

**Town of Amherst**  
**Zoning Board of Appeals**  
**SPECIAL PERMIT**

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2013-00013, to extend the use of a dimensionally non-conforming building to a maximum of six offices, under Section 9.22 of the Zoning Bylaw 24 Dickinson Street (Map 14B, Parcel 56, B-VC Zoning District), with the following conditions:

**LIMITATIONS ON USE**

1. The maximum number of separate office businesses shall be six.
2. The maximum number of occupants (employees) in the building shall be 10 people.
3. The office types shall be limited to technical and/or administrative, defined as follows:
  - a. 3.358.1 – Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services predominantly by appointment to the public in person on the premises.
  - b. 3.358.2 – Administrative business office or similar business or professional office not providing services to the general public in person on the premises.
4. Prior to a change in office tenancy, information about the proposed new tenant's business, including but not limited to, identification of office type, number of employees, intensity of client/customer visits to the location, office location within building, and existing and/or proposed parking conditions, shall be submitted to the Zoning Board of Appeals at a public meeting. The purpose of the meeting will be for the Board to determine that the office use complies with Condition #3 and to consider how the additional business occupancy will affect the neighborhood.
5. Hours of operation for all office appointments shall be from 8:00 a.m. to 6:00 p.m. Monday through Friday.
6. The interior of the building shall be maintained substantially in accordance with the annotated floor plan submitted. Minor wall reconfigurations to accommodate up to six offices may be permitted by the Building Commissioner. Any changes deemed substantial by the Building Commissioner shall be presented to the Board at a public meeting for review and approval.

**LIMITATIONS ON PARKING**

7. Four (4) Town Center Parking permits shall be obtained yearly to serve this building and evidence of the same shall be submitted to the Building Commissioner. In the event that any of the four (4) Town Center Parking permits are not available, for whatever reason, the building owner shall appear before the Board at a public meeting for review of parking arrangements.
8. There shall be no more than four cars parked on the premises at any time.

9. Parking shall be in accordance with the site plan, approved on January 17, 2013. Parking is prohibited on the south side of the driveway, which shall be designated for turn-around only. A sign indicating "no parking this side" shall be erected and placed in a position visible to those entering the property.

**GENERAL CONDITIONS**

10. Prior to any future exterior site changes, such as, but not limited to changes in parking, such proposed changes shall be submitted to the Board for review at a public meeting to determine whether a new or modified Special Permit is required.
11. All exterior lights shall be designed or arranged to be downcast. The light on the garage shall be repaired and kept in good working order.
12. The property shall be managed according to the Management Plan, as annotated and approved on January 17, 2013.
13. A single, free standing monument or directory sign is allowed. Plans for said sign shall contain six individual panels and shall be submitted to the Board for review at a public meeting.  
If applicable, after the free standing sign is approved, the Board may allow individual sign panels to be inter-changed without review by the Board. Said sign shall comply with the location, size and height requirements of Article 8 of the Bylaw in effect as of the date of this permit. Any building mounted sign shall comply with the applicable provisions of Article 8. All signs shall be submitted to the Board for review and approval at a public meeting.



Eric Beal  
Amherst Zoning Board of Appeals

3/7/13  
DATE

**Town of Amherst**  
**Zoning Board of Appeals - Special Permit**

*DECISION*

**Applicant:** James Lumley & Barbara Hawley  
462 Main Street, Amherst, MA 01002

**Owner:** Scandinavian Seminar  
24 Dickinson Street, Amherst, MA 01002

**Date application filed with the Town Clerk:** November 15, 2012

**Nature of request:** For a Special Permit to change the use of a dimensionally non-conforming building to professional offices, under Section 9.22 of the Zoning Bylaw

**Address:** 24 Dickinson Street (Map 14B, Parcel 56, B-VC Zoning District)

**Legal notice:** Published on December 26, 2012 and January 2, 2013 in the Daily Hampshire Gazette and sent to abutters on December 21, 2012

**Board members:** Eric Beal, Tom Ehrgood, Yuri Friman

**Staff members:** Jeff Bagg, Senior Planner, Robert Morra, Building Commissioner

**Submissions:**

- Project Application Report, dated January 4, 2013
- ZBA application form, filed with the Town Clerk on November 15, 2012
- Management Plan and Project Summary
- Site Plan & Floor Plan prepared by Kitchell Architects, dated April, 1985
- 2009 zoning change information
- Town Center Parking Map
- Revised floor plans (with offices labeled)

