

AMHERST PLANNING BOARD
Wednesday, April 2, 2014 – 7:00 PM
Town Room, Town Hall
MINUTES

- PRESENT:** Stephen Schreiber, Acting Chair, Rob Crowner, Bruce Carson, Connie Kruger, Richard Roznoy, Kathleen Ford and Greg Stutsman
- ABSENT:** David Webber, Chair, and Sandra Anderson
- STAFF:** Jonathan Tucker, Planning Director
Christine Brestrup, Senior Planner

Mr. Schreiber, Vice-Chair, chaired the meeting in the absence of Mr. Webber.
Mr. Schreiber opened the meeting at 7:01 PM.

I. MINUTES

The Minutes of March 19, 2014, were not available for review.

While waiting for the scheduled time for public hearings to begin, Mr. Schreiber turned to other business.

V. NEW BUSINESS

- A.** Massachusetts Office on Disability – Two Day Training on Regulations of MAAB and ADA standard for Accessible Design – The Board acknowledged receipt of the brochure.

VI. OLD BUSINESS

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

VII. FORM A (ANR) SUBDIVISION APPLICATIONS

The Board reviewed and endorsed the following ANR applications:

ANR2014-00012 – Fred & Ilsa Myers – 368 Shays Street

ANR2014-00013 – Town of Amherst – 235 East Pleasant Street

II. PUBLIC HEARING – ZONING AMENDMENTS

A-15-14 Zoning – Small House Development (Planning Board)

To amend Section 3.3, Articles 5 and 12 of the Zoning Bylaw in order to define a Small House, establish distinct dimensional and permitting regulations for Small Houses in the General Residence (R-G) and Village Center Residence (R-VC) Districts.

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

Mr. Crowner explained the amendment. The Zoning Subcommittee had considered an affordable housing article originally that was part of a larger document with other infill uses, including Small House, Supplemental Dwelling and a Development Method for Pocket Neighborhoods. The ZSC recommends to the Planning Board to recommend to Town Meeting that the Small House amendment be referred back for further work. The ZSC is aware of conditions in existing neighborhoods where this amendment would be applied and the ZSC would like to spend more time working on design form and a permitting path for this use. The default for the Small House would be a Special Permit except where it meets all of

the standards and conditions. The ZSC recommended by a vote of 4-1 that the Planning Board ask Town Meeting to refer this article back to the Planning Board. One person on the ZSC thought it was ready to be considered by Town Meeting.

There was no comment from the Board and no comment from the public.

Mr. Crowner MOVED to close the public hearing and to recommend to Town Meeting that the article be referred back to the Planning Board. Mr. Carson seconded and the vote was 6-1 (Stutsman opposed).

While waiting for the scheduled time for the next public hearing to begin, Mr. Schreiber turned to other business.

VIII. UPCOMING ZBA APPLICATIONS – none

IX. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup reported on two upcoming Planning Board applications:

On April 16th the Board will hold a Joint Public Hearing with the Tree Warden to review the proposed removal of one Sugar Maple tree at 57 East Pleasant Street, associated with the construction of Kendrick Place.

There is also a proposal by Chabad House of the Five Colleges to purchase 194 Amity Street and change the use from a residence to mixed use including a residence for the rabbi and his family, a religious gathering place for students from the five colleges and a place for students to spend the night on Sabbath nights and Holy Days. This application is expected to be received soon.

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Bruce Carson reported that the PVPC would meet next week.

Community Preservation Act Committee – Sandra Anderson – no report

Agricultural Commission – vacant

Transportation Plan Task Force – Richard Roznoy and Rob Crowner – Mr. Roznoy reported that responses to the RFP are due at the end of April.

Amherst Redevelopment Authority – Constance Kruger reported that the ARA will soon have a new member.

Design Review Board – Kathleen Ford – no report

Housing and Sheltering Committee – Greg Stutsman reported that the HSC is working on an Affordable Housing Trust Fund.

