

**AMHERST PLANNING BOARD**  
**Wednesday, October 2, 2013 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** David Webber, Chair, Bruce Carson, Rob Crowner, Kathleen Ford, Connie Kruger, Stephen Schreiber, Greg Stutsman, and Richard Roznoy (8:00 PM)

**ABSENT:** Sandra Anderson

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

Mr. Webber opened the meeting at 7:05 PM. He welcomed a group of students from the University of Massachusetts journalism program.

**I. MINUTES**

Mr. Carson MOVED to approve the Minutes of September 18, 2013. Mr. Stutsman seconded and the vote was 6-0-1 (Schreiber abstained)

**VI. NEW BUSINESS**

- A.** Amherst College – Grounds Department – Temporary Facilities in ED zoning district – Submittal of plans in accordance with Section 3.211 of the Zoning Bylaw.

Mark Andrews of Amherst College presented a small project in the ED district. The Grounds Department will need to establish a temporary location on a property owned by Amherst College on the east side of the railroad tracks along College Street. An office trailer and tent are proposed to be installed there, along with six 20 foot Conex containers. The area is currently used as a parking lot. The reason for this temporary location is that the Grounds Department needs to vacate the Powerhouse to allow it to be renovated as a student center and construction of the new Grounds Department facility is on hold. The duration of this temporary location will be 2 to 6 months. The Board thanked Mr. Andrews for the presentation.

**II. PUBLIC MEETING**

**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)

Mr. Webber reintroduced the project and read a description of the proposal. He stated that the Board was continuing the deliberation portion of the process which had been begun at an earlier meeting. He explained that as part of its deliberations, the Board would craft draft conditions addressing the issues identified to date, to aid in the review and assessment of the criteria and findings for the Site Plan Review and Special Permit applications.

Ms. Brestrup reported that there had been a scrivener's error in the Special Permit application filed with the Town Clerk. The words "lot" and "building" had been reversed in the request for modification of building coverage and lot coverage requirements. However, all of the plans, the testimony and the analysis presented to the Board had been correct. Kyle Wilson of Archipelago Investments submitted a letter along with a copy of the Special Permit application,

explaining the scrivener's error.

Mr. Webber acknowledged receipt of the letter and stated that he accepted the applicant's explanation that this was a scrivener's error. Board members agreed by consensus.

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 waiver of on-site parking requirements and the Special Permit for modification of front setback, lot coverage, building coverage, height and number of stories; the Special Permit has been applied for concurrently with the Site Plan Review; a Sign Plan will be required as a condition of the Site Plan Review approval;
- 11.2401 – Town amenities and abutting properties will be protected because detrimental or offensive actions are not planned for this site; the site plan appears to minimize the possibility of detrimental or offensive actions;
- 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 were questions from an abutter at the public hearing with regard to siding and storm drainage but there were no objections;
- 11.2403 – Adequate recreational facilities, open space and amenities will be provided because the property is close to UMass; tenants will be able to use UMass recreational facilities since most will be associated with the University; the property is also adjacent to a town-owned property with access to a trail that connects through Olympia Oaks to the town-owned trail system providing additional recreational opportunities; the building proposed for the site is large and takes up much of the property, but there is a courtyard proposed near the entry which is available for use by the tenants; there will also be a large number of bike racks on site;
- 11.2410 – N/A;
- 11.2411 – Proposed methods of refuse disposal are described in the Management Plan; they are considered to be adequate; trash will be stored inside the building in a refrigerated storage 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;
- 11.2414 – Provision of adequate landscaping will be satisfactory because a conceptual Landscape Plan has been submitted along with the application and a condition of the approval will require that a more complete Landscape Plan be submitted to Planning Department staff for review and approval; the Landscape Plan shall be prepared in accordance with the Amherst Landscaping Guidelines;
- 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, light and noise;
- 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; the applicant has submitted catalog cuts on all exterior lighting fixtures;

