

AMHERST PLANNING BOARD
Wednesday, September 18, 2013 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: David Webber, Chair, Sandra Anderson, Bruce Carson, Rob Crowner, Kathleen Ford, Connie Kruger, Stephen Schreiber (8:45 PM), Greg Stutsman, and Richard Roznoy (8:15 PM)

ABSENT: none

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

Mr. Webber opened the meeting at 7:05 PM.

I. APPEARANCE

Town Meeting Coordinating Committee (TMCC) – Comments on Draft Zoning Primer and discussion about possible “Question and Answer Forum” for Town Meeting members and residents regarding zoning and zoning amendments

Mary Streeter, TMCC member, presented information about the draft Zoning Primer and the “Question and Answer Forum”. Margaret Roberts, Chair of the TMCC, was not able to attend.

The mission of TMCC is to educate Town Meeting members and the public about issues that come before Town Meeting. The Zoning Primer has been updated and TMCC has received comments on it and will incorporate the comments into the final version which will be disseminated to Town Meeting members and put online.

Ms. Streeter thanked Planning Board members for past participation in Warrant Review, Precinct Meetings and the bus tour. However, these forums do not provide enough time for questions and answers, she said.

The TMCC is inviting the Planning Board to participate in a Question and Answer Forum including information about zoning in general and about zoning articles that will come before Fall Town Meeting. Ms. Streeter offered the TMCC’s services to host and advertise the meeting.

After discussion the Planning Board members agreed to participate in the Question and Answer Forum and scheduled it for their regularly scheduled meeting on Wednesday, October 30th.

Ms. Kruger was pleased that the Forum would be an opportunity to provide information but asked that it not turn into a debate about individual zoning amendments. Ms. Streeter agreed.

Mr. Webber agreed to coordinate the organization of this Forum with the TMCC.

II. PUBLIC HEARING – ZONING AMENDMENT

A-04-14 Medical Marijuana *(continued from September 11, 2013)*

To amend the Zoning Bylaw by adding a new Section 3.360.4 and amending Article 12, Definitions, in order to create zoning regulations for medical marijuana facilities established under 105 CMR 725.000.

Mr. Webber reread the description of the proposed zoning amendment and noted that this public hearing was continued from September 11th.

Mr. Tucker reported that he had met recently with the PVPC (Pioneer Valley Planning Commission) which is working with local towns to draft a bylaw to address the issue. Experts in the field of medical marijuana were present at that meeting. The PVPC has requested clarification from the state on several issues, including whether cultivation of medical marijuana is considered an agricultural use and therefore exempt from local zoning. The Attorney General has not yet responded to the request.

Mr. Crowner reviewed the changes since the last session of the public hearing that were discussed at the Zoning Subcommittee meeting this evening and comments from the public hearing session on September 11th, including the following:

- The use category would now be divided into two uses, MMTC (Medical Marijuana Treatment Center) and OMMD (Off-Site Medical Marijuana Dispensary); potentially the two kinds of uses could be permitted differently;
- The MMTC would be allowed by Special Permit in the B-G, B-L, B-VC, COM and OP districts and allowed by Site Plan Review in the LI district;
- The OMMD would be allowed by Special Permit in the B-G, B-L and B-VC districts;
- Under Standards and Conditions paragraph 1 the pejorative language would be changed to more positive language;
- References to “owners” have been changed to “designated representatives”;
- Under Standards and Conditions 2.c. the words “option to purchase” would be added;
- Under Standards and Conditions 2.e. add a new section “F” that requires a Management Plan and references both permitting bodies;
- Under Standards and Conditions 3.b.4) the limitation of 2,500 square feet would refer only to the patient area not the back office area;
- Under Standards and Conditions 3.e. make the language easier to read;
- Under Standards and Conditions 3.e.1) the buffer zone would be reduced from 500 feet to 300 feet;
- Under Standards and Conditions 3.e.3), palliative and alternative care facilities would be allowed in the same building but the care would not necessarily be provided by the operator of the MMTC or the OMMD, or exclusively provided to medical marijuana patients;
- Under Article 12, the definitions would clarify that these (MMTC’s and OMMD’s) are two separate kinds of facilities, one encompassing cultivation, processing and dispensing and the other encompassing just dispensing.

Ms. Brestrup noted that the ZSC had also decided to recommend allowing OMMD’s in the LI district by Special Permit.

There was discussion about whether MMTC’s should be allowed by SPR in the LI district.

Mr. Crowner stated that the ZSC believes that the use should be allowed and encouraged in Amherst. Making it “by right” in one district would make the bylaw easier to defend if someone is unable to receive a permit.

There was discussion about the locations of the LI districts in town. The only LI district that would be affected would be off Meadow Street, on the west side of Route 116. The other LI district in the center of town would be precluded because of the buffer zones.

Vince O’Connor of Precinct 1 made the following comments:

- The MMTC should be allowed by SPR in the LI district, but dispensing should not be allowed in the LI district; retail traffic should not be directed to this farming area;

- Where the use is allowed by Special Permit he questioned whether there should be a 300 foot radius for a buffer zone because this might preclude the use in most areas; he recommended that the Board prepare maps showing the 300 foot buffer for each district in which the use would be allowed;
- The population that might use this substance shouldn't need to drive or take a van service to reach a dispensary; dispensaries should be located near where users live;
- The disclosure of ownership should not be required.