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

Master Plan Implementation Committee – vacant

XI. REPORT OF THE CHAIR

Mr. Schreiber reported that there would be a lecture (the 2014 David Dillon Memorial Lecture) on Tuesday, April 8, at 5:30 p.m. at Gordon Hall, Room 303. The speaker will be David Eisen of Abacus Architects + Planners in Boston, speaking on design as a tool for social transformation. Mr. Schreiber invited everyone to attend.

XII. REPORT OF STAFF

Ms. Brestrup reported that there is Design Review Board meeting scheduled for April 8, 2014, at 6:30 p.m. in Town Hall.

Mr. Tucker asked Mr. Crowner to speak about the upcoming TMCC meeting. Mr. Crowner reported that there would be a Warrant Review meeting on Tuesday, April 8, 2014, sponsored by the LWV and the TMCC, at 7:00 p.m. in the Town Room of Town Hall. Everyone is welcome. There will also be Precinct Meetings on the Tuesday, Wednesday, Thursday and Saturday before Town Meeting to explain the Warrant. It would be good if more than one person from the Planning Board attended those meetings. There will also be a bus tour of the sites affected by the Warrant articles on April 27th in the afternoon. Atkins Corner and 284 North Pleasant Street will be featured on the bus tour.

Mr. Tucker noted that the next Zoning Subcommittee meeting would be on April 16th.

IV. TOWN MEETING

- A. Other Zoning Amendment Issues
- B. Town Meeting Coordinating Committee (TMCC) & League of Women Voters (LWV) – Warrant Review Meeting – April 8th, 7:00 to 9:30 p.m. in the Town Room – see report of staff, above.
- C. Movers & Speakers – the Board decided on the following roster of Movers and Speakers for Town Meeting Warrant articles:

<u>Article</u>	<u>Mover</u>	<u>Speaker</u>
24 Zoning – Inclusionary Zoning (Planning Board)	<u>S. Schreiber</u>	<u>R. Crowner</u>
25 Zoning – Atkins Corner Rezoning (Planning Board)	<u>S. Schreiber</u>	<u>B. Carson</u>
26 Zoning – Small House Development (Planning Board)	<u>S. Schreiber</u>	<u>G. Stutsman</u>
27 Zoning – Accessory Home Business Uses (Planning Board)	<u>S. Schreiber</u>	<u>D. Webber *</u>
28 Zoning – Supplemental Dwelling Units (Planning Board)	<u>S. Schreiber</u>	<u>G. Stutsman</u>
29 Restrictive Covenant – 284 North Pleasant Street (Planning Board)	<u>S. Schreiber</u>	<u>D. Webber **</u>
30 Restrictive Covenant – 284 North Pleasant Street (Ewert et al)	<u>S. Schreiber ***</u>	<u>D. Webber **</u>

* Mr. Webber will present the Planning Board’s position on the article and then ask the Moderator to recognize Mr. Morra (Building Commissioner) to speak and explain the article.

** Mr. Webber will present the Planning Board’s position on the article and then ask the Moderator to recognize Mr. Ewert (owner of the property) to speak and explain the article.

*** Mr. Schreiber will move this article if Article 29 does not pass. Mr. Schreiber will move to dismiss this article if Article 29 passes.

III. PUBLIC HEARING – ZONING AMENDMENTS

A-16-14 Zoning – Supplemental Dwellings (Planning Board)

To amend Sections 5.011 and 3.3241 of the Zoning Bylaw to recognize and regulate two categories of accessory supplemental apartments and one category of free-standing supplemental dwellings, to create differential regulations for these accessory residential uses in different residential zoning districts, to amend existing general requirements for these uses, and to acknowledge and regulate free-standing supplemental dwellings created through the conversion of existing non-residential outbuildings.

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

Mr. Crowner presented the ZSC report. The Bylaw currently allows Supplemental Apartments, which are small apartments that are part of existing principal residential uses. They were established to house relatives or to allow the homeowner a small income.

