on the lighting and that the lights be Dark Sky compliant. Mr. Salvon stated that the exterior lights would all be downcast and would be either fluorescent or LED.

Ms. Kruger stated that she was generally supportive of the project, but she would like to see a Lighting Plan and a Planting Plan.

Mr. Wells stated that he could develop a Planting Plan once he has done research about what native plants are available in the area.

Ms. Kruger asked about bike racks and benches.

Mr. Wells reiterated that the area where the benches are shown on the site plan is not owned by the church, but rather by Barry Roberts. Site improvements proposed for Mr. Roberts' property would need to be approved by him. He further noted that the area currently has no seating.

There was further discussion about what could be done on Mr. Roberts' property, especially since the town has an easement over the alleyway between the buildings. There was further discussion about the type of lighting that should be provided and what would be appropriate for the style of the building.

Mr. Webber asked the applicants to provide a Lighting Plan showing the location of existing and proposed lights and catalog cuts on proposed exterior lighting. There was discussion about whether to require a Photometric Plan. This would be difficult since many of the lights in the vicinity are existing lights and are not on church property. Mr. Webber stated that the Board could only require a Photometric Plan for the lights that are on church property.

Mr. O’Keeffe encouraged the applicants to consider installing a bike rack since there will be a loss of parking as a result of this project.

There was discussion about the proposal to remove the two Pin Oaks on the north side of the building. Ms. Anderson noted that the Historical Commission had commented on this. There was discussion about the possible removal of the sidewalk on the south side of Kellogg Avenue adjacent to the church property, which would be beneficial to the health of the trees. Mr. Wells noted that the sidewalk in this area would be damaged by the construction and would be replaced “in kind” as part of this project. Some Board members were opposed to the permanent removal of the sidewalk.

Mr. Webber noted that the Design Review Board had recommended approval of this project without conditions but had expressed concerns about the removal of the Pin Oak and the lack of a Lighting Plan.

Barry Roberts expressed support for the project, but noted that the site plan showed improvements that were not on church property. He stated that he has been cooperating with the church but is concerned that improvements on his property need to be approved by the town because the town has an easement over the alleyway between the buildings. He will also need to approve the improvements.

Mr. Roberts noted that parking spaces will be lost as a result of this project. He asked that the town try to preserve some parking spaces as 15 minute spaces.

Ms. Brestrup reported that the church has been in negotiations with the Town Manager’s Office about the parking spaces that will remain.

Mr. Webber expressed strong support for this project. He suggested that the Planning Board recommend that the parking spaces be leased back to the town. There was discussion about this suggestion and whether the Board should place a condition on its approval that the spaces be leased to the town. Ms. Cave assured the Board that the church is negotiating a lease with the town for these spaces and that the lease will be signed.

Ms. Kruger cautioned the Board against placing a condition regarding lease of parking spaces because this is an “exempt use” under Section 3 of Chapter 40A. The church has an exemption from many aspects of zoning because it is a religious use. She stated that she trusts that the church will lease the spaces to the town.

Mr. O’Keeffe recommended that the Board accept the applicant’s statement of intention with regard to the lease of the parking spaces.

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, with the exception of the parking requirement; parking requirements will be waived under Section 7.9 of the Zoning Bylaw;
- 11.2401 – Town amenities and abutting properties will be protected because detrimental or offensive actions are not planned for this site;

- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use to the extent possible during and after construction; a condition of the decision will require screening of the condensers;
- 11.2403 – N/A
- 11.2410 – Unique or important natural, historic or scenic features will be protected; the existing historic building is being renovated and the addition is designed to be compatible with the style and massing of the existing building; in addition the historic Tiffany window will be restored and will be visible to the public;
- 11.2411 – Proposed methods of refuse disposal are described in the Management Plan; they are considered to be adequate; refuse will be stored in the building in a trash closet and put out on collection day;
- 11.2412 – The ability of the proposed sewage disposal and water supply systems to serve the proposed use is considered to be adequate; the property will be connected to the town sewer and water systems; the Town Engineer has not expressed concerns with the proposal regarding these issues;
- 11.2413 – The ability of the proposed drainage system within and adjacent to the site to handle any increased runoff resulting from the development is considered to be adequate; the Town Engineer has not expressed concerns with the proposed system;
- 11.2414 – Provision of adequate landscaping, including screening of adjacent uses, has been discussed; the submission of a Planting Plan will be required as a condition of this decision; the church has agreed to work with the Tree Warden to try to preserve the 36” Pin Oak on the north side of the building;
- 11.2415 – The Soil Erosion Plan requirement will be waived; provisions for soil erosion and sediment control have been described to the Board’s satisfaction at the public hearing;
- 11.2416 – Adjacent properties will be protected from the intrusion of various types of nuisances, including pollution and noise; no actions are planned that would cause or increase these types of intrusions;
- 11.2417 – Protection of adjacent properties by minimizing the intrusion of lighting has been discussed; the submission of a Lighting Plan will be required as a condition of this decision; all exterior lighting will be downcast and will not shine onto adjacent properties; fixtures will be dark-sky compliant;
- 11.2418 – N/A
- 11.2419 – N/A
- 11.2420 – The Design Review Board reviewed the proposed project at its meeting on February 5, 2013, and recommended approval without conditions;
- 11.2421 – The development is consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development;
- 11.2422 – N/A
- 11.2423 – N/A
- 11.2424 – Screening will be provided for storage areas and other utility areas; a screening plan for the condensers on the north side of the building will be required as a condition of this decision;
- 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 – N/A; there will be no significant change in the number and location of curb cuts;
- 11.2432 – The location and design of parking spaces, bicycle racks and drive aisles will be provided in a safe manner; a waiver from the parking space requirement has been

requested and will be granted; a bike rack will be provided as a condition of this decision; the drive aisle as proposed will adequately serve the reduced parking area;

11.2433 – N/A

11.2434 – N/A

11.2435 – N/A

11.2436 – The requirement for a Traffic Impact Statement will be waived; the Board members agreed by consensus to waive this requirement;

11.2437 – N/A

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

The Board discussed waivers and conditions.

#### Waivers

- Sign Plan
- Soil Erosion Plan
- Parking Requirements (under Section 7.9 of the Zoning Bylaw)
- Traffic Impact Statement

#### Conditions

1. A plan for screening of the condensers on the north side of the building shall be submitted to the Board for review and approval.
2. A Planting Plan shall be submitted to the Board for review and approval.
3. A plan showing the location of a bike rack shall be submitted to the Board for review and approval.
4. A Lighting Plan shall be submitted to the Board for review and approval.
5. All exterior lighting shall be dark sky compliant. Exterior lighting shall be downcast, shielded and shall not shine onto adjacent properties or streets.
6. Landscaping shall be installed in accordance with the Landscape Plan and, once installed, shall be continually maintained.
7. One copy of the final revised plans shall be submitted to the Planning Department.

Mr. Roberts stated that he owns the “fee” for the property located directly to the south of the church’s property, the pedestrian alley between the church building and the 103 North Pleasant Street building, but the town has an easement over the property. The applicants need to figure out who needs to approve the various site improvements proposed for the area that is outside of the church’s property. Mr. Roberts stated that he agrees with what is shown on the site plan. He has no objection to what is shown on the plan as long as the applicants can work it out with regard to the town’s easement.

Ms. Kruger suggested that the Board approve the concept as shown on the plan. Mr. Carson suggested that the Board make a recommendation to the Select Board with regard to the sidewalk along Kellogg Avenue.

Mr. O’Keeffe MOVED that the Planning Board approve the Site Plan Review application with the conditions as stated, the standard conditions and the waivers including the Sign Plan, the Soil Erosion Plan, Parking Requirements and the Traffic Impact Statement. Ms. Kruger seconded and the vote was 8-0.

Ms. Anderson left the meeting. Mr. Roznoy returned.

## **VII. OLD BUSINESS**

- A. Newmarket Center, 6 University Drive – Review of signs for “Fit Women” in accordance with conditions of Plan Approval #85-6

Peter Earle, the leaseholder for Fit Women, presented the application. He described the proposed signs and stated that NEOPA Signs of Keene, New Hampshire, was the sign contractor.

Mr. Schreiber MOVED to approve the signs as proposed. Mr. O’Keeffe seconded and the vote was 8-0.