Mr. Tucker explained that DPH (Massachusetts Department of Public Health) strongly encourages "vertical and horizontal integration" of medical marijuana facilities. DPH regulations prefer that cultivation and processing co-occur with dispensing. However, state law does allow for separate dispensaries. He also noted that disclosure of responsible persons is required under state law, but towns can keep this information confidential except for enforcement officers who need to know. He also stated that the MMTC's and OMMD's are required to be non-profit.

Mr. Tucker explained the location of the LI zoning district in North Amherst along Meadow Street.

There was discussion about where it would be appropriate to have cultivation, processing and dispensing of medical marijuana. Mr. Tucker stated that he did not believe that cultivation and processing can be separated by localities. He also noted that both of these activities would occur in secure locations, not in fields or greenhouses, but in very secure buildings with roofs and extensive security.

Hilda Greenbaum of Montague Road asked about mixed-use buildings and why they were not included in the residential uses that were prohibited from the buffer zone.

Mr. Crouner explained that if mixed-use buildings were excluded from the buffer zone it would place too many limitations on where the medical marijuana facilities could be located. The town wants to promote the creation of mixed-use buildings, he said. Mixed use buildings are already located in the Commercial and Business zoning districts.

Mr. Webber agreed with most of the changes, especially the change in tone of the language in Paragraph 1 of the Standards and Conditions. However he disagreed with allowing the MMTC facilities by SPR in the LI zoning district and recommended changing that to SP.

There was further discussion about permitting the use in the LI district by SPR or SP.

Board members noted that other uses, such as wireless telecommunications devices and Class II restaurants, are only allowed by Special Permit.

Mr. O'Connor requested that at least one location for a dispensary be allowed in a location that is accessible by public transportation.

Mr. Webber summarized:

- It would be helpful to have a map indicating where the facilities can be allowed;
- He was in favor of the zoning amendment as proposed, except that the use in the LI district should be allowed by Special Permit.

Mr. Carson MOVED to close the public hearing. Mr. Stutsman seconded and the vote was 7-0.

Ms. Kruger suggested moving the definitions of MMTC and OMMD forward or referring to the definitions in the first section. Board members agreed to add to the first section a reference to Article 12, Definitions.

Mr. Crowner MOVED that the Planning Board recommended that Town Meeting adopt the zoning amendment dated 9/13/13 having to do with medical marijuana with the addition of the amendments discussed. He reviewed the changes made by the Planning Board:

- Add a reference to Article 12, Definitions, in the first paragraph of the new section 3.360.40;
- Under Section 3.360.40, allow MMTC's and OMMD's in the B-G, B-L, B-VC, and LI districts by Special Permit;
- Under Section 3.360.41, allow OMMD's in the LI district by Special Permit;
- Add the words "or option to purchase" after "or valid purchase and sale agreement" to paragraph 2.c;
- Change the buffer zone in paragraph 3.e to 300 feet;
- Change the language in paragraph 3.e.3) to read "an exception shall be that the Special Permit Granting Authority may grant permission to palliative and therapeutic care facilities in the same building in which an MMTC or OMMD exists";

Mr. Carson seconded and the vote was 7-0.

III. ZONING

- A. Zoning Subcommittee Report – Mr. Crowner presented the report. The ZSC decided to recommend not bringing Inclusionary Zoning or Multi-Family Apartment District forward for Fall Town Meeting. The ZSC recommends that the Planning Board request a Special Town Meeting to consider these amendments when they are ready.

- B. Review Zoning Amendments for Fall Special Town Meeting

Mr. Crowner reported that the ZSC has proposed the following zoning amendments for Fall Special Town Meeting:

- Medical Marijuana Uses
- Affordable Duplexes
- Permit Granting Bodies [and Signs]
- Dimensional Interpretation
- Mixed Use Buildings (Planning Board)
- Mixed Use Buildings (Citizens' Petition)
- Potential article to change the dimensions of the R-F zoning district

Mr. Tucker noted that there was some urgency in the decision as to what to bring forward since the list was due the next day and there is a deadline for language on Monday, September 23rd.

Mr. Crowner explained the potential R-F dimension zoning amendment. The purpose of the amendment is to reflect an application that has already been filed. He also explained the Affordable Duplex zoning amendment.

Mr. Roznoy arrived (8:15PM).

After further explanation of the Affordable Duplex zoning amendment Mr. Stutsman stated that the Housing and Sheltering Committee strongly supports this amendment.

Ms. Kruger MOVED that the Planning Board put this amendment on the list for Fall Special Town Meeting and hold a public hearing. Mr. Stutsman seconded and the vote was 7-0-1 (Roznoy abstained).

After further explanation of the R-F Dimension zoning amendment Mr. Carson MOVED to add this amendment to the list for Fall Special Town Meeting and to hold a public hearing. Mr. Crowner seconded.

Mr. Stutsman asked if the language of this amendment corresponds to the dimensional modifications requested for the Olympia Place project. Mr. Tucker explained the proposed changes and noted that all of the proposed dimensions were already allowed in other districts in town.

The vote was 8-0.