The zoning amendment proposes to expand this accessory use to include two kinds of supplemental apartments and a detached use.

Supplemental Dwelling I would have a series of conditions and the Building Commissioner could administratively approve these dwellings if they met the conditions.

Supplemental Dwelling II would require a Special Permit and would include cases where proposed supplemental apartments did not meet all of the conditions for Supplemental Dwelling I.

Supplemental Detached Dwelling would also require a Special Permit and would be a small detached structure on the same lot as a principal dwelling.

These Supplemental Dwellings would be a maximum of 800 square feet (900 square feet if fully ADA-accessible).

The conditions for Supplemental Dwelling I would be the same as the ZBA typically imposes for supplemental apartments when it grants a Special Permit. These conditions would become part of the Bylaw for Supplemental Dwelling I. This type of dwelling would be entirely contained within the principal structure.

The ZSC recommends this amendment to the Planning Board by a vote of 5-0.

Mr. Tucker noted that the Supplemental Detached Dwelling would be accessory, supplemental and subordinate to the principal use. It would not be the same as the conversion of an existing outbuilding. This is a new use, a new structure on an existing property. The proposal would add new dwellings in the established pattern of outbuildings that the community is used to seeing.

Mr. Crowner noted that in all cases one unit must be owner-occupied.

There were no comments from the public.

Mr. Crowner MOVED to close the public hearing and that the Planning Board recommend this article to Town Meeting for approval. Mr. Carson seconded and the vote was 7-0.

IV. TOWN MEETING

- A. Other Zoning Amendment Issues – Mr. Crowner reported that there were some questions about what the Planning Board had voted on for the Inclusionary Zoning amendment, at the meeting on March 19th.

On March 19th the Planning Board had believed that it had finished its work on Inclusionary Zoning but tonight the ZSC discovered that there were issues with regard to cost offsets in the B-G district, issues with regard to the relationship of Inclusionary Zoning to Chapter 40B and other issues.

The ZSC voted by majority to recommend to the Planning Board that the Board ask the Select Board to schedule a Special Town Meeting to take place towards the end of the Annual Town Meeting to deal with these issues. Between now and then the ZSC and Planning Board will endeavor to work out the details.

Mr. Stutsman stated that he had voted in favor of recommending the Special Town Meeting because of issues regarding process. He had heard testimony at the ZSC meeting that the process might have been flawed due to there being multiple versions of the amendment being considered at the March 19th Planning Board meeting.

Mr. Roznoy noted that Board members had received an email from Mr. Tucker outlining some of the issues to be considered with regard to Inclusionary Zoning.

Ms. Kruger stated that the ZSC had struggled with the balance between the contributions required of developers for affordable units and the cost offsets proposed to be provided. The ZSC doesn't want to dampen town development in the downtown area. She noted that the Board may come up with the same language as currently exists in the Warrant [Article 24] but she would like to allow the process to stay open to allow the possibility to reach a consensus on the language.

Mr. Tucker explained that the Planning Board needs to convey to the Select Board a request to hold a Special Town Meeting. There are three days reserved for Town Meeting sessions in June. If the Planning Board votes to support the request for a Special Town Meeting a member of the Board should appear before the Select Board to make this request. In order to retain the existing article the Planning Board should seek a procedural vote to move the current Inclusionary Zoning amendment to the night that the new article is scheduled. If the new article is adopted the current article would be dismissed.

There was discussion about the schedule for the Special Town Meeting and the actions that would need to be taken leading up to the STM. Mr. Tucker noted that there are about two months until the proposed STM which might occur on June 2.

Sarah la Cour, Executive Director of the BID, presented the BID's position on Inclusionary Zoning. She stated that the BID supports Inclusionary Zoning. The ZSC has achieved a balance in most districts in town with regard to the requirement for affordable units and the cost offsets that are proposed. However, the balance has not been reached in the B-G, B-VC and B-N zoning districts.