- 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 – N/A;
- 11.2421 – The development is sufficiently consistent with respect to setbacks (except for the front setback for which a Special Permit for modification has been requested), landscaping, entrances and exits, with surrounding buildings and development; there will be no on-site parking; tenants who own cars may purchase parking permits from UMass and use the adjacent UMass parking lots which have a substantial amount of space available; although there is no on-site parking there will be a significant number of bike racks on the site; one handicapped parking space and one handicapped drop-off area will be provided;
- 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 has been proposed for the mechanical systems on the roof because they will be depressed in the center of the roof and surrounded by the edge of the roof structure; trash will be stored in the building so there will be no dumpster on site;
- 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; there will be pedestrian access around three sides of the building;
- 11.2431 – The location and number of curb cuts is designed to minimize turning movements and hazardous exits and entrances; there will be only one curb cut for the service area at the back of the building and this curb cut already exists; there will also be provision along the curb for handicapped parking and a drop-off area;
- 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 on two sides of the building; a waiver has been requested from the on-site parking requirements; a condition of the Site Plan Review approval will require that the applicant submit a plan showing the design of a handicapped parking space and drop-off area;
- 11.2433 – N/A
- 11.2434 – N/A
- 11.2435 – N/A
- 11.2436 – A Traffic Impact and Access Study, prepared by Vanasse & Associates, Inc., was submitted with the application; Mr. Webber summarized the numerical findings of the traffic study and noted that the proposed project is not expected to result in notable impacts to area traffic operations;
- 11.2437 – The Board agreed by consensus that the Traffic Impact and Access Study complies with Section 11.2437.

Mr. Webber reviewed the documents that had been submitted for the Site Plan Review and Special Permit applications, including:

- Development Application Report by staff
- Several maps and elevations
- Renderings
- Site Plans
- Site Visit Report, dated Monday, August 19, 2013

- Letter from Beth Willson, Wetlands Administrator, regarding the Conservation Commission's review of the project
- Management Plan form with a statement about a resident on-site manager apartment on the ground floor and an entry desk being manned 24 hours a day, 7 days a week
- Proposed lease
- Town Engineer, Jason Skeels', letter of comment, dated August 14, 2013
- Information regarding a comparison to surrounding properties
- Catalog cuts for lighting fixtures
- Parking submissions including a description and maps about the UMass parking system

Mr. Webber noted that a list of potential conditions related to the Site Plan Review, revised as of September 18, 2013, had been provided to the Board members in their packets prior to the meeting. The Board crafted draft conditions as follows:

Conditions:

1. Development shall be built substantially in accordance with plans submitted to the Planning Board and approved on [date of approval].
2. Development shall be managed substantially in accordance with the Management Plan submitted to the Planning Board. A revised Management Plan, addressing all issues listed in the conditions, shall be submitted for review and approval by the Board prior to the issuance of a Building Permit. If there is a change in the Management Plan, the owner shall submit a revised Management Plan for review and approval by the Board.
3. Occupancy of dwelling units at Olympia Place shall be limited to matriculated students enrolled at the University of Massachusetts Amherst, Amherst College or Hampshire College, and their family members and the resident manager and his or her family members, to the extent allowed by law.
4. Parking for tenants at Olympia Place shall be provided as set forth in the Management Plan for Olympia Place. If the availability of parking for tenants changes from what is set forth in the Management Plan the owner shall submit a new parking proposal to the Planning Board for its review and approval.
5. A revised lease shall be submitted to the Planning Board for its review and approval. The revised lease shall include the following:
  - a. Limitation on who may occupy the dwelling units at Olympia Place (as described in Condition #3 above);
  - b. Information regarding parking, including a statement in the lease that students have the responsibility for obtaining parking permits for their own vehicles and a rider on the lease regarding parking, which shall contain the make and model of the vehicle, vehicle registration information and information regarding the vehicle owner's permit to park the vehicle.

Mr. Webber noted that this provision (5.b.) will protect the residents of Olympia Oaks from having residents of Olympia Place parking in the Olympia Oaks' lots without paying a parking fee to UMass. There was further discussion about parking.

6. The applicant shall submit a plan to provide appropriate handicapped parking adjacent to the site either within the Town of Amherst Right-of-Way on Olympia Drive, or on town-owned land adjacent to the property, or on University-owned property adjacent to the development site, or on private property. The applicant shall submit a proposal for handicapped parking to the Planning Board for its review and approval prior to the

issuance of a Building Permit.

7. A handicapped drop-off area shall be provided for the front entrance and in compliance with the Massachusetts AAB regulations. A plan showing the drop-off area shall be submitted to the Planning Board for its review and approval prior to the issuance of a Building Permit.
8. A Landscape Plan, designed in accordance with the Town of Amherst Landscaping Guidelines, shall be submitted to the Planning Department for review and approval. Landscaping and site amenities shall be installed in accordance with the approved Landscape Plan and, once installed, shall be continually maintained.

Mr. Roznoy arrived (8:00 PM).