Mr. Tucker reported on a recent meeting between the ZSC and the Zoning Board of Appeals in which questions had arisen about changes to Section 8.41. The ZBA had requested that language be put back into the Bylaw which would allow the ZBA or Planning Board to modify or waive the sign regulations with respect to dimensional requirements.

Ms. Ford MOVED that the Planning Board add this amendment to the list and hold a public hearing. Ms. Kruger seconded and the vote was 8-0.

Board members noted that a public hearing had already been scheduled for Affordable Duplexes and the petition article on Mixed-Use Buildings on October 2nd.

C. Public Comment Period

Melissa Perot of Precinct 1 stated that the petition article on Mixed-Use Buildings was submitted on September 6th but that a amended version had been submitted on September 9th. There was discussion about this discrepancy and Mr. Tucker offered to obtain the correct language.

John Fox of Precinct 10 expressed support for “putting off” the major zoning questions. He noted that a joint effort was underway by the town and UMass and he expressed concern that the Planning Board was moving ahead with zoning changes without input from this joint group. He expressed concern that no activity had yet occurred from the joint effort and suggested that the Planning Board could stimulate activity from this group.

Mr. O’Connor recommended that the R-F Dimensions zoning amendment should propose different dimensional requirements for different parts of the R-F zoning district.

IV. PUBLIC HEARING – SITE PLAN REVIEW and SPECIAL PERMIT

SPR2014-00003 and SPP2014-00003 – Trolley Barn Development LLC – 68 Cows Road

Joint public hearing to request Site Plan Review approval for a mixed-use three-story building, with a 4,752 SF footprint, with first floor commercial and second and third floors residential or commercial, 4 dwelling units maximum, including associated site improvements, under Section 3.325 of the Zoning Bylaw, and to request a Special Permit for modification of front and side yard setbacks under Table 3, Footnote “a” of the Zoning Bylaw (Map 5A, Parcel 108, COM & R-O zoning district)

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

John Kuhn and Chris Farley of Kuhn Riddle Architects, Eric Melle of The Berkshire Design Group and Mickey Marcus of New England Environmental were present. Cinda Jones was also present, representing Trolley Barn Development LLC, the applicant.

John Kuhn presented the application. He described the existing site and noted that the new building was reminiscent of a trolley barn that had existed on other property owned by Ms. Jones, but that the old trolley barn had collapsed.

Mr. Kuhn noted that changes to the Zoning Bylaw that were passed at Spring Town Meeting had helped to make the design of this building better, particularly with respect to the method of measuring building height and the increased allowance for uses related to upper floor residential use being permitted on the ground floor.

Mr. Kuhn stated that the proposed building would be a mixed-use building under Section 3.325 of the Zoning Bylaw. It is proposed to be three-stories in height and with wood-frame construction. The parcel is approximately 32,000 square feet in lot area.

Mr. Kuhn reviewed the project based on the Development Application Report prepared by Planning Department staff.

The site is located mid-way down Cows Road, between Montague and Sunderland Roads. He presented plans showing the location of the site and the location of the Commercial zoning district. Cows owns most of the parcels in the immediate vicinity of the site, he said.

Mr. Kuhn presented a context plan and stated that Eastman Brook runs past the property just north of the site.

Mr. Kuhn noted that the dimensions of the site determine the number of dwelling units that can be accommodated. In the Commercial zoning district a minimum of 20,000 square feet for the first dwelling unit is required, plus 4,000 square feet for each additional unit. For a lot of 32,000 square feet, four dwelling units are allowed.

The dimensional requirements also limit the building to 35 feet in height and 3 stories. This building complies with those requirements.

In addition, the parking requirements limit the size of the building. The footprint of the building is approximately 4,700 square feet. The shape of the building is rectangular.

In order to accommodate the required parking the building has been located in the southwest corner of the property. Parking is proposed to be located to the rear and to the east of the building.

The building has been located close to the street to respond to recent discussions about "Form-based Code" and the Planning Board's desire to create a Village Center setting in North Amherst.

Because the front and west side setbacks are less than required by the Zoning Bylaw, the applicant has requested a Special Permit from the Planning Board to modify the side and front setback requirements, as allowed by Footnote "a" of Table 3.

One advantage of moving the building forward on the site is preservation of the wetlands behind the building.

The use of the building will fit into the requirements of Section 3.325 of the Zoning Bylaw. There will be four large apartments on the upper floors, two on the second floor and two on the third floor. The first floor will house commercial uses. It can be occupied by one to four tenants, offering restaurant, retail or business uses.

The commercial space will have its entry on the front or street side. The residential entries will be at the rear. There will be exist stairs in each of the rear corners. Mr. Kuhn presented floor plans for the building. He noted that there will be an elevator and that the building will be fully sprinklered.

Mr. Kuhn stated that the actual front and side setbacks will be slightly different from those originally stated in the application because the original setbacks were to the face of the building. In accordance with the current Zoning Bylaw the measurements need to be to the furthest projection of the building. In the case of the proposed building the eaves have an overhang and there are canopies over the entries. Therefore the front yard setback will actually be 11 feet (rather than 15 feet) and the side yard setback will be 11.8 feet (rather than 14.3 feet).

There will be bike racks in front of the building and at the northeast corner of the building.

Mr. Schreiber arrived (8:45 PM).