**Site Visit: January 7, 2013**

Eric Beal, Tom Ehrgood, and Yuri Friman met the applicants, James Lumley and Barbara Hawley along with the property owner, Bruce Buxton, and real estate broker, Steve Palett on-site. The Board members observed the location of the property on east side of Dickinson Street, and the following:

- The interior of the existing building including the first and second floor office areas.
- The exterior of the property including the existing garage and driveway as well as parking areas on the north and south side of the property.

**Public Hearing: January 10, 2013**

Barbara Hawley and James Lumley were accompanied by the property owner, Bruce Buxton, and real estate broker, Steve Palett. Ms. Hawley explained the project as follows:

- The building is too close to the north property line, which makes the building non-conforming and changes of use require a Special Permit.

- Ms. Hawley, a real estate attorney, and Mr. Lumley, a real estate agent, propose to move and operate their existing businesses to this location. These two offices would occupy the rooms labeled E, F, and G on the first floor. The Scandinavian Seminar, which has owned the building and operated their office from the building since 1985, will occupy room D on the second floor of the building.
- In addition to these three offices, the proposal includes allowance to rent three additional offices on the second floor (labeled A, B, and C).
- The property is located in the Business Village Center Zoning District where the proposed office types are allowed by-right under Site Plan Review. Any potential tenants must comply with the Zoning Bylaw.
- The revised Management Plan which states that there would be no more than 12 total occupants/employees on-site at any one time. Although there are technically seven office spaces shown, they propose to have a maximum of 12 occupants and six different office tenants in the building to maximize flexibility.
- Ms. Hawley described her business as consisting of herself and two part time employees who sometimes overlap but are not generally in the office at the same time. Her hours of operation are from 8:00 a.m. to 6:00 p.m. and she generally has one or two clients per day.
- Mr. Lumley's business is a solo practice with no employees. His practice largely involves telephone or email consultations with meetings occurring off-site.
- The Scandinavian Seminar has one employee performing solely administrative functions. As recently as three years ago, the Seminar had eight full time employees. However, since then it has shifted to being mainly one employee.
- The first floor is currently set up to support two distinct office uses because rooms E and F are open to one another. The second floor is set up such that rooms A and B could be rented as a suite to the same tenant.
- Regarding parking, Ms. Hawley stated that there is no way to add parking without either tearing down the barn or removing one or more large trees on the property, both of which would require significant costs. She explained that if the Board does not find the parking to be adequate, some employees will park off-site and will obtain Town Center Parking permits. Other clients or customers would park in front of the building on Dickinson Street.

The Board identified the three different office use categories which are generally based on intensity and client customer visitation, as follows:

*3.358.0 – Bank, loan agency, real estate, insurance or other business or professional office providing services to the public in person on the premises.*

*3.358.1 – Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services predominantly by appointment to the public in person on the premises.*

*3.358.2 – Administrative business office or similar business or professional office not providing services to the general public in person on the premises.*

The Board discussed the required number of parking spaces:

- The Board identified that Section 7.004 calculates parking spaces based on the square footage of each floor of a building. Based on the size of the building as shown on the submitted floor plans, a total of seven parking spaces are required on-site.

- Mr. Friman noted that the Project Application Report indicates that the area of each floor is calculated separately and results in a required number of seven spaces. Conversely, the applicant's calculation combines the area of each floor resulting in a required number of six spaces. Mr. Morra stated that the Board should consider the required number of spaces as seven, because the floors may be used by different entities.