9. A Sign Plan shall be submitted to the Planning Board for its review and approval.
10. All exterior lighting shall be dark sky compliant. Exterior lighting shall be downcast, shielded and shall not shine onto adjacent properties or streets.
11. This property shall be registered and permitted in accordance with the Amherst Residential Rental Property Bylaw. Loss or suspension of a rental permit shall constitute a violation of this condition.
12. Substantial changes to the project and/or to any approved site plans or to the exterior of the building shall be submitted to the Planning Board for its review and approval prior to the work taking place. The purpose of the submittal shall be for the Planning Board to approve the change and/or to determine whether the changes are de minimis or significant enough to require modification of the Site Plan Review approval.
13. Detailed plans of paved areas and detailed information about site improvements including information related to handicapped accessibility such as surface treatments, grading, spot elevations, railings, etc. shall be submitted to the Planning Board for review and approval.
14. One (1) hard copy and one (1) digital copy of the final revised plans shall be submitted to the Planning Department.

#### Waivers

- On-site parking requirements in accordance with Sections 7.01 and 7.90 of the Zoning Bylaw

Mr. Schreiber MOVED to approve the Site Plan Review application with conditions as discussed. Mr. Carson seconded and the vote was 7-1 (Crownor opposed).

The Board turned to deliberations about the Special Permit application. The Board found, under Section 10.38 of the Zoning Bylaw, Special Permit, with respect to modifications of the front setback (13'), maximum building coverage (45%), maximum lot coverage (60%), maximum height (67') and maximum number of floors (5), as follows:

- 10.380 – 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;
- 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 – The proposal is in conformance with the Parking and Sign regulations because the applicant has requested under Site Plan Review, and has been granted, a waiver from the requirement for on-site parking under Sections 7.01 and 7.90 of the Zoning Bylaw; the Management Plan explains the applicant’s plans for parking for those tenants who own cars; the Board will require that a Sign Plan be submitted for review and approval
  
- 10.387 – The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent street, property or improvements; a Traffic Impact and Access Study has been submitted and has been deemed to comply with the requirements of Section 11.2437 of the Bylaw;
- 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 service area adjacent to the building 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; the plan has been reviewed by the Town Engineer and he has not expressed concerns;
- 10.391 – The proposal protects, to the extent feasible, unique or important natural, historic or scenic features;
- 10.392 – The proposal will provide adequate landscaping; a condition of the Site Plan Review approval requires submission of a Landscape Plan and the installation and maintenance of the plants;
- 10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting; the proposed lighting will be dark-sky compliant and/or shielded;
- 10.394 – The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes and wetlands; the Conservation Commission has reviewed the project and issued an Order of Conditions;
- 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. Schreiber MOVED that the Planning Board grant a Special Permit for modification for front yard setback, to permit a 13’ setback, for the R-F zoning district under Footnote “a” of Table 3 from the current zoning dimensional requirements and from any applicable zoning dimensional requirements which may be adopted as amendments to the Zoning Bylaw by the Fall 2013 Special Town Meeting (STM), as follows:

**Front yard setback:**

- Proposed setback 13'
- Current requirements 25'
- STM Zoning amendment requirements 20'

Ms. Kruger seconded and the vote was 7-1 (Crownor opposed).

Mr. Schreiber MOVED that the Planning Board grant a Special Permit for modification for maximum building coverage, to permit 45%, for the R-F zoning district under Footnote "a" of Table 3 from the current zoning dimensional requirements and from any applicable zoning dimensional requirements which may be adopted as amendments to the Zoning Bylaw by the Fall 2013 Special Town Meeting (STM), as follows:

**Maximum Building Coverage:**

- Proposed building coverage 45%
- Current requirements 20%
- STM Zoning amendment requirements 45%

Ms. Kruger seconded and the vote was 7-1 (Crownor opposed).

Mr. Schreiber MOVED that the Planning Board grant a Special Permit for modification for maximum lot coverage, to permit 60%, for the R-F zoning district under Footnote "a" of Table 3 from the current zoning dimensional requirements and from any applicable zoning dimensional requirements which may be adopted as amendments to the Zoning Bylaw by the Fall 2013 Special Town Meeting (STM), as follows:

**Maximum Lot Coverage:**

- Proposed lot coverage 60%
- Current requirements 45%
- STM Zoning amendment requirements 65%

Ms. Kruger seconded and the vote was 7-1 (Crownor opposed).

Mr. Schreiber MOVED that the Planning Board grant a Special Permit for modification for maximum floors, to permit 5 floors, for the R-F zoning district under Footnote "a" of Table 3 from the current zoning dimensional requirements and from any applicable zoning dimensional requirements which may be adopted as amendments to the Zoning Bylaw by the Fall 2013 Special Town Meeting (STM), as follows:

**Maximum Floors:**

- Proposed floors 5 floors
- Current requirements 3 floors
- STM Zoning amendment requirements 5 floors

Ms. Kruger seconded and the vote was 7-1 (Crownor opposed).