Mr. Kuhn discussed the proposed uses for the building and noted that there were two possibilities:

- The building might contain commercial and retail uses on the ground floor with residential uses (maximum 4 units) on the upper floors;
- The building might contain a Class II restaurant on the ground floor with two floors of residential use above.

If a Class II restaurant is proposed in the future, the applicant will apply for a Special Permit for that use.

Mr. Kuhn reviewed the proposed parking. He stated that 42 parking spaces are being proposed. This is a reasonable amount and it allows for flexibility for multiple uses. There are 14 compact spaces and 3 handicapped spaces shown on the plan.

Mr. Kuhn presented information on lighting, including a photometric plan showing the intensity of the light at different places on and off site. He stated that the proposed lighting will be downcast and will be "dark-sky compliant". He submitted catalog cuts on the proposed lighting fixtures. There will be timers on the lights. In addition the lighting will be 1 footcandle or less at the perimeter of the site. Twenty-five gooseneck lights are proposed to be mounted on the building. These will shine on the building and the signs. All of the gooseneck lights will cast their light downward.

Erosion control is shown on the plans and was approved by the Conservation Commission.

The Traffic Impact Report was submitted and shows that there is no impact as a result of this project.

The building will be connected with the town drainage system and the town sewer and water lines.

In terms of drainage, there will be a stormwater detention basin constructed under the parking lot at the rear of the site.

There will be one directory sign, 15 square feet in size. Signs for the businesses will be mounted on the frieze above the first floor.

Mr. Kuhn stated that the building does not have tenants yet. A Management Plan has been submitted.

The Fire Department has reviewed the project and is satisfied that the fire hydrant is 115 feet from the building. The building will have an addressable fire alarm system as requested.

The Town Engineer has reviewed the project and has submitted a detailed set of comments to which Berkshire Design has responded. Mr. Kuhn submitted a copy of the responses.

Mr. Kuhn stated that the Trolley Barn is designed to look like a trolley barn. The building height is in keeping with the new way of measuring building height. The amount of space allocated for residential access on the first floor meets the new requirement of 15% maximum.

Mr. Kuhn presented the materials and colors that will be used on the exterior of the building. The siding will be clapboards with black trim and windows. The roof will be charcoal in color. The light fixtures will be black.

In terms of the Landscape Plan a few trees will be removed at the north side of the site.

The site work will include filling in the northwest corner of the site and the installation of a retaining wall.

New trees will be planted around the site and sidewalks will be added.

Mickey Marcus of New England Environmental stated that the Conservation Commission held and closed a public hearing on this project. The hearing included information about redevelopment of the riverfront area. The applicant has received a letter from the Massachusetts Natural Heritage and Endangered Program stating that there would be no adverse impact on endangered species as result of this project. The Conservation Commission asked that a split rail fence be installed between the parking lot and the woods to prevent people from walking there.

Mr. Webber reviewed the Site Visit Report, noting that the site visit had occurred that morning.

Mr. Crouner asked if the site would be less disturbed as a result of this project than it is currently. Mr. Kuhn stated that it would be less disturbed because there would be areas of planting. He also pointed out that there would be a sidewalk built in the public way along the front of the property.

Ms. Anderson noted that there are other properties owned by W.D. Cowls on Cowls Road. Mr. Kuhn showed which parcels are owned by Cowls and noted that Ms. Jones has an agreement with the owner of the property to the east to purchase that property.

Mr. Kuhn stated that the sidewalk along the front of the property would be lit by ambient light from the building.

Janet Keller of Precinct 1 stated that she had submitted written comments. She stated that the most important thing about this project is the context. It is a quiet place with residential uses on either side of the property and a resource area to the rear. She noted that Cowls owns approximately 25 acres in the vicinity and that this is the first project in the development of the 25 acres. This project should set up a model for appropriate development of the rest of the 25 acres. She described the current and past quiet, dark condition of the site and predicted that in the future there would be 16 bedrooms with undergraduate students, noise, traffic and light in the evening. She made recommendations for conditions that the Board should impose on this project. These recommendations are contained in her letter, dated September 17, 2013 submitted to the Board.

Hilda Greenbaum of Montague Road stated that the proposed building is attractive. She suggested that the building should have less parking and that the building should be moved back on the site to allow for the planting of street trees. She expressed concern that the behavioral problems experienced along Meadow Street would migrate north to this property. She recommended that there be a condition requiring that a "legally binding contract with a commercial tenant" be in place before residential tenants be allowed to move in. She stated

that it is important to have commercial development in this location.

Cinda Jones agreed with the concern about behavioral problems and stated that her company hires security guards to patrol their properties from Thursday through Sunday in order to maintain control over the behavior of tenants and others on their property.

Vince O'Connor of Summer Street made comments, including the following:

- There should be a vegetated barrier between the proposed building and the home to the east;
- The owner should consider, when seeking commercial tenants, that there are no professional offices in North Amherst and should make an effort to attract professional offices to use the space on the building's second floor;
- The third floor could then be used for four 2-bedroom dwelling units; smaller units will be easier to control;
- The Board should prohibit work in the habitat area to the rear of the parking lot; the habitat area should not be disturbed;
- A mown path should not be allowed to the rear of the site.

Mr. Webber noted that there will be a split rail fence installed along the rear of the site to prevent access to the habitat area.