- B. Topics not reasonably anticipated 48 hours prior to the meeting – none

### VIII. NEW BUSINESS

- A. Amherst College, Pratt Field Storage Buildings – submittal of site plans in accordance with Section 3.211 of the Zoning Bylaw

Lewis Schiller, Capital Projects Manager for Amherst College, presented an informational filing under Section 3.211 of the Zoning Bylaw, for a project proposed in the ED (Educational) zoning district. He explained that there is currently a large construction project being undertaken at Pratt Field. As part of this work several old outbuildings have been demolished. The college would like to construct two small buildings to be used for storage. One will be a two-story building and the other will be a one story building, built on the footprint of an existing building that will be taken down. The footprint of the existing building is partially within the wetland buffer area. The buildings will be used for athletic equipment storage and grounds maintenance storage. There will be no heat and no plumbing in the buildings. The addition of these two buildings is a change from the previous plan that was submitted for the new athletic facility at Pratt Field. Mr. Schiller asked if the Planning Board would have any objection if the Building Commissioner were to issue a Building Permit for the two storage buildings before the expiration of the 60 day period mentioned in Section 3.211 of the Zoning Bylaw. The Planning Board had no objection to the waiving of this 60 day period. Mr. Webber thanked Mr. Schiller for coming in to meet with the Planning Board to present this project.

- B. Planning Board schedule – Planning Board members discussed their upcoming schedule and agreed to meet before Town Meeting sessions in which zoning amendment articles would be discussed, if necessary. Ms. Brestrup noted that these meetings need to be posted 48 hours in advance, so the decision to meet will need to be made a few days prior to the meeting. Planning Board members expressed a preference not to meet for regular business on May 15<sup>th</sup> (a Town Meeting night) unless it was necessary because of an application. They do not plan to meet on May 29<sup>th</sup>.

- C. Topics not reasonably anticipated 48 hours prior to the meeting – none

### V. TOWN MEETING

- A. Warrant Review – Ms. Brestrup gave a brief overview of some highlights of the Town Meeting Warrant. Members of the Board asked about Article 26 and expressed interest in hearing from Town Manager, John Musante, on this article.

- B. Movers and Speakers – Mr. Webber noted that the Planning Board members should plan on attending Town Meeting sessions in which zoning amendment articles are being presented. The Planning Board members who are members of Town Meeting are Ms. Kruger, Mr. O’Keeffe and Mr. Schreiber.

Ms. Kruger suggested taking the three mixed use center amendments (Articles 31, 32 and 35) together and using some of the time allotted to these amendments to give an overview of the three together. Mr. Crouner stated that it would be helpful to have several members speak and perhaps the chair, Mr. Webber, could provide an introduction.

Planning Board members decided on Movers and Speakers as follows:

	<u>Mover</u>	<u>Speaker</u>
Article 30 – Converted Dwellings Standards and Conditions	O’Keeffe	O’Keeffe
Article 31 – Mixed Use Buildings – Standards and Conditions (Mr. Webber will give an introduction to Articles 31, 32 and 33 after Ms. Kruger makes the motion on Article 31.)	Kruger	Kruger
Article 32 – Mixed Use Center Dimensions	Kruger	Crowner
Article 33 – Non-conforming Uses and Structures Schreiber		Schreiber
Article 34 – R-F District Dimensions	Schreiber	Schreiber
Article 35 – Locational Requirements for Non-conforming Structures in Mixed Use Centers	Kruger	Crowner
Article 36 – Petition to Amend Zoning Map for Parcels 14B/250 and 251 on Main Street from R-G to B-N	Petitioner	Webber

Board members discussed whether to request that the order of the Articles 31, 32 and 35 be changed and decided to wait until the night when these articles are discussed at Town Meeting to decide on this matter.

- IX. FORM A (ANR) SUBDIVISION APPLICATIONS** – none
- X. UPCOMING ZBA APPLICATIONS** – no report
- XI. UPCOMING SPP/SPR/SUB APPLICATIONS** – no report
- XII. PLANNING BOARD COMMITTEE & LIAISON REPORTS** – no reports
  - Pioneer Valley Planning Commission – Stephen Schreiber
  - Community Preservation Act Committee – Sandra Anderson
  - Agricultural Commission – David Webber
  - Transportation Plan Task Force – Richard Roznoy and Rob Crowner
  - Amherst Redevelopment Authority – Constance Kruger
  - Design Review Board – Kathleen Ford
  - Housing and Sheltering Committee – Constance Kruger
  - Safe and Healthy Neighborhoods Working Group – Sandra Anderson
- XIII. REPORT OF THE CHAIR** – none
- XIV. REPORT OF STAFF** – none
- XV. ADJOURNMENT**

The meeting was adjourned at 10:20 PM.

Respectfully submitted:                      Approved:

\_\_\_\_\_  
Christine M. Brestrup,

\_\_\_\_\_  
David Webber, Chair

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

Senior Planner