

AMHERST PLANNING BOARD
Wednesday, January 29, 2014 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: David Webber, Chair, Rob Crouner, Bruce Carson, Connie Kruger, Stephen Schreiber, Kathleen Ford, Richard Roznoy and Greg Stutsman

ABSENT: Sandra Anderson

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

Mr. Webber opened the meeting at 7:00 PM.

I. MINUTES

The Board reviewed the Minutes of the January 15, 2014, Planning Board meeting.

Mr. Roznoy MOVED to approve the Minutes of January 15, 2014. Mr. Schreiber seconded and the vote was 7-0-1 (Ford abstained).

II. PUBLIC HEARING – SITE PLAN REVIEW

SPR2014-00007 – The Works Bakery Cafe – 48 North Pleasant Street

Request Site Plan Review approval for operation of a bakery café with seasonal outdoor dining (Map 14A, Parcel 40, B-G Zoning District)

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

Ms. Kruger announced that she used to work in the building but that she has no ties to its ownership and she is no longer a tenant of the building.

Mr. Webber clarified the scope of the Board’s review of this application. The Building Commissioner has granted a waiver from the requirement for Site Plan Review for the use of the interior space. The Board is only reviewing the exterior alterations related to The Works and not the interior use of the building. The purview of the Board includes lighting and signs.

Richard French, owner of The Works Bakery Café, presented the application. He plans to “turn this dark building into a vibrant space”. This will be the first location for The Works in Massachusetts. The company bakes its products on-site, sources its ingredients locally, to the extent possible, and uses repurposed or local materials in the construction of its restaurants. The Works practices composting in the “front and back of the house” and provides a living wage for its employees. The Works is 25 years old and operates in three other states.

Mr. French described the changes that he plans to make to the front of the building. The two wooden doors that were designed by a local architect will be relocated as center doors. Awnings will be installed on the front of the building. The main sign for the business will be mounted in the middle of the façade. Mr. French presented a photograph of the sign in place in another location. He stated that the sign design had won an award. The center of the sign arches out and is made of reclaimed metal. The letters are applied, the art is carved. The background is made of reclaimed wood and copper. The signs are all handmade. The planters will be made of wrought iron. The Works plans to maintain the planters in summer and winter, with Vinca, Geraniums, Bamboo during three seasons and evergreens in the winter.

Mr. French plans to install four sconces on the front façade. He stated that these lights will each have a 6 watt LED lamp.

Mr. Webber stated that the Board usually requires that all exterior lighting be downcast and not shine upwards. He expressed concern about the wall sconces which are proposed to shine both up and down. Mr. French described the wall sconces as grazing the brick and not shining up into the sky.

Mr. French stated that the proposed outdoor seating will include 26 seats. The Building Commissioner has submitted a letter indicating that there are no safety concerns with regard to the placement of the seating.

Mr. French presented information about the trash units that will serve to collect compost, recycling and trash.

He stated that the front door will have a logo and the hours of operation affixed to them. The hours of operation will be from 6:00 a.m. to 8 p.m.

There will be artwork affixed to the windows, in shades of brown with frost etching. There will be four pieces of art on the north side and two on the center windows in front.

Mr. French would prefer that the exterior lights be lit from dusk to dawn – both the lights on the signs and the wall sconces. However, he is willing to turn them off at 11:00 p.m. if the Planning Board requires this.

Mr. Webber reviewed the Site Visit Report. He noted that this restaurant will occupy the first floor of a three-story building. There will be handicapped access to the porch area from the driveway on the south side, but the transition from the driveway to the porch needs to be patched. Mr. French agreed to patch the bump to meet accessibility requirements.

Mr. French stated that deliveries will occur in the alley next to the High Horse. The delivery truck will deliver to the back of the building. There are 8 parking spots in this location. The delivery truck will block the alley for approximately one hour during deliveries.

Ms. Ford reported that the Design Review Board had reviewed this project and had asked about the relationship between the track light heads and the awning. Mr. French stated that he plans to add lighting under the canopy [on the ceiling of the porch] to light the tables and not the sidewalks. He will also install fabric on the ceiling of the porch to create a warmer feeling. Ms. Ford stated that the can of the track light should be within the depth of the awning.