The Board discussed the availability and maneuverability associated with the parking on-site:

- The Board questioned the applicants written materials and site plan which indicate that there are seven parking spaces on the property. Ms. Hawley stated that if the Board determines the parking to be inadequate, then they would obtain up to three Town Center Parking permits in exchange for a waiver from the parking regulations. She also noted that there is on-street parking in front of the building along Dickinson Street that customers or clients may utilize.
- Mr. Friman asked about the parking situation when the Seminar had eight employees and whether there were any clients visiting the property. Mr. Buxton noted that there were not any clients and that there were no issues related to the availability of parking amongst the eight employees.
- Mr. Ehrgood noted that for the site visit, he parked his car on the north side of the parking area (between the building and the garage). When exiting, he was required to back into the area on the south side where the applicant contends there are three additional parking spaces. He explained that if vehicles were parked in those spaces, he would not have had area to maneuver out of the parking spot.
- Mr. Beal asked the Building Commissioner if the parking plan as submitted would meet the provisions of Article 7 for maneuverability. Mr. Morra stated that after visiting the site he had concerns about the parking and noted that as proposed the area does not provide adequate maneuverability for practical use. He also noted that it would be unlikely for clients or customers to believe that the garage is a space available to them – even if there were spaces open on either side because there is not adequate space to easily back out of the garage while turning into a turnaround area. He stated that based on these issues, he would consider there to be no more than two spaces on-site available for clients or customers.
- Mr. Bagg stated that if the garage were counted along with two spaces on either side of the garage, but not both, there may be up to four spaces on-site. He stated that the Board may have to determine the number of usable spaces on-site while factoring in the applicant's ability to have some or all the employees parking off-site.

The Board discussed the available parking off-site:

- Mr. Bagg stated that technically there is no on-street parking in front of the property, although it is often used as such. He stated that the on-street parking is actually further south along the stretch of road adjacent to Classic Chevrolet. He explained that the Town Center Parking Permit system requires a yearly permit and is intended to be used by business owners and employees. On-street parking is limited during certain times of the year, such as winter parking bans.

The Board discussed whether exterior changes to the site would require review and approval by the Planning Board:

- Mr. Morra explained that if this Board were to condition the approval of the Special Permit to require any exterior changes, such as additional parking or screening, those improvements would be subject to the Site Plan Review process.

- Mr. Bagg explained that the ZBA should review the proposed use and make a determination as to the required/adequate number of parking spaces and whether any waivers should be granted. If exterior site changes are required to meet these requirements, the Planning Board would be required to review and approve the implementation.

The Board discussed the office uses:

- The Board determined that based on the site constraints, the most intense office use, Section 3.358.0 (bank or similar business providing services without appointments) should be prohibited from the discussion.
- Mr. Friman asked whether a psychologist, who might see one patient per hour, would be considered a technical office. Mr. Morra stated that it is possible, similar to a real estate broker or insurance agent, if were sole practitioners seeing patients by appointment.

The Board heard the following public comments:

- Mary Cornell, 34 Dickinson, direct abutter to the south. She stated support for the project and has no objection to the existing parking arrangements. She noted that there are often vehicles parked in front of the building on Dickinson Street.

The Board discussed how to proceed:

- The Board concluded that there are four parking spaces available on-site. However, the Board did not agree on whether to grant a waiver of the required additional three spaces based on the information submitted. Mr. Ehrgood requested confirmation of the availability of Town Center Parking permits before proceeding with granting a waiver and a parking management plan.
- Mr. Friman noted that if it can be shown that there is screening on the north side, then that may allow for four spaces and a turnaround area to the south, in which case screening would not be required and no Site Plan Review would be required.
- Mr. Beal requested the preparation of a new revised parking plan depicting the arrangement of four spaces, with information as to how they will be delineated and proposed screening of the spaces, particularly at the south side of the driveway.

Mr. Friman MOVED to continue the public hearing to January 17, 2013. Mr. Beal seconded the motion and the Board VOTED unanimously to continue the public hearing.

**Public Hearing: January 17 (Continued from January 10, 2013)**

The following new information was submitted and/or considered:

- Building Commissioner email, dated January 17, 2013
- Claire McGinnis letter, dated January 17, 2013
- Partial sketch site plan, received January 17, 2013

Barbara Hawley and James Lumley were accompanied by the property owner, Bruce Buxton. Ms. Hawley stated the following:

- Referring to the letter from Ms. McGinnis, Ms. Hawley stated that the property on Dickinson Street is outside of the area eligible for Town Center Parking Permits, but that four TCP permits were authorized under an exception clause in the regulations. She explained that these permits would need to be applied for and obtain each year.
- Ms. Hawley noted a meeting with Mr. Morra and his email opinion that the on-site parking and four parking permits are not adequate for the proposed use. She explained that, from her perspective as a business owner, she does not want parking to be an issue for visitors.