Ms. la Cour noted that the town's planning documents all say that the town wants development in the downtown area. The current version of the Inclusionary Zoning amendment does not offer offsets that will create an incentive to build in the downtown.

Ms. la Cour also expressed concern about the process on the night of March 19th. The version of the Inclusionary Zoning amendment that the Planning Board voted on was not available in writing at the time of the vote. It was only available in a verbal form. The alternate or modified dimensional regulations were not clear. The lot coverage percentage of 95% appeared to be a modification but it was actually existing language. Ms. la Cour requested more time to work with the ZSC to help development to occur in the downtown with some affordable component.

Mr. Roznoy asked if there would be time to draw up an article for Special Town Meeting in June. There was further discussion about scheduling. Mr. Tucker stated that the Select Board requires at least two weeks to set up a Special Town Meeting and confirmed that there was time and stated that there would be time for the Planning Board to hold a public hearing on an alternative version of the Inclusionary Zoning bylaw before that.

Mr. Roznoy asked if the ZSC had discussed substantive issues about an alternative Inclusionary Zoning article. The answer was "no".

Mr. Carson MOVED that the Planning Board request the Select Board to schedule a Special Town Meeting to discuss and vote on Inclusionary Zoning on June 2. Ms. Ford seconded and the vote was 6-1 (Crownor opposed).

Mr. Crownor noted that he did not believe that there was enough time to do this, including advertising for the public hearing. The new language would need to be available very soon. He also believed that the various parties in the discussion were a lot farther apart on the issues than has been represented.

There was further discussion about the schedule for the Special Town Meeting and whether it would be possible to have new language available in time for a new Warrant.

Mr. Stutsman suggested putting language up on a screen in the Town Room for future meetings and public hearings regarding the Inclusionary Zoning amendment so that everyone would know what was being discussed.

There was further discussion about the various drafts that were present at the March 19th public hearing.

Ms. la Cour clarified that she was not present at the March 19th meeting, however she reviewed the Amherst Media recording of the meeting. She asserted that there were changes that had been made by the ZSC to the zoning amendment that were not in written form for consideration by the Planning Board at the public hearing.

Mr. Tucker reported that the ZSC had presented to the Planning Board the changes to the zoning amendment that it had made (during the ZSC meeting) to the Inclusionary Zoning bylaw in open public hearing session with the Planning Board on March 19th and that these changes were voted on and incorporated into the Warrant.

Ms. la Cour reported that the BID was surprised about what was vote on by the Planning Board on March 19th because it was so different from the previous draft of the article that they had seen on a previous date.

Mr. Schreiber summarized that the Planning Board and ZSC had established a path for proceeding to a Special Town Meeting. The discussion about a potential new version of Inclusionary Zoning will begin at the ZSC meeting on April 16th.

A-17-14 Zoning – Off-Campus Academic Residential Uses (Planning Board)
[Removed from the 2014 ATM Warrant]

To amend Section 3.326 and Article 12 of the Zoning Bylaw to more clearly define fraternities and sororities, and dormitories, academic residence halls, and similar uses, to regulate those uses as two separate use categories, and to establish management regulations for private off-campus academic residential uses in the Fraternity Residence (R-F) District.

Mr. Crowner reported that the ZSC has decided that this zoning amendment is not ready for the Warrant. The public hearing for this amendment had already been advertised two weeks ago and in the interim it has been decided that the amendment is not ready and was removed from the 2014 ATM Warrant.

Mr. Tucker noted that removal from the Warrant had been recommended by the Town Manager, Town Moderator and Town Counsel and others for reasons of potential confusion given the timing of the amendment. This recommendation was made in light of the pending lawsuit regarding interpretation of the definition of this use and in light of land use permit applications that are expected to be submitted soon. Mr. Webber and Mr. Crowner acceded to the request.