Ms. Kruger stated that she was delighted that this business will activate both sides of the first floor of the building. She asked if this restaurant will be run as a franchise. Mr. French stated that this location will not be run as a franchise, but will be company-owned and managed.

Mr. French reported that The Works often acts as a local drop spot for CSA's and stated that he might like to do that in this location. Board members and staff expressed caution about this use. They questioned whether the Building Commissioner had reviewed the use as a CSA drop spot when he granted the Site Plan Review waiver for the interior use of the building. Mr. Tucker suggested that Mr. French talk to the food coop that is located two doors away from The Works.

Mr. Crouner noted that the ADA access to the porch is out of the way and he asked about signage to make it more obvious. Mr. French agreed to put up a sign on the corner of the building where the ADA entry is located – the standard blue and white accessibility sign.

Mr. French stated that the main sign will be lit from above with "shepherd's hook" lights in a bronze color. He circulated an image of the light fixture for Board members' review.

Mr. Webber noted that the Board had received a certification from the Building Commissioner as to safe ingress and egress with the 26 seats in place. The Board agreed by consensus that 26 seats was a reasonable number of seats for this location.

Mr. Crouner asked if the Building Commissioner had taken handicapped access into account when making his certification. Ms. Brestrup reported that the Building Commissioner had referred to a scale drawing of the outdoor seating when he analyzed the proposal for safety and accessibility, and that he measured the access ways on the plan to make sure that they were adequate.

Mr. Webber reviewed the Development Application Report prepared by staff. He noted that the building is in the Municipal Parking District and that there is no on-site parking requirement for this use in the Municipal Parking District. He noted that the applicant had requested a waiver from the requirements for a Landscape Plan, an Erosion Control Plan and a Traffic Impact Statement. The Board members did not express concerns about granting the waivers.

Board members discussed the requirement in Section 5.041 that states that no structures, plant boxes or furnishings associated with seasonal outdoor dining shall be left in place between November 1st and April 1st. Board members expressed support for leaving the tables and furnishings out in warm weather during the winter months. Mr. Webber noted that the porch area is not really outdoors since it is fully covered and is on a porch. Mr. Tucker pointed out that Section 5.0410 allows the Board to determine whether these furnishings may be left out. This section contains the words "Except as may be specifically allowed under conditions attached to said Site Plan Review", giving the Planning Board discretion to allow the furnishings to remain in place in the winter. Board members agreed to allow the furnishings to remain in place outdoors during the winter months.

Board members discussed the request to waive the Landscape Plan. Mr. French stated that he will have the plants outside and inside managed by a professional. Board members decided by consensus that the proposed planters would constitute a Landscape Plan and that therefore no waiver was needed.

Board members discussed the Lighting Plan. Mr. Webber stated his opposition to up-lights because they take away from people's ability to see the stars. The Board discussed the issue of up-lights illuminating the brick wall, with some Board members speaking in favor of this type of lighting.

Mr. Tucker noted that up-washing of lighting on buildings of architectural interest is a long-established practice. The town has talked about doing this for Town Hall. If it is properly done and doesn't go beyond the building it can be very effective.

Mr. French stated that the up-lighting will add a lot aesthetically to the building. The fixture is small (4") and it will contain a 6 watt bulb. The light will wash or glaze the building.

Mr. Stutsman expressed support for the up-cast lights as long as they don't shine up into the sky. Ms. Ford suggested that the Board see what they are like in place and then decide. There was discussion about whether the wall sconces could be retro-fitted with shields if the effect is not to the Board's liking. After discussion the Board decided by consensus that the wall sconces could remain as designed if they were turned off at 11:00 p.m.

Mr. French noted that there are lamp posts in front of this building.

Mr. Webber asked if there were questions about the tables and chairs, the gates, the signs or the lighting of the signs. There were none.