Ms. Hawley stated that with four spaces on-site reserved visitors, four Town Center Parking Permits for some employees, and the other parking areas located on Dickinson Street, on Main Street, and downtown, there is enough parking provided for the proposal.

- Ms. Hawley stated that she would agree to reduce the total number of employees/occupants from 12 to 10 as a concession in order to allow the Board to find the parking adequate for the proposal. She noted that these 10 occupants would not include customers, clients, or patients. She maintained, however, that given the four spaces on-site coupled with the parking nearby and expected low level of traffic from the offices, the parking will be adequate and requested that the Board issue a waiver of three spaces.

The Board discussed Mr. Morra's written recommendation that the applicant be required to prepare a formal parking plan prior to approval:

- Mr. Friman expressed concern about rejecting the recommendation. Mr. Ehrgood stated that the Board should take into account the other areas of parking located off-site, such as parking on Dickinson Street and nearby on Main Street. He stated the Board has the authority to grant a waiver from the parking requirements, assuming it determines that the consequence will not be more detrimental to the neighborhood. He cited the economic development goals of the Master Plan and that uses such as is being proposed are suitable in this area and neighborhood.
- Mr. Buxton stated that creating a parking arrangement as specified by the Building Commissioner would be more likely to impact the neighbors. He also cited the conflict between the business district rezoning and the requirement for additional parking, noting that the parking issues have made it more difficult to sell the building.

The Board discussed whether new office tenants would be required to present information to the Board prior to occupancy:

- Mr. Bagg stated that the Board should consider requiring information about new or changed office tenants be presented to the Board at a public meeting. He noted that this may be the only mechanism to monitor the uses overtime and to ensure that the total number of offices and occupants will be within the range specified in the permit.
- Mr. Friman stated that the review and monitoring is intended to modulate and limit the potential impact on the neighborhood.
- Mr. Ehrgood stated that upon review the Board should consider the intensity of the use and its traffic pattern, just as the Board is considering the intensity of use and traffic patterns in relation to the businesses proposed at this time. The Board would also consider other circumstances, such as whether on-street parking is now available on Dickinson. Mr. Bagg noted that in reviewing future tenants the Board will be constrained in the review to mainly ensuring that they meet the criteria of being predominantly by appointment and that the total number of business and occupants is met, and not as much on the individual traffic patterns of each use. The review would be administrative in nature if the use meets the criteria. Mr. Ehrgood objected to this based on the material information and testimony related to the existing real estate broker business, real estate attorney and Scandinavian Seminar activity.
- Mr. Bagg explained that the parking requirement doesn't distinguish between employees and visitors. As such, the Board must make its decision based on the request for up to 10 employees and six offices, not based on the individual nature of each office. Under the office use categories the only regulation of client visits is that they be predominantly by appointment. The Board should be comfortable not being able to further regulate the number of appointments if approving the permits.

- Mr. Ehrgood expressed again his conviction that the Board must consider the potential traffic created by new tenants; for just as this is the central issue before the Board now, it will be the relevant issue when additional occupancy is proposed. For example, if a lawyer projected three appointments per day that may be fine but if 12 appointments per day were projected that it may not work for the site depending on the then-current traffic/parking circumstances.

**Public Meeting/Specific Findings:**

The Board found under Section 7.90 of the Zoning Bylaw, that:

*Any section or subsection of Article 7.0, Parking Regulations, may be waived or modified by the permit granting board for compelling reasons of safety, aesthetics, or site design.*

- The building has been used for an office since 1985 and is zoned to allow office uses. The proposal is not a high intensity office use based on the testimony regarding the three known offices.
- The property as currently configured relative to existing structures and existing significant trees cannot support the required seven parking spaces while providing turnaround areas and maneuverability. If a waiver is not granted, the use of the property may not be viable. In order to provide more parking spaces the existing barn might need to be demolished and significant investment put into re-organization of the parking, something which does not seem to be necessary for the proposal.
- The four Town Center Parking permits and a condition maintaining four spaces on-site for visitors ensures parking will be adequate for the proposed use. The provision for four Town Center Parking permits to be obtained by employees annually, will off-set some of the parking need.
- A condition that prohibits parking on the south side of the driveway will allow for some vehicle maneuvering and to eliminate the potential for headlight glare onto the adjacent property.