Mr. Schreiber MOVED that the Planning Board grant a Special Permit for modification for maximum height, to permit 67', for the R-F zoning district under Footnote "a" of Table 3 from the current zoning dimensional requirements and from any applicable zoning dimensional requirements which may be adopted as amendments to the Zoning Bylaw by the Fall 2013 Special Town Meeting (STM), as follows:

**Maximum Height:**

- Proposed height 67'
- Current requirements 40'
- STM Zoning amendment requirements 55'

Ms. Kruger seconded and the vote was 7-1 (Crownier opposed).

Mr. Webber stated that the Special Permit Findings, Section 10.38 of the Zoning Bylaw, apply to all five (5) of the Special Permits that the Board had just voted to approve.

## VII. OLD BUSINESS

- C. Newmarket Center, 6 University Drive – Review of signs for University Liquors in accordance with conditions of Plan Approval #85-6

Adam Niksa of Sign-a-Rama presented the proposed sign. University Liquors is proposing to reface an existing light-box for a sign at their store in Newmarket Center on University Drive. Ms. Ford reported that the Design Review Board had reviewed a similar sign for Amherst Market on Triangle Street, with essentially the same design, also by Sign-a-Rama. The DRB had made recommendations for improvement of the Amherst Market sign. Ms. Ford stated that it appears that the sign for University Liquors was revised based on the comments of the DRB about the other sign. Board members noted that the word “Liquors” had been misspelled on the submittal and recommended correcting the spelling.

Mr. Stutsman MOVED to approve the corrected sign. Ms. Ford seconded and the vote was 8-0.

- D. Topics not reasonably anticipated 48 hours prior to the meeting

Mr. Webber noted that Planning Board members had received an invitation to a groundbreaking celebration for Olympia Oaks, scheduled for Monday, October 21<sup>st</sup> at 11:00 a.m. at 85 Olympia Drive. There will be an award ceremony honoring former U.S. Representative John Olver.

## III. PUBLIC HEARING – SITE PLAN REVIEW and SPECIAL PERMIT

### **SPR2014-00004 and SPP2014-00004 – Archipelago Investments LLC – 57 East Pleasant Street (Kendrick Place) (continued from September 18, 2013)**

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 reintroduced the Kendrick Place application, stating that the public hearing was continued from September 18<sup>th</sup>.

Kyle Wilson of Archipelago Investments reviewed information that had been presented at the last meeting and continued with the presentation. The building will have one floor of retail/office/incubator space on the ground floor and four floors of residential units above. He presented renderings of the building and explained the cedar and brick façade treatments, with extensive glazing on the fifth floor and on the corners of the building.

Mr. Wilson stated that the project will require a Special Permit for modification of dimensional requirements [under Table 3 Footnote “a”] as follows:

Maximum building coverage:	70% allowed	75% proposed
Maximum lot coverage:	95% allowed	100% proposed
Maximum height:	55’ allowed	56’-10” proposed

The reason for the height modification is to provide a higher ceiling height for the proposed apartments, as was provided at Boltwood Place. The reasons for the lot coverage and building coverage modifications are to provide more residential units at the north end of the downtown, to take advantage of the unique site and because there is room within the town Right-of-Way to provide public streetscape improvements.

The Board held a site visit on September 18<sup>th</sup>. Mr. Webber reviewed the Site Visit Report.

Mr. Webber reviewed the Development Application Report. He noted that the building was seeking to be a LEED Gold Certified building. He further noted that the applicant had requested a waiver from the requirement for a Sign Plan and a Traffic Impact Statement. Information on lighting had been submitted and it appears that the proposed exterior light fixtures are dark-sky compliant. The wall sconces will have only down lighting.

Mr. Carson asked if the applicant was not able to achieve his goal of getting the overhead wires placed underground would that affect his ability to install the proposed lamp posts. Mr. Wilson stated that he would first work to have the power lines put underground and then present a more developed Landscape Plan to the Planning Board for review. He reported that the proposed streetlights are the same as the ones used by the town.

Dave Williams stated that the goal of the applicants is to extend the streetscape to the northern end of downtown. They will need to work with WMECO in order to accomplish this goal.

Mr. Webber questioned the use of the same lights as the downtown standard. He stated that they are not helpful in lighting up the ground plane and they make it hard to see pedestrians.