Ms. Kruger asked about management of the CSA pick-up, if Mr. French decides to pursue that idea. She observed that a CSA pick-up would require that there be parking close to the building. Mr. French suggested that those coming to pick up their CSA allotments could come to the back door. There were questions about whether the Building Commissioner was aware of the possibility of the restaurant becoming a CSA drop-off/pick-up spot.

Mr. Webber stated that the site would be problematic as a CSA drop-off/pick-up spot and that the proposal for this use was not in the written material that was presented to the Planning Board.

Mr. Tucker noted that there is a local food market, All Things Local, a few doors down from The Works. This market receives food from local sources.

The Board discussed parking. Mr. Webber noted that there are no parking requirements but he asked about parking on the site. Mr. French reported that there are 8 parking spaces on the site, 2 of which are allocated to The Works.

Mr. Webber reported that there were no comments from the Fire Department. He also reported that the Design Review Board had reviewed the proposal and had enthusiastically recommended approval, with conditions as follows:

- 1) The spotlights (track lighting) hanging from the ceiling on the porch area should be placed above the bottom of the truss so that the light will wash the tables and will not shine out onto the sidewalk and adjacent areas.
- 2) The exterior lights should be downcast, with the possible exception of the wall sconces; the light from the wall sconces should graze the face of the building but should not shine up into the sky.
- 3) There should be a sign on the front of the building indicating where the handicapped access is located.

Ira Bryck of 255 Strong Street stated that in Amherst the CSA shares might not need to be brought into town. He asked about the typical customer of The Works.

Mr. French stated that the typical customer is “everybody”. The local community and the college community will be customers. There will be a special section in the restaurant set up for children with smaller furnishings and activities to do.

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 except for existing non-conformities noted in the Development Application Report;
- 11.2401 – Town amenities and abutting properties will be protected through minimizing detrimental or offensive actions;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use because of the conditions of the Site Plan Review approval;
- 11.2403 – N/A
- 11.2410 – Unique or important natural, historic or scenic features will be protected because this business will fill an open store front in the middle of Downtown Amherst;
- 11.2411 – Methods of refuse disposal will be adequate; the Management Plan explains how refuse will be disposed of and the applicant explained methods of refuse disposal during the public hearing;
- 11.2412 – The ability of the proposed sewage disposal and water supply systems within and adjacent to the site to serve the proposed use is adequate; there is no change with respect to these systems; the Town Engineer has not expressed any concerns about

- this issue; the building is connected to town sewer and water;
- 11.2413 – There will be no change in the amount of runoff from the site as a result of this project;
- 11.2414 – Provision of adequate landscaping has been addressed; the proposal includes planting and maintenance of wrought iron planters in front of the building and large planter pots on either side of the front door; plantings are proposed to be professionally maintained; furnishings for seasonal outdoor dining may remain in place during the winter months, as authorized by Section 5.0410 of the Zoning Bylaw; planters may remain in place during the winter months if they contain seasonally appropriate plant materials;
- 11.2415 – The requirement for submission of a Soil Erosion Plan will be waived; no excavation or filling is proposed;
- 11.2416 – Adjacent properties will be protected from the intrusion of various types of nuisances, including pollution and noise; the Board expressed no concerns about noise; the proposed use of the site is appropriate and consistent with the use of adjacent properties; venting will be through the roof;
- 11.2417 – Adjacent properties will be protected by minimizing the intrusion of lighting, because a condition of the Site Plan Review approval will require that the wall sconces be turned off at 11:00 p.m. and the other exterior lights will be downcast and will not shine onto adjacent properties or onto the public sidewalk;
- 11.2418 – N/A;
- 11.2419 – N/A;
- 11.2420 – The Design Review Board has reviewed this proposal and the Planning Board will incorporate the comments of the DRB in its conditions, including conditions related to lighting and handicapped signage;
- 11.2421 – The development is reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development, except for the non-conformities as to setbacks and lot coverage noted in the Development Application Report;
- 11.2422 – N/A;
- 11.2423 – N/A;
- 11.2424 – With respect to screening, the Board determined that the dumpster is out of the way and will not require screening;
- 11.2430 – The site has been designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties;
- 11.2431 – N/A;
- 11.2432 – The location and design of parking spaces, bicycle racks, drive aisles, loading areas and sidewalks will be provided in a safe and convenient manner; parking spaces, drive aisles, loading areas and sidewalks will remain unchanged; there is a public bicycle rack in front of the building;
- 11.2433 – Provisions have been provided for access to adjoining properties; this access will remain unchanged;
- 11.2434 – N/A;
- 11.2435 – N/A;
- 11.2436 – The requirement for a Traffic Impact Statement will be waived;
- 11.2437 – N/A

The Board discussed conditions and waivers.