The Board found under Section 9.22 of the Zoning Bylaw that:

*The Board of Appeals may authorize, under a Special Permit, a non-conforming use of a building, structure or land to be changed to a specified use not substantially different in character or in its effect on the neighborhood or on property in the vicinity. Said Board may also authorize, under a Special Permit, a non-conforming use of a building, structure, or land to be extended, or a non-conforming building to be structurally altered, enlarged or reconstructed; provided that such alteration, enlargement, or reconstruction shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or non-conforming building.*

- Parking is adequate based on the existence of four viable parking spaces on-site, combined with a limitation that no more than four cars be parked on-site.
- Four Town Center Parking permits will be provided for employees. Additionally, there is public parking in the vicinity along Dickinson Street, Main Street and closer to the downtown center parking garage to accommodate the additional traffic of visitors.
- The increased use of the structure from one office to six offices will not be substantially more detrimental to the neighborhood because the number of employees, the intensity of the use, and the number of cars on-site will not be substantial different than what existed previously.
- Fewer cars will be regularly parked on the premises than in the past. The Board noted that the former use had at some point up to 10 employees.

- The only residential abutter expressed support for the proposal.
- The location in the B-VC District implies that similar uses would be allowed by right if not for the non-conforming side yard setback.

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

*10.380 & 10.381 - The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District.*

The Board found that the proposal is within an existing building where no interior or exterior changes are required to expand from one to six offices. The location of the property is within the Business Village Center Zoning District where offices uses would be allowed by-right if not for the buildings non-conforming north setback.

*10.382, 10.383 & 10.385 & 10.387- 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; The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; The proposal provides convenient and safe vehicular pedestrian movement within the site, and in relation to adjacent streets, property or improvements.* The Board found that the limitation to less intense office uses and limitation on the number of vehicles parked on the premises will prevent the use from constituting any of the nuisances or inconveniences herein. Additionally, a condition of the permit prohibiting parking on the south side of the property will eliminate potential issues of headlight glare onto the adjacent residential property.

*10.384 - Adequate and appropriate facilities would be provided for the proper operation of the proposed use.* The Board found that the proposal provides parking and an interior building layout suitable for the operation of six small offices.

*10.386 - The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.* The Board found that a waiver is granted to under Article 7 to required only four spaces on-site where the calculations of Section 7.0040 requires seven spaces based on the size of the building. The permit is conditioned that any new signs shall comply with the size, height, and location requirements of Article 8 and plans for signs shall be reviewed and approved at a public meeting.

*10.389 - The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site.* The Board finds that the submitted Management Plan adequately identifies trash storage within the existing garage to be picked up by a licensed trash hauler.

*10.393 - The proposal provides protection of adjacent properties by minimizing the intrusion of lighting including parking lot and exterior lighting through cut-off luminaires, light shields, lowered height of light poles, screening, or similar solution.* The Board finds that a condition of the permit requiring all exterior lights to be downcast will prevent the intrusion of lighting onto adjacent properties.

*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.* The Board finds that there are no changes to the exterior of the building or site other than signs.

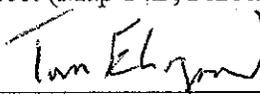
10.398- The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan. The proposal is in harmony with the Bylaw because the extension of the use will not be more detrimental to the neighborhood as described above. The proposal is in harmony with several goals of the Master Plan including 1) preferentially direct[s] future development to existing built-up areas, 2) Create[s] vital downtown and village centers (areas of mixed use, including retail, commercial, and residential elements) that are walkable, attractive and efficient, and 3) support[s] sustainable growth of existing businesses and attract new ones while protecting environmental values.

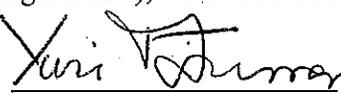
**Zoning Board Decision**

Mr. Friman MOVED to approve the application with conditions. Mr. Ehrgood seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2013-00007, to modify a previous Special Permit, ZBA FY2013-00013, to extend the use of a dimensionally non-conforming building to a maximum of six offices, under Section 9.22 of the Zoning Bylaw 24 Dickinson Street (Map 14B, Parcel 56, B-VC Zoning District), with conditions.