There was further discussion about streetlights. Mr. Tucker stated that baffles can be installed to limit the amount of light going up into the sky and to direct the light down. Ms. Brestrup reported that many, if not all, of the streetlight fixtures in the downtown area were being changed as a result of an energy-saving program that is part of the Green Communities designation.

There was further discussion about streetlights. Ms. Kruger suggested that this may be a good juncture to consider changing the street lights to accomplish the goals that the Planning Board has in mind with regard to site lighting. New lights could be compatible with the look of the new building but also be complementary with the existing light fixtures.

Mr. Webber stated that he would be satisfied if the streetlights were dark-sky compliant. He noted that the applicant had submitted an Erosion Control Plan and that the applicant had asked for a waiver from the requirement for a Sign Plan. Mr. Wilson stated that he would be happy to submit a Sign Plan at a later date.

Mr. Webber noted that the applicant had submitted a Site Plan which did not show much landscaping. Mr. Wilson explained that most of the landscaping will be in the public Right-of-Way. He will come back to the Board with revised plans for the streetscape once the issue of the overhead wires and utility poles is resolved.

Mr. Webber asked who will pay for the landscaping in the Right-of-Way and pay for putting the overhead wires underground. He asked if there should be an amount held in escrow in order to pay for the streetscape improvements in the public way.

Mr. Wilson stated that the applicants would dedicate resources to pay for the streetscape improvements. The applicants plan to negotiate with the utility company and will return to the Planning Board with plans once negotiations have been conducted.

Mr. Webber expressed support and offered positive comments about the project.

He noted that the applicant had asked for a waiver of the requirements for a Traffic Impact Report. A waiver of parking requirements is not required because the building is proposed within the Municipal Parking District which does not require on-site parking for residential uses. The applicant is proposing to have four parking spaces in the building, one of which will be a handicapped space. The applicant is also proposing to make arrangements with a company such as Zipcar to provide short term rental or subscription cars. Mr. Webber noted that there was a suggestion in the Development Application Report that the curb cut should be moved further from the intersection.

There was discussion about whether the Zipcars, or their generic equivalent, would be reserved for use by the tenants of the building or whether they would be accessible to the public. Mr. Wilson stated that initially they would be reserved for tenants. There will be a security issue that will need to be managed in the building if the cars are used by the public.

There was discussion about the Management Plan. Mr. Wilson stated that the property manager would not live on site but would be on call 24 hours a day and available to tenants like a building superintendent would be. The lobby entrance will be key coded.

Mr. Webber noted that the Board had received a letter, dated September 17<sup>th</sup> from Don McKay, Assistant Fire Chief, commenting on the project. There was a scrivener's error in the letter in that one line referred to another project in town, but it was clear from the content and a reference to this application that the letter applied to this project. Mr. Webber entered the letter into the record and noted that it should refer to "the proposed Kendrick Place development". The building will be fully sprinklered and will have a standpipe system.

There was discussion with regard to drainage. The Town Engineer had submitted comments in a letter dated September 18, 2013, with comments related to utilities, all of which were considered to be minor. In addition, he had sent an email, dated October 2, 2013, stating that the town would like to see more information about how the applicant proposes to manage the 100 year storm.

Mr. Webber noted issues related to the Special Permit request. Although the building is proposed to be 5 stories high, it will only exceed the maximum height allowed by 1'-10". The maximum building height allowed normally is 55'. This request is similar to that made for Boltwood Place.

Ms. Ford reported that the Design Review Board had reviewed this project at its last meeting [September 17, 2013] and had gone into great detail about the materials and the façade treatment of the building. The DRB was very supportive of this project and gave a favorable recommendation.

The Board did not express any concerns about the height of the building.

Mr. Webber noted that the building would be connected to town sewer and water lines. A Management Plan form was submitted and it appears to address the requirements for a mixed-use building. Mr. Webber reviewed the Management Plan in detail.

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

- Management Plan
- Sample Lease
- Stormwater Management Plan
- Letters from citizens
- Lighting information

- Site Plan and contextual pictures
- Elevations.

Mr. Roznoy noted that the Board had received a letter from a resident of the street named Kendrick Place requesting that the name of this project be changed to avoid confusion by delivery and emergency personnel. Mr. Wilson stated that tenants of the property will receive mail at 57 East Pleasant Street, not at Kendrick Place. He and his partners have been developing a “brand” that uses the name Kendrick Place and he is very reluctant to consider a change.

There was discussion about whether this represented a potential public safety issue, particularly with regard to emergency vehicles.

Mr. Williams offered to take the comments under advisement. However, he and his partners want to establish a “brand” with financiers, equity partners and the real estate industry. The applicants will work with the Fire and Police Departments to make sure that there is no confusion.