Mr. O'Connor stated that there should be bus service to this area. The site needs a bus pull-off in front of the building. He acknowledged that this was not an issue for the Planning Board but rather an issue for Planning Department staff and UMass Transit.

Melissa Perot of Precinct 1 expressed concern not so much about this proposed building but about the development of the entire property. She stated that other buildings may be larger with more dwelling units. This is a Commercial area with a purpose to provide a wide range of commercial and retail uses. The proposed development is not consistent with the neighborhood. She urged the Board to consider the impact of development on the entire 25 acre area.

Maurianne Adams of Precinct 10 asked questions and made comments as follows:

- If the ground floor commercial endeavor fails can the ground floor become a rental parking lot?
- Should 16 bedrooms require 16 parking spaces?
- The Trolley Barn is attractive and well laid out as a single building but she expressed concern about the proliferation of such buildings throughout the 25 acre area; will the Board be bound by precedent to allow the proliferation of such buildings?

Mr. Webber stated that the Planning Board is not bound by precedent but is required to go back to the "source documents", including the Zoning Bylaw for "individualized inquiry".

Ms. Brestrup stated that while a parking garage may be possible on the ground floor in accordance with the Zoning Bylaw, a Special Permit from the ZBA would be required for such a use.

Ms. Brestrup further noted that any use that requires a Special Permit from the ZBA in the Commercial zoning district would require a Special Permit in order to be allowed in this building.

Mr. Webber reviewed the list of documents that had been submitted for this application, including:

- Development Application Report
- Submissions from citizens

- Renderings
- A Management Plan (he noted that a revised Management Plan may be necessary depending on the tenants)
- Floor Plans
- A Traffic Generation Report.

Mr. Crowner stated that he was not satisfied with the Traffic Generation Report. It did not appear to be complete. Eric Melle of Berkshire Design stated that he had submitted a complete report electronically. There was discussion about this submittal and whether it had been received. Ms. Brestrup offered to review the electronic submittals to determine if the information had been received.

Mr. Crowner noted that he did not have information on the existing traffic conditions and that the reference to “these two streets” was not clear. Mr. Melle stated that the reference was to Cows Road and Montague Road. The Traffic Study was done and he will resubmit it to the Board.

Mr. Webber noted that the Board had received a letter from Jason Skeels which detailed minor comments about the utilities and other issues.

Mr. Kuhn presented the memo from Eric Melle responding to Mr. Skeels comments.

Mr. Webber noted that the Board had received a memo from Beth Willson, Wetlands Administrator, reporting on the Conservation Commission’s conditions, including a requirement for a split rail fence to the north.

Ms. Jones reported that she plans to speak with the owners of the property to the north to discuss removal of invasive species. She also reported that the existing traffic counts on the two roads in question were 5300 on one road and 5700 on the other, totaling 11,000 cars per day.

In response to a question Mr. Farley showed on the site plan where the proposed handicapped parking will be located.

Mr. Webber asked if the amount of parking was too much or not enough, since a range of parking requirements were given in the Development Application Report.

Ms. Brestrup stated that, based on the uses proposed for the building, the amount of parking proposed (42 spaces) appears to be adequate. If a use, such as a restaurant, is proposed for the ground floor and the use requires additional parking, the applicant will be required to seek approval for additional off-site parking.

Ms. Anderson agreed that the proposed parking appeared to be fine as proposed.

Having heard the testimony about the number of cars per day existing on Sunderland and Montague Roads, Mr. Crowner stated that he would like to see the full Traffic Impact Report, but he will be able to vote on this application without seeing the report.

Ms. Kruger MOVED to close the public hearing. Ms. Ford seconded and the vote was 9-0.

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

11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw with the exception of the provisions requiring the Special Permit for modification of front and side setbacks, which has been applied for concurrently with the Site Plan Review;

- 11.2401 – Town amenities and abutting properties will be protected because detrimental or offensive actions are not planned for this site; in addition, the applicant plans to hire security guards to patrol the property on weekends;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use; lighting will be downcast and will not shine onto adjacent properties;

There was discussion about whether the Board should impose a condition requiring that a vegetated buffer strip be maintained between the property proposed for development (in the COM zoning district) and the residential property to the east (in the R-N zoning district). The reasons for this buffer strip would be to separate the new mixed-use building from the residential building to the east and to screen the lights from parking cars and prevent the headlights from shining into the adjacent property.

Mr. Marcus stated that there is an existing “hedgerow” between the two properties and that this area is a wetland and therefore cannot be cleared.

Ms. Brestrup noted that a 4’ high wood fence is proposed along the edge of the parking lot that will screen headlights from cars.

Ms. Jones stated that she has an agreement with the property owner of that property to purchase the property at a time convenient for the owner. In addition, there is a finger of wetland that separates the two properties and this wetland area cannot be cleared and will be permanently maintained as a buffer. Ms. Jones also stated that she would like to maintain some degree of “flow” between these two properties, once she has purchased the residential property to the east.

Board members agreed by consensus that there would be adequate screening in this location.