  
ERIC BEAL

  
TOM EHRCOOD

  
YURI FRIMAN

FILED THIS 8<sup>th</sup> day of March, 2013 at 4:43 p.m.  
in the office of the Amherst Town Clerk LaDonna J. Briggs

TWENTY-DAY APPEAL period expires, March 28 2013.

NOTICE OF DECISION mailed this 6<sup>th</sup> day of MARCH, 2013  
to the attached list of addresses by JEFFREY R. BARK, for the Board.

COPY OF NO APPEAL issued this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

NOTICE OF PERMIT or Variance filed this \_\_\_\_\_ day of \_\_\_\_\_, 2013,  
in the Hampshire County Registry of Deeds.

# Town of Amherst Abutter List

Parcel ID	Parcel Address	Owner1	Owner2	Address	City/Zip
14B-164	150 COLLEGE ST	FILION LEASING, INC		1123 BERNARDSTON RD	GREENFIELD, MA 01301
14B-216	DICKINSON ST	WHITING OIL CORP		P.O. BOX 537	NORTHAMPTON, MA 01060-0637
14B-41	11 DICKINSON ST	WANG, KATHLEEN		11 DICKINSON ST	AMHERST, MA 01002
14B-58	12 DICKINSON ST	DUNSTONE LTD PARTNERSHIP		12 DICKINSON ST	AMHERST, MA 01002
14B-57	16-18 DICKINSON ST	SIMON, BARRY & SAHNER, MINDI		18 DICKINSON ST	AMHERST, MA 01002
14B-40	19 DICKINSON ST	CROSSMAN, MARJORIE R		19 DICKINSON ST	AMHERST, MA 01002
14B-56	24 DICKINSON ST	SCANDINAVIAN SEMINAR		24 DICKINSON ST	AMHERST, MA 01002
14B-53	34 DICKINSON ST	CORNELL, MATTHEW & MARY B		34 DICKINSON ST	AMHERST, MA 01002
14B-52	40 DICKINSON ST	FUNGAROLI, SOPHIE ETAL	C/O ELAINE MC CLELLAN	128 NORTH ST	NORTHAMPTON, MA 01060
14B-54	KELLEY SQ	KELLEY, CATHERINE A	C/O MARY MIREAULT	256 SOUTH EAST ST	AMHERST, MA 01002-2615
14B-55	KELLEY SQ	KELLEY, WILLIAM H ESTATE	C/O MARY MIREAULT	256 SOUTH EAST ST	AMHERST, MA 01002-2615
14B-63	MAIN ST	GILLEN DEVELOPMENT CORP		409 MAIN ST	AMHERST, MA 01002
14B-29	285 MAIN ST	JONES PROPERTIES LTD PARTNERSHIP		15A PRAY ST	AMHERST, MA 01002
14B-28	319-321 MAIN ST	CHEN, GORDON K C & URSULA F		16942 NIKKI LN	ODESSA, FL 33856-6002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/Zip</i>
14B-59	351 MAIN ST	GREENBAUM, LOUIS S & HILDA B		298 MONTAGUE RD	AMHERST, MA 01002
14B-60	363 MAIN ST	RCN, LLC		363 MAIN ST	AMHERST, MA 01002
14B-61	373 MAIN ST	KRAUTH, JEFFREY B & DIANA L		373 MAIN ST	AMHERST, MA 01002
14B-62	381-3 MAIN ST	383 MAIN ST LLC		381-3 MAIN ST	AMHERST, MA 01002
14B-219	401-409 MAIN ST	GILLEN DEVELOPMENT CORP		409 MAIN ST	AMHERST, MA 01002
14B-809	RAILROAD ST	NEW ENGLAND CENTRAL RAILROAD I	C/O RAILAMERICA TAX DEPARTMENT	7411 FULLERTOWN ST SUITE 300	JACKSONVILLE, FL 32256
14B-808	13 RAILROAD ST	HATHAWAY, JILL & FAY, NICHOLAS		13 RAILROAD ST	AMHERST, MA 01002
14B-49	97 SPRING ST	AMHERST COLLEGE TRUSTEES	ATTN: COMPTROLLERS OFFICE	AMHERST COLLEGE	AMHERST, MA 01002
14B-36	98 SPRING ST	HIAM, ALEXANDER M & RICHARDSON, DEIRDRE	C/O 98 SPRING ST LLC	15A EAMES AVE	AMHERST, MA 01002
14B-38	104 SPRING ST	ROMER, ROBERT H & BETTY		104 SPRING ST	AMHERST, MA 01002
14B-39	122 SPRING ST	SARNA, JOHN D (POA)		450 SOUTH GULF RD	BELCHERTOWN, MA 01007