Mr. Stutsman MOVED to close the public hearing.

Mr. Webber invited public comment.

Barbara Ford of Flat Hills Road expressed concern about the name and agreed that the name should be changed.

Mr. Crowner stated that he did not have a problem with the name.

Janet Keller of Precinct 1 stated that she was pleased to see density proposed in the downtown area. However, she expressed concern about issues related to stormwater. She urged the Planning Board to stay involved in this issue and warned of the prevalence of larger storms in the future.

The Board discussed continuing this public hearing in order to allow time to conduct the public hearings for the zoning amendments. Since the public interested in zoning amendments and the petitioner for the zoning amendment on Mixed-Use Buildings had left the Board decided by consensus to continue with discussion of the Kendrick Place project.

Mr. Schreiber seconded the motion and the vote was 8-0.

Board members began deliberation.

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 a Special Permit for modification of lot coverage, building coverage and height; the Special Permit has been applied for concurrently with the Site Plan Review; a Sign Plan will be required as a condition of the Site Plan Review approval;
- 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; lighting will be downcast and will not shine onto adjacent properties; there are ongoing negotiations with WMECO and the town with regard to utilities and street lighting;
- 11.2403 – Adequate recreational facilities, open space and amenities will be provided because the property is across the street from Kendrick Park, a public open space; the developers propose to strengthen connections to Kendrick Park;

- 11.2410 – Unique or important natural, historic or scenic features will be protected; this site is itself a unique site in that it is a gateway from town to the University of Massachusetts campus; a mixed-use building is appropriate in this location;
- 11.2411 – Proposed methods of refuse disposal are described in the Management Plan;
- 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 has been discussed; a condition of this approval will require that the applicant continue to work with the Town Engineer to resolve issues related to stormwater management;
- 11.2414 – Provision of adequate landscaping will be satisfactory because a conceptual Landscape Plan has been submitted along with the application and a condition of the approval will require that a more complete Landscape Plan be submitted to the Planning Board for review and approval once the applicant has completed discussions with the utility company regarding the overhead utilities in the vicinity of the property;
- 11.2415 – The Erosion Control Plan has been submitted; it has been reviewed by the Town Engineer and has been found to be satisfactory;
- 11.2416 – Adjacent properties will be protected from the intrusion of various types of nuisances, including pollution, light and noise;
- 11.2417 – Protection of adjacent properties by minimizing the intrusion of lighting has been discussed; all exterior lighting, including street lights, will be required to be downcast and dark-sky compliant; the applicant has submitted catalog cuts on all exterior lighting fixtures;
- 11.2418 – N/A; the property is not located in the Flood Prone Conservancy district; however the applicant will continue to work with the Town Engineer to resolve issues related to stormwater management, as a condition of this approval;
- 11.2419 – N/A;
- 11.2420 – N/A; the Design Review Board has reviewed this project and recommended approval
  
- 11.2421 – The development is sufficiently consistent with respect to setbacks, landscaping, entrances and exits, with surrounding buildings and development; there will be no on-site parking;
- 11.2422 – N/A;
- 11.2423 – N/A;
- 11.2424 – Screening has been provided for storage areas, loading docks, dumpsters, rooftop equipment, and similar features;
- 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; there will be pedestrian access around all three sides of the building; there will be no on-site parking because the property is located in the Municipal Parking District; Zipcars or their generic equivalent will be provided; parking for 4 vehicles will be available in the building on the Triangle Street side; there will be a walkway between the Bertucci's property and this site, providing access from Triangle Street through to East Pleasant Street; the site is a convenient walk to the UMass campus;
- 11.2431 – The location and number of curb cuts is designed to minimize turning movements and hazardous exits and entrances; there will be only one curb cut for the service and parking area on the Triangle Street side of the building;

- 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 within the streetscape improvements on the East Pleasant Street side of the building; bicycle storage will also be available for tenants inside the building;
- 11.2433 – Provision for access to adjoining properties is appropriate; there will be a new walkway provided between the proposed building and the Bertucci's property, promoting a connection between Triangle Street and East Pleasant Street;
- 11.2434 – N/A
- 11.2435 – N/A
- 11.2436 – The requirement for a Traffic Impact Report will be waived; the property is in the Municipal Parking District; there will be only 4 cars entering and exiting the site; parking for these cars will be within the building;
- 11.2437 – N/A

The Board members discussed conditions for the Site Plan Review, as follows:

Conditions

1. The applicant shall work with the Town Engineer to resolve issues related to stormwater management to the satisfaction of the Town Engineer.
2. A final Landscape Plan shall be submitted for review and approval by the Planning Board after discussions with the utility company to resolve the issue of overhead utilities. Landscaping shall be installed in accordance with the approved Landscape Plan and once installed, shall be continually maintained.
3. All exterior lighting shall be downcast and/or shielded and shall be dark-sky compliant.
4. Bike racks shall be installed. A plan showing the location of the proposed bike racks shall be submitted to the Planning Board for its review and approval.
5. A Sign Plan shall be submitted for review and approval by the Planning Board prior to installation of signs.

