

**AMHERST PLANNING BOARD**  
**Wednesday, June 4, 2014 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** David Webber, Chair, Stephen Schreiber (8:30 PM), Rob Crowner, Bruce Carson, Sandra Anderson, Kathleen Ford, Richard Roznoy, and Greg Stutsman

**ABSENT:** none

**STAFF:** Christine Brestrup, Senior Planner

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

**I. MINUTES**

Ms. Anderson MOVED to approve the Minutes of May 7, 2014. Mr. Carson seconded and the vote was 7-0-0.

Mr. Crowner MOVED to approve the Minutes of May 21, 2014. Mr. Stutsman seconded and the vote was 5-0-2 (Anderson and Ford abstained).

**II. PUBLIC HEARING – SITE PLAN REVIEW**

**SPR2014-00012 – Cumberland Farms – 35 Belchertown Road**

Request Site Plan Review approval to install “Smart Pay” alternator sign below existing LED price sign on monument sign and replace existing LED pump toppers with “Smart Pay” pump toppers (Map 15C, Parcel 18, COM zoning district)

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

Carolyn Parker of Carolyn A. Parker Consulting presented the application for Cumberland Farms. She described Cumberland Farms “Smart Pay” program which gives customers who are members \$0.10 off a gallon of gas. The Zoning Bylaw [Section 8.02] states that no flashing or blinking signs are allowed in Amherst. This section of the Bylaw exempts signs that convey the time, temperature or other public information. Ms. Parker asserted that the Cumberland Farms signs do not flash or blink. They change every 8 seconds. These “Smart Pay” signs are proposed in two locations – on the pylon sign near the road and on top of the pumps. She noted that the landscaping along the road partially hides the pylon sign. The signs at the top of the pumps (“pump toppers”) are meant to be seen by people at the gas dispensers. Every 8 seconds the price will change from that paid by “Smart Pay” members to that paid by non-members. Ms. Parker offered to show the Board a video of a typical installation. Three cars can pass by in the time that the numbers change again, she said. The Board declined to view the video. The signs do not change color.

Ms. Parker stated that the “Smart Pay” alternator will be located at the bottom of the monument or pylon sign, adding 2.5 SF of signage to the pylon. The pump toppers will be the same size as the existing lettering on top of the pumps, with the number sizes becoming a bit smaller than they currently are to accommodate the added words. These alternator signs are approved by the Commonwealth of Massachusetts as long as the town doesn’t have a problem with them.

Mr. Webber reviewed the Site Visit Report. There were no issues brought up at the site visit.

Mr. Roznoy stated that the question comes down to the definition of “repeated mechanical or electrical motion” as referred to in Section 8.02 of the Zoning Bylaw. He stated that he does not have a problem with the proposal.

Ms. Anderson stated that the request is straightforward and that she would recommend approval

Mr. Webber read Section 8.02 of the Zoning Bylaw for clarification, which prohibits signs with flashing or blinking lights or signs designed to attract attention by a change in light intensity or direction or by repeated mechanical or electrical motion. Time and temperature signs with changeable lights are exempt from this prohibition.

Ms. Brestrup noted that, in case the Board did consider these signs to be flashing or blinking, the Board had the authority, under Section 8.5 of the Zoning Bylaw, to waive or modify any part of Article 8, Sign Regulations, for the reasons stated in that section.

Ms. Parker stated that Northampton allows signs that change every 30 seconds. She noted that the timing of the alternator can be changed, but asserted that 8 seconds is a long time.

Mr. Webber counted out 8 seconds. He noted that this proposal seemed similar to banks changing the time and temperature. The sign will not change direction, color or move.

Under Section 8.02 of the Bylaw Board members found:

That the proposed signs are not blinking or flashing.

Under Section 8.2 of the Bylaw Board members found:

That the proposed signs comply with square footage and other requirements of the Zoning Bylaw.

There were no conditions and waivers were granted for all but the Sign Plan.