**BOARD OF APPEALS**  
**AMHERST, MASSACHUSETTS**  
**RECORD OF APPEALS AND DECISION RENDERED**

Petition of James Lumley & Barbara Hawley

For Special Permit, ZBA FY2013-00013, to extend the use of a dimensionally non-conforming building to a maximum of six offices, under Section 9.22 of the Zoning Bylaw

On the premises of 24 Dickinson Street  
At or on (Map 14B, Parcel 56, B-VC Zoning District)

NOTICE of hearing as follows mailed (date) December 21, 2012  
to attached list of addresses and published in the Daily Hampshire Gazette  
dated December 26, 2012 and January 2, 2013

Hearing date and place January 10, 2013 & January 17, 2013 (Town Room)

<p><b>LEGAL NOTICE</b> December 26, 2012 and January 2, 2013 The Amherst Zoning Board of Appeals will meet on *Thursday, January 10, 2013*, at 6:30 PM. In the TOWN ROOM, Town Hall, to conduct the following business: PUBLIC HEARING: ZBA FY2013-00013 -- James Lumley &amp; Barbara Hawley - For a Special Permit to change the use of a dimensionally non-conforming building to professional offices, under Section 9.22 of the Zoning Bylaw, at 24 Dickinson Street (Map 14B, Parcel 56, B-VC Zoning District) ERIC BEAL, CHAIR AMHERST ZONING BOARD OF APPEALS December 26, January 2</p>
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**SITTING BOARD and VOTE TAKEN:**

To grant a Special Permit, ZBA FY2013-00013, to extend the use of a dimensionally non-conforming building to a maximum of six offices, under Section 9.22, with conditions.

Eric Beal -- Yes                      Tom Ehrgood -- Yes                      Yuri Friman-- Yes

DECISION: Application **APPROVED**, with conditions as stated in the decision

THE COMMONWEALTH OF MASSACHUSETTS  
AMHERST

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City or Town  
**NOTICE OF SPECIAL PERMIT**  
**Special Permit**  
**(General Laws Chapter 40A)**

Notice is hereby given that a Special Permit has been granted

To James Lumley & Barbara Hawley

Address 462 Main Street

City or Town Amherst, MA 01002

Identify Land Affected: 24 Dickinson Street  
(Map 14B, Parcel 56, B-VC Zoning District)

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner with respect to the use of the premises on

24 Dickinson Street Amherst  
Street City or Town

The record of title standing in the name of  
Hawley, Barbara & et. al.  
Name of Owner

Whose address is 462 Main Street Amherst MA 01002  
Street City or Town State Zip Code

By a deed duly recorded in the  
**Hampshire County Registry of Deeds:** Book 11214 Page 142

or  
**Hampshire Registry District of the Land Court,** Certificate No. \_\_\_\_\_,  
Book \_\_\_\_\_, Page \_\_\_\_\_

The decision of said Board is on file, with the papers, in ZBA FY2013-00013  
In the office of the Town Clerk Sandra J. Burgess

Certified this \_\_\_\_\_ day of \_\_\_\_\_

**Board of Appeals:**  
[Signature] Chairman  
(Board of Appeals)  
[Signature] Clerk  
(Board of Appeals)

\_\_\_\_\_ at \_\_\_\_\_ o'clock and \_\_\_\_\_ minutes \_\_\_\_\_ m.  
Received and entered with the Register of Deeds in the County of Hampshire  
Book \_\_\_\_\_ Page \_\_\_\_\_

ATTEST \_\_\_\_\_  
Register of Deeds  
Notice to be recorded by Land Owner