Waivers

- Traffic Impact Statement

The Board agreed by consensus to authorize the Chair to draft and send a letter from the Planning Board expressing support for placing the overhead wires underground and eliminating the utility poles in the vicinity of the proposed building. Ms. Kruger recommended that the letter be distributed to WMECO, the Select Board, the Town Manager and the Superintendent of Public Works.

Ms. Ford MOVED to approve the Site Plan Review application with conditions as discussed. Mr. Roznoy seconded and the vote was 8-0.

The Board turned to deliberations about the Special Permit application. The Board found, under Section 10.38 of the Zoning Bylaw, Special Permit, with respect to modifications of the building coverage (75%), lot coverage (100%) and height (56'-10") of the building, as follows:

- 10.380 – 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;
- 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 – The proposal is in conformance with the Parking and Sign regulations because the property is located in the Municipal Parking District and therefore no on-site parking is required and the Board will require that a Sign Plan be submitted for review and approval as a condition of this permit;
- 10.387 – The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent street, property or improvements; the requirement for a Traffic Impact Statement has been waived; the Board has determined that there will be no significant impact with regard to traffic as a result of this project;
- 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 building, in the service area, 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; a condition of this approval will require ongoing discussions between the applicant and the Town Engineer to resolve issues related to storm water management;
- 10.390 – N/A; the property is not located in the Flood Prone Conservancy District; however the applicant will continue to work with the Town Engineer to resolve issues related to stormwater management, as a condition of this approval;
- 10.391 – The proposal protects, to the extent feasible, unique or important natural, historic or scenic features; it is consistent with other existing downtown buildings;
- 10.392 – The proposal will provide adequate landscaping; a condition of the Site Plan Review approval requires submission of a final Landscape Plan and the installation and maintenance of the plants;
- 10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting; the proposed lighting will be dark-sky compliant and/or shielded;
- 10.394 – N/A
- 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 Design Review Board has reviewed this project and recommends approval;
- 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; the project is immediately across the street from Kendrick Park;
- 10.398 – The proposal is in harmony with the general purpose and intent of this Bylaw and the goals of the Master Plan.

The Board agreed by consensus to apply the same conditions to the Special Permit as to the Site Plan Review approval.

Mr. Stutsman MOVED to approve the Special Permit with conditions as discussed. Mr. Carson seconded and the vote was 8-0.

Mr. Williams stated that he and his partners were happy to bring projects such as this to the town. These projects are a boost for the town, he said. He praised UMass and noted that he was honored to bring this project to the community.

#### **IV. ZONING**

**A.** Zoning Subcommittee Report – Mr. Crowner reported that the ZSC is winding down its review of zoning amendments for Fall Special Town Meeting. Regarding ongoing projects, the ZSC met with Jayne Armington, a housing expert with the PVPC, regarding Inclusionary Zoning. The ZSC hopes that she will come back with recommendations on this topic at a future date.

**B.** Review Zoning Amendments for Fall Special Town Meeting – Mr. Crowner reported that the ZSC also discussed the Affordable Duplex zoning amendment. The ZSC recommends removing the requirement for owner occupancy if only one of the units is affordable. It is alright to allow an affordable duplex by Site Plan Review if at least one of the units is affordable under SHI. The ZSC discussed the petition article related to Mixed-Use Buildings and does not think the article accomplishes what it sets out to do.

Mr. Tucker reported that the ZSC went back to the original version of the R-F Dimensions zoning amendment and that these dimensional requirements would affect all uses in the R-F zoning district. Mr. Crowner noted that the Board might prefer this amendment if it only applied to fraternities and sororities.

Mr. Webber noted that the R-F dimensional requirements that would change are related to maximum building coverage, maximum lot coverage and maximum height and that all of them would still be modifiable under Footnote “a”.

Ms. Kruger suggested changing the definition of “social dormitory” at a future date.

The Board members made various suggestions about improving these articles, including capitalizing the words “Affordable Duplex”.

**C.** Review Planning Board Reports for Fall Special Town Meeting – Mr. Webber asked the Board members to email comments to staff.