- 11.2403 – Adequate recreational facilities, open space and amenities will be provided because the property is close to town-owned amenities such as Mill River Conservation and Recreation Areas, the North Amherst Library and the ballfield near the old North Amherst School;
- 11.2410 – Unique or important natural, historic or scenic features will be protected; the building has been designed to look like the old trolley barn which existed across Cows Road;
- 11.2411 – Proposed methods of refuse disposal are described in the Management Plan; they are considered to be adequate; there is a dumpster pad with a wooden enclosure proposed for the rear of the parking area;
- 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 is connected to the town sewer and water systems; the Town Engineer has reviewed the project and 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 reviewed the project and has not expressed concerns with the proposed system;

Mr. Melle stated that there would be no runoff from the site except for the 100 year storm. The proposed drainage system actually decreases the runoff over existing conditions.

- 11.2414 – Provision of adequate landscaping is considered to be satisfactory; the Landscape Plan will provide an improvement over existing conditions;
- 11.2415 – The Erosion Control Plan has been submitted; it has been reviewed by the Town Engineer and the Conservation Commission and has been found to be satisfactory;

11.2416 – Adjacent properties will be protected from the intrusion of various types of nuisances, including pollution and noise; the applicant will hire security guards during to patrol the property on the weekends to control issues related to noise;

Mr. Stutsman asked for a revised Management Plan that would include reference to the security guards. After discussion the Board decided by consensus not to include such a condition. Ms. Anderson noted that the property would need to be registered with the Residential Rental Property Bylaw. This would cover property management issues like the one mentioned.

11.2417 – Protection of adjacent properties by minimizing the intrusion of lighting has been discussed; all exterior lighting will be required to be downcast and dark-sky compliant;

11.2418 – N/A

11.2419 – Wetlands will be protected by building in accordance with the provisions of the Wetlands Protection Act, Chapter 131, Section 40, and the Amherst Wetlands Bylaw; the project has been reviewed by the Conservation Commission which has approved the project and drafted an Order of Conditions;

11.2420 – Although this project lies within the boundaries of the COM zoning district, the Planning Board deems the project to be an improvement over existing conditions and states that it has been well designed; the Planning Board does not believe it necessary to formally apply the Design Review principles and standards as set forth in Sections 3.204 and 3.2041 of the Zoning Bylaw;

11.2421 – The development is sufficiently consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development; the applicant has provided information about setbacks in the vicinity of the project; the applicant has applied for a Special Permit to modify front and side setback requirements in accordance with Footnote “a” of Table 3 of the Zoning Bylaw; the proposed setbacks are similar to the setbacks discussed by the Planning Board as appropriate for village centers; parking has been proposed behind the building;

11.2422 – The building site avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes and wetlands;

11.2423 – N/A

11.2424 – Screening in the form of a wooden fence has been proposed for the dumpster area;

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 parking area is proposed to be located behind and to the east of the building; walkways will connect the parking areas with the building; there will be a sidewalk constructed in front of the building, in the town way; bike racks will be provided in two locations near the building entrances;

11.2431 – The location and number of curb cuts is designed to minimize turning movements and hazardous exits and entrances; there is currently a driveway entrance on the property and there are currently no curbs; only one driveway entrance is proposed, in the same location as the existing driveway;

11.2432 – The location and design of parking spaces, bicycle racks and drive aisles will be provided in a safe manner; bike racks will be provided at the front and rear of the building;

11.2433 – N/A

11.2434 – N/A

11.2435 – N/A

- 11.2436 – A Traffic Generation Report was submitted to the Board in the form of an incomplete summary; a more thorough Traffic Generation Report was submitted by the consultant to the Planning Department but was not initially distributed to the Board; existing traffic counts for Sunderland Road and Montague Road were presented at the public hearing; a condition of the Site Plan Review approval will require that the revised Complete Traffic Report be submitted to the Planning Board;
- 11.2437 – The Complete Traffic Report has been transmitted to the Planning Board; based on this Report it appears that the project complies with the requirements of Section 11.2437.

Prior to reviewing the Special Permit Criteria the Board asked the applicant to clarify the exact dimensional modifications that were being requested. The Special Permit request is as follows:

Front setback – The front setback requirement is 20 feet. The original documents showed a front setback of 15 feet. However there are 4-foot covered-entry overhangs. Therefore the setback requested is 11 feet from the front property line to the edge of the covered-entry overhangs.

Side setback – The side setback requirement is 25 feet. The original documents showed a side setback of 14.3 feet. There is a 2.5 foot roof overhang on the gable end of the building. Therefore the side setback requested is 11.8 feet.

The Board found, under Section 10.38 of the Zoning Bylaw, Special Permit, with respect to both the height and setback modifications, as follows:

- 10.380 – The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town;
- 10.381 – The proposal is compatible with existing uses and other uses permitted by right in the same district;
- 10.382 – The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features;
- 10.383 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians;
- 10.384 – Adequate and appropriate facilities will be provided for the proper operation of the proposed use,
- 10.385 – The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site;
- 10.386 – N/A;
- 10.387 – The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent street, property or improvements;
- 10.388 – The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, material and equipment incidental to the normal operation of the use; there is adequate space in the parking lot to accommodate these needs;
- 10.389 – The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes and methods of drainage for surface water;
- 10.390 – N/A
- 10.391 – The proposal protects, to the extent feasible, unique or important natural, historic or scenic features;
- 10.392 – The proposal provides adequate landscaping;
- 10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting;

- 10.394 – The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes and wetlands;
- 10.395 – The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto;
- 10.396 – The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features;
- 10.397 – The proposal provides adequate recreational facilities, open space and amenities for the proposed use;
- 10.398 – The proposal is in harmony with the general purpose and intent of this Bylaw and the goals of the Master Plan.