Mr. Tucker explained that there is a pending Land Court case about the definition of these uses and the town is also awaiting the land use permit applications for The Retreat. Changing the definition at this time would only lead to confusion. The decision has been taken to let the court case and the permit applications resolve themselves first before the amendment is considered by a future Town Meeting.

Ellen Leahy Pile, understanding that this amendment has been removed from the Warrant, offered comments on the amendment. She observed that the amendment had been characterized as being complete, but she requested that the ZSC consider examining the language again. Ms. Leahy Pile has done research on the “purpose-built student housing industry” and she would like to share the information that she has assembled. This amendment might be the first step in dealing with off campus student housing in town. The town may define other related uses that may go elsewhere [besides the R-F zoning district]. Resident assistants are in charge of organizing programming for students. Students should have supportive programming, but some of the events that are created that tenants might want to participate in may be of concern to residents of town. Ms. Leahy Pile has concerns about event programming for “purpose-built student housing”. She would like to spend more time developing this article when it comes back for consideration by the ZSC and Planning Board.

Mr. Crowner agreed with the speaker’s comments and agreed to work on the amendment more at a later date.

Mr. Roznoy MOVED to close the public hearing. Ms. Kruger seconded and the vote was 7-0.

V. NEW BUSINESS

B. Topics not reasonably anticipated 48 hours prior to the meeting – Ms. Kruger announced that this would be the last meeting of the Zoning Subcommittee and Planning Board that she would attend now that she has been elected as to the Select Board. She will submit a letter of resignation with regret. She has enjoyed her time on the Planning Board and working with the Board members and staff. She praised the group as being thoughtful and having a lot of integrity and working really hard on behalf of the town. She will miss the members of the Planning Board.

Mr. Schreiber congratulated Ms. Kruger on her election and noted that the town has been lucky to have her on the Planning Board and Zoning Subcommittee and will be lucky to have her on the Select Board.

The Board took a break while waiting for the scheduled time of the next public hearing.

IV. PUBLIC HEARING – SITE PLAN REVIEW

SPR2014-00010 and SPP2014-00005 – South Congregational Church – 1066 South East Street

Joint public hearing to request Site Plan Review approval to pave the existing parking lot and access drives and Special Permit to make alterations to an existing non-conforming property (Map 20D, Parcel 42, R-N/ARP zoning district)

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

Andy Bohne, a Landscape Architect with New England Environmental, presented the application. He noted that the Planning Board had conducted a site visit on April 1st.

Mr. Bohne reviewed the existing conditions on the site.

The church was built in 1824 on the South Amherst Common. The church owns two lots. The front lot contains the building and the parking. The rear parcel is an APR property that contains a historic apple orchard. All of the proposed work will occur on the front parcel.

The fact that there are two parcels is important because the front parcel is non-conforming in that it currently exceeds allowable lot coverage. That is why this project requires a Special Permit from the Planning Board [under Section 9.22 of the Zoning Bylaw].

Mr. Bohne explained that handicapped parking spaces are located on the south side of the building and there is a gravel parking lot in back. The gravel parking lot is muddy and in poor condition. In spring and fall and in wet conditions the parking lot fares poorly.

The population of the church is aging and is not sure footed, which makes it especially important to improve the condition of the parking lot.

The church is planning to repave the existing entry drive and pave the rear parking lot. This will require minor grading. The existing gravel parking lot has a grade approaching 5-6%. It will be regraded to a maximum slope of 3%. All stormwater runoff will flow towards the northeast. There will be a rain garden at the northeast corner of the parking lot to collect stormwater and allow it to infiltrate into the ground.

There will be a one-way drive around the church with the entry drive on the south side and the exit drive on the north.

A grass swale will be constructed along the east and north edges of the parking lot which will direct runoff to the rain garden.

There is existing screening of the parking lot on the south side of the property. Some of the vegetation is on the church property and some is on the adjacent property.

The parking lot is 3 feet below the grade of the residence to the south and will therefore be partially screened by topography.