**D.** Public Comments – none

#### **V. PUBLIC HEARING – ZONING AMENDMENTS**

##### **A-05-14 Affordable Duplexes**

To amend Section 3.321, Two Family Detached Dwelling (Duplex), to add a new Section 3.3212 regulating affordable duplexes.

Mr. Webber read the preamble and opened the public hearing. No testimony was taken.

Ms. Kruger MOVED to continue the public hearing to October 16, 2013, at 8:15 p.m. Mr. Carson seconded and the vote was 8-0.

##### **A-06-14 Mixed-Use Buildings (Perot – petition)**

To amend Section 3.325 of the Zoning Bylaw to define the use category and change the threshold for a Special Permit for mixed-use buildings in the COM District from the current 10 dwelling units down to 6 dwelling units where the proposed mixed-use building abuts the R-N or PRP Districts.

Mr. Webber read the preamble and opened the public hearing. No testimony was taken.

Ms. Kruger MOVED to continue the public hearing to October 16, 2013, at 7:05 p.m. Mr. Carson seconded and the vote was 8-0.

**VI. NEW BUSINESS**

- B.** Signatory Authority – Chair, Vice-Chair and Clerk – documents were not yet ready for signature
- C.** Topics not reasonably anticipated 48 hours prior to the meeting – Mr. Webber reminded Board members that they needed to take a Conflict of Interest course online.

**VII. OLD BUSINESS**

- A.** Signing of Decisions – Board members signed the following decisions:  
SPR2013-00013 and SPP2014-00001, 321 Main Street, Unit 2 – Wheatberry (Adrie & Ben Lester)  
SPR2014-00003 and SPP2014-00003 – Trolley Barn Development LLC – 68 Cows Road
- B.** SPR2014-00003 and SPP2014-00003 – Trolley Barn Development LLC –68 Cows Road  
  
Review of revised Complete Traffic Report in accordance with Conditions of Site Plan Review approval and receive copies of documents submitted at 9/18/13 public hearing  
  
Board members acknowledged receipt of the Complete Traffic Report and copies of documents submitted on September 18, 2013.
- C.** Newmarket Center, 6 University Drive – Review of signs for University Liquors in accordance with conditions of Plan Approval #85-6 – previously discussed
- D.** Topics not reasonably anticipated 48 hours prior to the meeting – none

**VIII. FORM A (ANR) SUBDIVISION APPLICATIONS**

Board members endorsed the following ANR plans:

ANR2014-00007 – Sigrid Miller-Pollin – 418 North Pleasant Street  
ANR2014-00008 – Trolley Barn Development LLC – 68 Cows Road

**IX. UPCOMING ZBA APPLICATIONS**

Board members declined to review the following ZBA applications:

ZBA FY2014-00005 – Alex Haim – 98 Spring Street  
ZBA FY2014-00006 – Paul DiBenedetto – 286-288 Belchertown Road

**X. UPCOMING SPP/SPR/SUB APPLICATIONS – none**

**XI. PLANNING BOARD COMMITTEE & LIAISON REPORTS**

Pioneer Valley Planning Commission – Bruce Carson – no report  
Community Preservation Act Committee – Sandra Anderson – no report  
Agricultural Commission – vacant  
Transportation Plan Task Force – Richard Roznoy and Rob Crouner – no report  
Amherst Redevelopment Authority – Constance Kruger – no report

Design Review Board – Kathleen Ford – Ms. Ford reported that the DRB had recently reviewed signs proposed to be installed on the second and third floor exterior walls of a prominent building downtown. She expressed concerns about the proliferation of signs on upper stories of such prominent historic buildings and suggested that the Planning Board and Zoning Subcommittee may wish to propose a zoning amendment to better control such signs. The only control over such signs now is that they cannot exceed 10% of the building wall in the B-G zoning district. Mr. Tucker recommended that the ZSC look at the entire Sign section of the Zoning Bylaw.

Housing and Sheltering Committee – Greg Stutsman – no report

Town Gown Study Steering Committee – David Webber and Greg Stutsman – no report

Master Plan Implementation Committee – vacant

**XII. REPORT OF THE CHAIR** – Mr. Webber had no report. However, Mr. Schreiber, Vice-Chair, reported that it is time to establish a team for the town-wide Trivia Game that is held in late October.

**XIII. REPORT OF STAFF**

**XIV. ADJOURNMENT**

The meeting was adjourned at 10:40 PM.

Respectfully submitted:

Approved:

\_\_\_\_\_  
Christine M. Brestrup  
Senior Planner

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

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