Waivers

- Erosion Control Plan
- Traffic Impact Statement

Conditions

1. The sconce lights shall be turned off at 11:00 p.m. Other lights may remain on from dusk until dawn.
2. The spotlights (track lighting) hanging from the ceiling on the porch area should be placed above the bottom of the awning truss so that the light will wash the tables and will not shine out onto the sidewalk and adjacent areas.
3. The exterior lights should be downcast, with the exception of the wall sconces; the light from the wall sconces should graze the face of the building but should not shine up into the sky.
4. There should be a sign on the front of the building indicating where the handicapped access is located.
5. The uneven spot (bump) in the seam between the driveway and the brick porch area shall be repaired to provide a smooth transition for handicapped accessibility from the driveway to the porch.
6. Planters shall be installed and planted in accordance with the drawings and in accordance with testimony given at the public hearing with regard to the types of plants to be installed and shall be continually maintained.
7. Furnishings (including tables and chairs and trash receptacles) associated with seasonal outdoor dining may remain in place during the winter months from November 1 to April 1, as authorized by the in Section 5.0410. Planters may also remain in place during the winter months if they contain seasonally appropriate plant materials.

Mr. Carson MOVED to close the public hearing. Mr. Roznoy seconded and the vote was 8-0.

Mr. Stutsman MOVED to approve the application with conditions and waivers as discussed. Ms. Kruger seconded and the vote was 8-0.

Mr. French stated that he hoped to open The Works in mid-March or by April 1st.

III. ZONING

- A.** Zoning Subcommittee Report – Mr. Crowner presented the ZSC report. He listed the zoning amendments that the ZSC is currently working on, including the following:
- Atkins Corner rezoning – limiting the scope to the existing B-L zoning district and possibly the parcels across Bay Road that are owned by Hampshire College, while acknowledging that the long-range plan for that area might include additional changes; holding a stakeholders meeting in February led by staff but which might include 1 or 2 ZSC members; holding an “on-site” forum and walk around the area on Saturday, March 1st for the local population; the ZSC is considering whether to include form-based design standards in the rezoning of Atkins Corner;
 - Inclusionary Zoning – the ZSC met with Jayne Armington of PVPC; Ms. Armington reported to the ZSC with suggestions about Inclusionary Zoning, however there are still issues that are unresolved; several kinds of uses might be exempted from Inclusionary Zoning requirements such as buildings in the R-F zoning district; the ZSC is hoping to figure out how cost offset incentives could work; Ms. Armington will come back with further research; the ZSC is discussing an option for “payment-in-lieu”, which would be a monetary

contribution to compensate if affordable units cannot be built as part of a project; the contribution could be made to a housing trust fund; the payment-in-lieu system may allow some uses to have different levels of compensation than others;

- Small House development/infill development and Definition of private dormitory – the ZSC is considering zoning amendments with regard to these topics along with a definition of dormitory use;
- Accessory Home Businesses – staff has been working on this issue;
- Planning Board Rules and Regulations – one way to deal with some of these issues is to separate them from the Zoning Bylaw and add them to the Planning Board’s Rules and Regulations; a set of criteria added to the Rules and Regulations might work especially well with respect to management and lease issues having to do with private dormitories.

Mr. Webber expressed interest in hearing about priorities for spring Town Meeting. He observed that some of these issues might be better saved for fall Town Meeting.

Mr. Tucker noted that zoning may come up early this spring because of delays in the state budget.