There is a very good, long distance view to the east which the church hopes to preserve.

There are intermittent plantings along the north side of the property. One large White Pine will need to be removed to allow for the swale and rain garden to be constructed. Three Red Maples will be planted near where the Pine is proposed to be removed.

The soils on site are sandy and silty and are highly compacted in the parking lot. There are seeps throughout the rear parking lot where ground water seeps up through the surface. Cars have gotten stuck in the northeast corner from time to time.

The proposal calls for 8" to 12" of aggregate base material to be installed with 1" to 1 ½" of pavement on top. The aggregate base material will allow the groundwater seeps to drain to the rain garden. The surface of the paved area will also drain to the rain garden.

No planted islands are proposed in the parking lot. Islands will be striped on the paved surface to organize parking and to promote adequate turning radii in the parking lot. The parking lot is used as a staging area for large trusses for Habitat for Humanity. Planted islands would impede this use. In addition, the soil of the parking lot area is subject to becoming liquefied if it gets wet. Planted islands would allow water to penetrate the surface, allowing the subsurface to become wet and possibly liquefy. Therefore the church has requested a waiver from the requirement for planted islands.

Lighting for the parking lot is mounted on the building. There are flood lights on the building. The south entrance is handicapped accessible and there is a light on a motion sensor at this location. Other lights are operated on switches and have timers for turning them off. Mr. Bohne explained where the lights shine onto the property and how intense the light is at various locations. The fixtures will be fitted with LED bulbs. No new lights are proposed to be added.

There will be 65 parking spaces once the project is complete. The requirement for the church is 64 parking spaces, based on the length of the pews. Four of the parking spaces will be handicapped spaces.

Mr. Schreiber reviewed the Development Application Report.

Mr. Crowner asked about removing the large Pine and replacing it with three Red Maples and whether there was any benefit in this choice of planting.

Mr. Bohne stated that the Pine is in the location of the proposed rain garden and therefore needs to be removed. He added that Red Maples are more suited than White Pines to being inundated by water.

Mr. Schreiber continued reviewing the Development Application Report. He noted that the allowed lot coverage in this zoning district is 30% and 82% of the lot is currently covered. This makes the property non-conforming. If the property included the APR land to the east, the property would not be non-conforming as to lot coverage.

Mr. Schreiber noted that the applicant had requested waivers from the requirement for a Landscape Plan, a Traffic Impact Statement and a Sign Plan.

Mr. Bohne stated that the landscaping that is proposed is shown on the Site Plan, which is why the applicant has requested a waiver from the requirement for a separate Landscape Plan.

Mr. Bohne noted that lot coverage will be reduced as a result of this project. The existing parking lot is 27,674 square feet and the proposed parking lot is 25,337 square feet.

Mr. Schreiber read the narrative submitted by the applicant which deals with the issues related to penetration of the surface of the parking lot. These issues relate to lighting as well as to planted islands. In both cases penetration of the parking lot area would not be beneficial because of the soil conditions on the site.

Ms. Brestrup reported that the Board had received an email from Jason Skeels, Town Engineer, in support of the proposed plans and agreeing with the assessment that the surface of the parking lot should not be penetrated because of the soil conditions on the site.

Mr. Schreiber reviewed the Site Visit Report and read the questions that were asked at the visit.

Mr. Bohne described the calculations of footcandles on the site. The lights get to the property boundaries in the current condition. He noted that the lights are low on the building and that they light up the parking area but do not extend beyond the property line. He noted that there are shields available that could be installed on the existing light fixtures. However, the shields would reduce the horizontal lighting capacity of the light fixtures.

Mr. Bohne reported that the proposed fill under the deepest section of the parking lot will be 15". It therefore will not rise to the level of fill that requires a Special Permit [2 feet over 5,000 square feet or 5 feet over 2,000 square feet].

Ms. Kruger questioned the use of painting on the pavement in lieu of islands. She noted that in winter sometimes the striping on pavement is not visible.