Mr. Webber observed that this is a “great project”. It is appropriate to the site and it is a nice looking building.

Board members discussed whether to impose a condition that would require a certain amount of commercial space in the building to be leased prior to residential tenants moving in. After discussion, the Board decided by consensus not to impose such a condition for reasons including that it would discourage mixed-use buildings.

Board members discussed a condition proposed by Ms. Keller that would have required replanting the excavated mown lawn on the adjacent lot at 56 Cowls Road with native seed mix to compensate for excavation of Riverfront area. Board members decided by consensus that this was an issue that is under the jurisdiction of the Conservation Commission. After discussion the Board decided to include a requirement that “all disturbed areas shall be loamed and seeded unless otherwise specified”.

In response to another recommendation from Ms. Keller, Mr. Webber stated that the scope of work on the remainder of the 25 acres owned by W.D. Cowls was outside of the scope of this application.

Ms. Anderson MOVED that the Site Plan Review application be approved with the conditions as discussed and the standard conditions. Mr. Roznoy seconded and the vote was 9-0.

Ms. Anderson MOVED that the Special Permit application be approved as presented and as requested without conditions, except for the requirement that an ANR Plan with the additional required lot area be submitted. Ms. Ford seconded and the vote was 9-0.

The approval is subject to the following waivers and conditions:

Waivers

No waivers have been requested.

Conditions

1. All exterior lighting shall be dark sky compliant. Exterior lighting shall be downcast, shielded and shall not shine onto adjacent properties or streets.
2. A completed Traffic Impact Report shall be submitted to the Board for review and approval.
3. An ANR Plan shall be submitted to the Board for endorsement showing an additional area added to the property such that the property shall contain at least 32,000 square feet.
4. The property shall be managed in accordance with the Management Plan submitted as part of this application.

5. The property shall be registered in accordance with the Amherst Residential Rental Property Bylaw.
6. Landscaping shall be installed in accordance with the Landscape Plan and, once installed, shall be continually maintained. All disturbed areas shall be loamed and seeded, unless otherwise specified.
7. One paper copy of the final revised plans and one electronic copy shall be submitted to the Planning Department.

SPR2014-00004 and SPP2014-00004 – Archipelago Investments LLC – 57 East Pleasant Street (Kendrick Place)

Joint public hearing to request Site Plan Review approval for a mixed-use five-story building, with ground floor retail/commercial uses and a total of 36 upper-floor dwelling units, including associated interior and exterior spaces, under Section 3.325 of the Zoning Bylaw, and to request a Special Permit for modification of maximum lot coverage, building coverage and maximum height requirements, under Table 3, Footnote “a” of the Zoning Bylaw (Map 11C, Parcel 266, B-G zoning district)

Mr. Webber read the preamble and opened the public hearing. Due to the lateness of the hour the applicants gave an abbreviated presentation.

Kyle Wilson and Dave Williams of Archipelago Investments LLC presented the application.

Mr. Williams noted that there had been a site visit that morning. He described the site as a point of entry to downtown Amherst from the north. He also referred to the Gateway Visioning process that had studied the area between UMass and downtown Amherst noting that this project grew out of that process. He noted that Kendrick Park is a major feature of this project. The building will act as a backdrop to Kendrick Park.

Mr. Williams presented a context map showing the location of Kendrick Park, North Pleasant Street and Bertucci’s Restaurant. The site is triangular in shape.

The concept for the building is that it will be visible from three directions. The corners have been left as glass. There will be an entry plaza across from Kendrick Park. There will also be a “mews” or walkway between Bertucci’s and the new building that will be landscaped. This will provide a way to get to Triangle Street from the Park.

The materials of the new building will be primarily brick closer to the road and cedar stepping back from the main façade. The building will be set back from the road on the East Pleasant Street side by about 30 feet. The applicants would like to work with the town and the power company to bury the power lines along East Pleasant Street and Triangle Street to create an attractive, clean streetscape as is being created in the downtown.

Mr. Wilson described the Site Plan. The Site Plan shows the “best case scenario” for a new project at the north end of downtown. Power lines still run above grade along Triangle Street and East Pleasant Street. These lines will prevent the installation of proper street trees and street lights. The street lights are now “highway scale” streetlights.

Mr. Wilson described the public improvements that could be installed in the public way if the power lines were put underground. The applicants would like to come back to the Board with a more definitive Landscape Plan with street trees and streetlights once they know that the power lines can be buried. He showed views of the building from various directions, including proposed streetscape elements.

Mr. Wilson showed a section through the building, indicating the height of ceilings and what the different interior spaces would be like. He stated that the interior would be similar to that of Boltwood Place, which he and Mr. Williams developed. The building is proposed to be 5 stories in height with 9 foot ceilings in the apartments and 11’-6” ceilings on the ground floor. The building will be of high quality design, he said. The building is proposed to be 56’-10” in height, which is a bit taller than the dimensional requirements of 55’ maximum. The applicants have requested a Special Permit to modify the height requirement.