- B.** Public Comment Period – none

IV. NEW BUSINESS

Topics not reasonably anticipated 48 hours prior to the meeting – Mr. Webber acknowledged receipt of a letter from a citizen regarding the Mill Street Bridge. He stated that comment on the closed Mill Street Bridge are available on the town’s website. The bridge is not in the Planning Board’s area of jurisdiction and staff has forwarded the citizen’s letter to the Superintendent of Public Works.

V. OLD BUSINESS

- A.** Signing of Decisions – the Board signed the following decision. Ms. Brestrup described some minor changes to the conditions regarding plantings and lighting.

SPR2014-00006 – Amherst College – 40 Dickinson Street

- B.** The Retreat (SUB2014-00001) – Review of Draft RFP for independent consultant to be hired by Planning Board under M.G.L. Chapter 44, Section 53G to review plans and reports related to expected Definitive Subdivision Plan and Site Plan Review applications

Board members reviewed the Draft RFP. Mr. Crouner asked that the Scope of Work include review of the location and number of fire hydrants. Mr. Stutsman suggested that the Scope include a timeframe to complete the work, especially given the limited time that the Board has to review the project.

Board members discussed the number of meetings and recommended that a number of the meetings with the consultant be conducted with staff rather than with the Board.

Mr. Tucker suggested that the Scope include “meetings with staff as needed” and specify a definite number of meetings with the Board.

Mr. Roznoy recommended deleting certain items from the Scope, including the following:

Under Roadways:

Subdivision Roadway Design, delete:

“Adherence to Rules and Regulations Governing the Subdivision of Land”
(because the Planning Board can assess this topic)

Layout of lots within Subdivision, delete:

“Adherence to Zoning Bylaw dimensional requirements” (because
Planning Board can assess this topic)

“Evaluation of requested modifications of dimensional requirements”

Under Site Plans, delete:

“Location of dwelling units”

“Pedestrian circulation including connectivity via sidewalks, walkways
and trails within site, as well as connectivity with off-site destinations and
amenities, such as the Cushman Store”;

“Evaluation of landscape design and site lighting”.

After discussion the Board decided by consensus to agree with most of Mr. Roznoy’s
deletions, except for the following:

Under Roadways:

Layout of lots within Subdivision, add:

“Evaluate impacts of requested modifications of dimensional
requirements”

Under Site Plans, leave in or add:

“Evaluation of proposed cuts and fills”

“Evaluation of landscape design”

“Evaluation of impact of site lighting”

“Evaluation of other significant site design issues”

Ms. Kruger recommended adding language to the effect that the respondent to the RFP
may respond to both the Conservation Commission’s RFP and the Planning Board’s
RFP. She noted that some firms have the in-house capability to perform all of the tasks
and others can form a team of consultants. In addition, the required forms should be
added to the document.

Board members discussed the meetings that should be included. Mr. Webber
suggested that the consultant not attend the public hearing or any Planning Board
meetings at all but spend the time analyzing the plans in terms of engineering and
scientific practice. He asked that the final product be a written document and
suggested that the consultant could work with staff during the review process.

Ms. Kruger recommended that the consultant attend at least one Planning Board
meeting to answer questions from the Planning Board and from the public.

Mr. Webber suggested adding language to the effect that the consultant would be
required to attend a public meeting to be specified by the Planning Board to answer
questions.

Mr. Tucker observed that any information that this consultant produces will be a public document. It may be useful to have an opportunity to ask questions after the final report is issued. Both the applicants and the consultants should attend at least one meeting together to answer questions.

Mr. Webber and Ms. Kruger suggested that the consultant attend the applicant's presentation at the beginning of the public hearing on the Definitive Subdivision Plan.

Mr. Crouner would like to have an evaluation of site lighting. Ms. Ford recommended including evaluation of the storm drainage plan. Mr. Roznoy asked who would choose the consultant.

Ms. Brestrup explained that choosing the consultant would be done outside of a public forum, but that there could be a selection committee established that would include two members of the Planning Board. Ms. Ford and Mr. Roznoy volunteered to participate in the selection process.