Mr. Bohne explained that, due to the age of the congregation, the church is diligent about plowing and clearing snow and ice from the parking lot. In addition they can put up temporary signs in winter if required. Permanent signs will impede the use of the parking lot, he said.

Mr. Carson noted that the pattern of parking will be established and that he did not consider the lack of islands to be a problem. Mr. Carson also noted that the lighting is fine as it is and that the church is only used 2 or 3 times a week in the evening and the events do not go very late.

Ms. Ford asked if there had been issues related to lighting with the neighbors. Mr. Bohne acknowledged receiving an email from Johannes Brongers regarding new lighting. No new lighting is proposed.

In response to a question about existing lighting conditions, Carolyn Myers, Pastor of the Church, stated that there is a light over the door on the south side and this light shines down onto the path. This entrance is used for handicapped access. The light shines down but not out onto adjacent property, she said.

Laurie Hoffman of 1030 South East Street, stated that she owns property behind the library near where the Pine tree is located. She wants to make sure that the stormwater flow will go to the church-owned property behind the church and not onto her land and onto her orchard. Ms. Hoffman stated that she had no objection to the paving of the parking lot. She requested that visitors to the church use the parking lot and not park on her front lawn [along South East Street]. She owns the property just to the north of the library and she owns the property behind the library.

Ms. Brestrup explained how the overflow drainage from the grass swales and rain garden will be directed by a berm and a swale to the property owned by the church.

Mr. Bohne explained further that the rain garden has a low point, and a swale and berm. This will direct water to the church land. There is also currently an outlet pipe from a foundation drain which daylights in this vicinity. The water will move towards the point where the foundation drain daylights. The church will maintain the drainage system and the Red Maple trees.

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 lights will not shine onto adjacent properties and stormwater runoff will be confined to property owned by the church;
- 11.2403 – N/A;
- 11.2410 – Unique or important natural, historic or scenic features will be protected because there are no proposed changes which would alter natural, historic or scenic features;
- 11.2411 – Methods of refuse disposal will be adequate; the Management Plan explains how refuse will be disposed of and where it will be stored between pick-ups;
- 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 – The proposed drainage system within and adjacent to the site is adequate to handle the increased runoff resulting from the development; runoff will be directed to a rain garden at the northeast corner of the site where it will be held and released slowly, as infiltration and via an overflow swale leading to the rear property owned by the church; the Town Engineer has expressed his satisfaction with the proposed system;
- 11.2414 – Provision of adequate landscaping has been addressed; the proposal includes planting of three Red Maple trees to replace the White Pine that is proposed to be removed;
- 11.2415 – The soil erosion control methods shown on the Site Plan are considered adequate to control soil erosion both during and after construction; the Town Engineer has reviewed the plan and has expressed no concerns about soil erosion;
- 11.2416 – Adjacent properties will be protected from the intrusion of various types of nuisances, including flooding from stormwater runoff, because the rain garden at the northeast corner of the property will catch runoff from the site and direct overflow towards property owned by the church and away from adjacent properties;
- 11.2417 – Adjacent properties will be protected by minimizing the intrusion of lighting, because the existing lighting is directed down onto church property and there will be no new lighting fixtures installed; a plan has been submitted showing the intensity of the light at various locations on site;
- 11.2418 – N/A;
- 11.2419 – N/A;
- 11.2420 – The church lies within the R-N zoning district and within a National Historic Register District, however the changes proposed to the site are minor and will not have an impact on the design of the architecture and landscape;
- 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 – The building sites avoid impact on steep slopes, floodplains, scenic views, grade changes and wetlands;
- 11.2423 – N/A;
- 11.2424 – Existing screening is adequate; there are no changes with respect to 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 – The location and number of curb cuts will not change; the existing condition with respect to curb cuts minimizes turning movements and hazardous exits and entrances;
- 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 at the Munson Library, next door to the church;
- 11.2433 – Provisions for access to adjoining properties 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 found, under Section 10.38 of the Zoning Bylaw, Special Permit, as follows:

- 10.380 – The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town;
- 10.381 – The proposal is compatible with existing uses and other uses permitted by right in the same district;
- 10.382 – The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features;
- 10.383 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians;
- 10.384 – Adequate and appropriate facilities will be provided for the proper operation of the proposed use,
- 10.385 – The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site;
- 10.386 – The proposal ensures that it is in conformance with the parking and Sign regulations (Articles 7 and 8) of the Zoning Bylaw;
- 10.387 – The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent street, property or improvements;
- 10.388 – The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, material and equipment incidental to the normal operation of the use; there is adequate space in the parking lot to accommodate these needs;
- 10.389 – The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes and methods of drainage for surface water;
- 10.390 – N/A
- 10.391 – The proposal protects, to the extent feasible, unique or important natural, historic or scenic features;
- 10.392 – The proposal provides adequate landscaping;
- 10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting;
- 10.394 – The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes and wetlands;
- 10.395 – The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto;
- 10.396 – The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features;
- 10.397 – The proposal provides adequate recreational facilities, open space and amenities for the proposed use;
- 10.398 – The proposal is in harmony with the general purpose and intent of this Bylaw and the goals of the Master Plan.

The Board found, under Section 9.2 of the Zoning Bylaw, Non-Conforming Uses and Structures, as follows:

9.22 – The change of the non-conforming property resulting from the proposed project (paving of the driveways and grading and paving of the parking lot and drainage improvements) will not be substantially more detrimental to the neighborhood than the existing non-conforming condition.

Ms. Kruger recommended that there be a condition requiring the maintenance of the drainage system to prevent damage to the historic landscape and orchard on the adjacent property to the northeast and on the property owned by the church to the rear of the parking lot.

There was discussion about the requested waivers. Planning Board members decided by consensus to grant the requested waivers. They noted that the waiver of the Landscape Plan would be made on condition that the applicant maintain the existing and proposed vegetation on the site and maintain the proposed drainage system and trees so that there will be no additional stormwater runoff from the property owned by the church.

Mr. Roznoy MOVED to close the public hearing, to approve the Site Plan Review application along with the waiver of the Landscape Plan, the Traffic Impact Statement and the Sign Plan and to approve the requested waivers regarding landscaped islands and lighting in the parking lot, with the standard conditions and on condition that the applicant, the church, maintain the trees and drainage system so that the drainage moves to the east and not onto adjacent property owned by others. Mr. Carson seconded and the vote was 7-0.

Mr. Stutsman MOVED to grant the Special Permit as discussed in the public hearing. Mr. Carson seconded and the vote was 7-0.

The approval is subject to the following waivers and conditions:

Waivers

- Landscape Plan (proposed landscaping is shown on the Site Plan)
- Traffic Impact Statement
- Sign Plan
- Waiver from the requirement for landscaped islands in the parking lot (Section 7.111 of the Zoning Bylaw)
- Waiver from the requirement for additional parking lot lighting (Section 7.105)

Conditions

1. Exterior lighting shall be downcast and shall not shine onto adjacent properties or streets.
2. The property shall be managed in accordance with the Management Plan submitted as part of this application.
3. That the property owner shall maintain the trees and drainage system so that the drainage moves to the east, onto property owned by the church, and not onto adjacent property owned by others.
4. Landscaping shall be installed in accordance with the Landscape Plan and, once installed, shall be continually maintained. All disturbed areas shall be loamed and seeded, unless otherwise specified.
5. One paper copy of the final revised plans and one electronic copy shall be submitted to the Planning Department.

XIII. ADJOURNMENT

The meeting was adjourned at 9:30 PM.

Respectfully submitted: Approved:

Christine M. Brestrup
Senior Planner

Stephen Schreiber, Acting Chair

DATE: _____