Mr. Wilson showed a plan of the ground floor, with a coffee shop at the southwest corner. This will help to activate the lobby. The other ground floor spaces will probably be used as

“incubator space” for tech projects from UMass, offered at “below market rent”. The applicants would like to bring Zip-cars [or something similar] to the building. The building is proposed to include underground parking spaces for 4 cars. The applicants are promoting alternative means of transportation. The PVTA bus stop is located in front of Bertucci’s parking lot.

Mr. Wilson described the apartment units, which will be similar to those at Boltwood Place, which has been a successful building in terms of rentals. New faculty and staff are being hired by Amherst College and UMass. The apartment units in this building will be attractive to these new hires as well as to students who attend these institutions, he said.

The units are apartments. The building is a mixed-use building. The apartments will be leased “by the apartment” [as opposed to “by the bedroom”]. There will be 4 bedroom/2 bath units, 2 bedroom/2 bath units, and 1 bedroom/1 bath units. There will be 36 apartments with 4 floors stacked on top of one another. There will be two sets of stairs and an elevator. The HVAC system will be similar to that of Olympia Place and will be characterized by air-source heat pumps. The building will be well-insulated. Mechanical loads will be much less than those of a typical building.

The applicants have discussed the stormwater management system with the Town Engineer.

Mr. Wilson stated that he envisions that this project will be a catalyst for work in this part of town and it might help the town to obtain state funding (MassWorks Grants) to improve infrastructure in the area.

The applicants would like to tie north downtown with the historic downtown and create a more pedestrian-friendly environment.

Ms. Ford asked what will happen if the applicants are not able to reach agreement with the power company with regard to putting the power lines underground.

Mr. Wilson stated that the building could still be built, but a failure to reach an agreement with the power company would prevent street trees from being planted.

Ms. Ford asked how far the building would need to be away from the power poles.

Mr. Wilson stated that the primary impact of the power poles would be to degrade the pedestrian environment.

Mr. Williams presented a plan showing how the building would fit into the context of the neighborhood. There are one story structures down the street and a two-story structure on Pray Street. He showed the location of the existing sidewalk along Triangle Street. There may be a need for a small plaza at the east end of the site to integrate walks coming from different directions, he said.

The applicants propose to provide site improvements within the town right-of-way along Triangle and East Pleasant Streets, including street trees, sidewalks, etc.

They propose to make this a dynamic pedestrian environment. The incubator space in the building will help to form the connection between UMass and the downtown.

Ms. Ford reported that the applicants had reviewed their project in depth with the Design Review Board the previous night. There was substantial discussion with the DRB about materials and details on the building. The DRB had a strong positive response to this project and gave it their support.

Due to the lateness of the hour, Mr. Webber asked that Planning Board members email questions about the project to Planning Department staff. Staff will forward the questions to the applicants who will come prepared at the next session to answer the questions.

Mr. Webber stated that at the next session there would be time for questions and answers and the remainder of the Site Plan Review and Special Permit process.

Mr. Williams stated that the applicants have a tight schedule for financing, appraisals and construction documents for both of their project. They would like to begin construction in March of 2014. He requested the Planning Board's help in meeting this schedule.

The Board discussed placing the two Archipelago Investments project on the October 2nd agenda as the first two items.

Ms. Kruger stated that this building would be a great anchor for this end of downtown. She expressed enthusiasm about the concept and a positive feeling about the plan.

Mr. Roznoy MOVED to continue the public hearing to 7:15 PM on October 2nd. Mr. Carson seconded and the vote was 9-0.

V. OLD BUSINESS

A. SPR2014-00001 and SPP2014-00002 – Archipelago Investments LLC – 57 Olympia Drive (Olympia Place)

Continued discussion and deliberation regarding a request for Site Plan Review approval for a private apartment-style dormitory building with 75 units and associated interior and exterior spaces under Section 3.326 of the Zoning Bylaw and a Special Permit to modify front yard setback, maximum lot coverage, maximum building coverage, maximum floors and maximum height under Section 6, Table 3 of the Zoning Bylaw (Map 8D, Parcel 17, R-F Zoning District) - no discussion

B. Signing of Decisions – the decisions were not ready for signature.

SPR2013-00013, 321 Main Street, Unit 2 – Wheatberry (Adrie & Ben Lester)

SPP2014-00001, 321 Main Street, Unit 2 – Wheatberry (Adrie & Ben Lester)

C. Newmarket Center, 6 University Drive – Review of signs for University Liquors in accordance with conditions of Plan Approval #85-6 – the applicant was not present so the Board did not take up this topic.

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

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VII. UPCOMING ZBA APPLICATIONS – none

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – none

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS – no reports

Pioneer Valley Planning Commission – Bruce Carson

Community Preservation Act Committee – Sandra Anderson

Agricultural Commission – vacant

Transportation Plan Task Force – Richard Roznoy and Rob Crowner

Amherst Redevelopment Authority – Constance Kruger

Design Review Board – Kathleen Ford

Housing and Sheltering Committee – Greg Stutsman

Town Gown Study Steering Committee – David Webber and Greg Stutsman

Master Plan Implementation Committee – vacant

X. REPORT OF THE CHAIR

XI. REPORT OF STAFF

XII. ADJOURNMENT

The meeting was adjourned at 10:48 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Senior Planner

_____ DATE: _____
David Webber, Chair