Mr. Schreiber MOVED to appoint Mr. Roznoy and Ms. Ford to the selection committee as the Planning Board's representatives. Ms. Kruger seconded and the vote was 8-0.

Mr. Schreiber noted that the Town Engineer would also be reviewing the applications and would give his usual report.

Ms. Kruger and Mr. Roznoy recommended adding the following phrase under Site Plans: "Any relevant evaluation of data that the consultant deems pertinent".

Mr. Schreiber recommended that the language include a requirement that the consultants be licensed in Massachusetts in the disciplines in which they will be working, such as engineering and landscape architecture. He suggested that the RFP ask for an hourly rate or a per-meeting rate for additional services. He would like the respondents to describe their qualifications.

Ms. Kruger asked that the consultants identify the principals on the team who will be working on this review.

Staff will return at an upcoming meeting with a revised draft.

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

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VII. UPCOMING ZBA APPLICATIONS

The Board declined to review the following ZBA applications:

ZBA FY2014-00014 – Priscilla White – Special Permit to modify condition # 3 of ZBA FY2006-00046 to formalize the reconfiguration of the four required parking spaces, at 318 Lincoln Avenue

ZBA FY2014-00017 – Truman Likens – Special Permit to modify condition # 6 of ZBA FY1986-26 to allow changes to the approved parking plan and formalize the expansion from three to four parking spaces, at 473 Pine Street

ZBA FY2014-00018 – Masoud Hashemi – Special Permit to modify condition # 6 of ZBA FY1985-13 to allow changes to the approved parking plan and formalize the expansion from six to 11 parking spaces, at 100 Gray Street

ZBA FY2014-00024 – Joshua Lewis – To structurally alter and expand a pre-existing nonconforming structure/single family dwelling, and to extend the pre-existing nonconforming use by adding a new detached garage, at 172 State Street

ZBA FY2014-00025 – Joshua Lewis – To structurally alter and expand a pre-existing nonconforming structure/single family dwelling, and to extend the pre-existing nonconforming use, at 5 Mill Lane

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup noted that the Board be reviewing the following Site Plan Review applications on February 19th:

SPR2014-00008 – Boy Scout Troop 504 – 867 North Pleasant Street (Immanuel Lutheran Church)

Request Site Plan Review approval for installation of a 10'W x 16'L wooden equipment shed for storage of camping and other scout program equipment (Map 8A, Parcel 71, R-N zoning district)

SPR2014-00009 – Amherst College – 81 Lessey Street (Marsh House)

Request Site Plan Review approval for architectural and accessibility improvements to an Amherst College dormitory, including accessible parking space and walkway, replacement of railing and steps and replacement of first floor windows (Map 14B, Parcel 24, R-G zoning district)

Since there were no Site Plan Review applications to be reviewed on February 5th the Board decided to hold its next meeting on February 19th and not to meet on February 5th.

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Bruce Carson – Mr. Tucker reported that there had been a presentation by Mass DOT at the recent PVPC meeting regarding the NNEIRI (Northern New England Intercity Rail Initiative) Study on the CSX line – Worcester to Springfield and a north south route from New Haven through Springfield to Montreal. The study includes examination of ways to reuse existing facilities and to make connections through Palmer for the north-south route.

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 – no report

Housing and Sheltering Committee – Greg Stutsman – no report

Town Gown Study Steering Committee – David Webber and Greg Stutsman – Mr. Webber reported that the RFP for a consultant had been released by the Steering Committee this week. The scope of the RFP includes recommendations from the consultant regarding housing and economic development. The consultant will be asked to look at joint housing efforts to enable appropriate housing for students and low and moderate income families and individuals. Joint planning activities will include evaluating the possibilities for research parks, incubator spaces and economic growth.

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Mr. Tucker reported that the work of the Town Gown Committee does not include hiring an Economic Development Director. The Town Manager is requesting funding for this position in his budget.

Master Plan Implementation Committee – vacant

X. REPORT OF THE CHAIR – none

XI. REPORT OF STAFF – none

XII. ADJOURNMENT

The meeting was adjourned at 9:25 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Senior Planner

David Webber, Chair

DATE: _____