The Board found that:

The proposal is in conformance with all of the applicable sections of the Zoning Bylaw, including Section 11.24, Site Plan Review Criteria and Guidelines.

#### Waivers

- Landscape Plan
- Lighting Plan
- Soil Erosion Plan
- Site Management Plan
- Traffic Impact Statement

Mr. Roznoy MOVED to close the public hearing and to approve the application for Site Plan Review approval for the plans as presented. Ms. Anderson seconded and the vote was 7-0-0.

#### **IV. OLD BUSINESS**

##### **A. Signing of Decision**

SPR2014-00011 – Chabad of the Five Colleges, Inc. – 194 Amity Street – The Board signed the decision.

##### **B. SPR2013-00010 – Unitarian Universalist Society of Amherst – 121 North Pleasant Street**

Review of location of existing bicycle rack in accordance with Condition #3 of the Site Plan Review approval

Mr. Roznoy recused himself. Mr. Webber explained that the Board had received an email and a series of photographs from Kuhn Riddle Architects showing the existing bike rack at the rear of the property, next to Rao's, for Planning Board review. He

noted that Condition #3 of the decision for SPR2013-00010 had required that the location of a bike rack be presented to the Board for review and approval.

The Board had discussed the location of a new bike rack and the location of an existing bike rack with a representative of Kuhn Riddle on April 16<sup>th</sup>. At that time the Board had agreed to consider the existing bike rack as satisfying this condition if it were an appropriate design and in a good location, with the understanding that the whole area of Boltwood Walk between the church and 103 North Pleasant Street (Barry Roberts' property) is being evaluated by the Town and will be reconstructed soon.

Mr. Stutsman stated that it was his understanding that the existing bike rack was on an adjacent property and not on the church's property. The church is proposing that they wait to comply with Condition #3 until this area is redone to figure out where a new bike rack will be permanently located.

Ms. Brestrup reported that the town is working with the church and abutting land owners to redo that area and the group has not yet come up with a plan. When a plan is developed, a bike rack will, presumably, be somewhere in that vicinity. Kuhn Riddle is proposing that until such time as the area is redone, the church would propose to live with the existing bike rack (shown in the photographs) in its current location.

Ms. Ford asked about landscaping for the church and she stated that there are huge bins of garbage stored outside along Kellogg Avenue. She asked if the church would be required to submit a Landscape Plan for this area, including screening along Kellogg Avenue.

Ms. Brestrup stated that the church was required by the Board to submit a plan to screen the compressors in that area. Kuhn Riddle had submitted a detail for a fence. Board members had asked that Kuhn Riddle consider a low planting in this area in lieu of a fence and asked the architect to come back with a proposal. The church had submitted a Landscape Plan for the west and south sides of their building, within their property line, but they haven't come back with a detail or planting proposal for screening on the north side.

Ms. Ford asked about the timing of this proposal, noting that this is a prominent location.

Ms. Brestrup reported that one of the Building Inspectors is working with the church on resolving the issue of storage of trash, either to store it in the building or come back and ask the Board for a change in the Management Plan. It is supposed to be stored inside the building, according to the Management Plan submitted in 2013.

Mr. Webber asked the Board members if the church could have more time to resolve the issue of the bike rack location and the issue of trash storage. Condition #3 is still not satisfied and remains open. He suggested 6 weeks as a reasonable length of time.

It might be as late as next summer by the time that the Boltwood Walk area is redone. The repaving will affect everything outside of the church's property.

Mr. Crowner stated that he thought that the existing bike rack and its location were adequate for now, as proposed by Kuhn Riddle. When the church and the town are ready to re-do the Boltwood Walk area, even if it is a year from now, that would be an appropriate time to deal with the bike rack location. The Board agreed by consensus to Mr. Crowner's suggestion.

Mr. Roznoy rejoined the meeting.

### III. PUBLIC HEARING – SITE PLAN REVIEW

#### SPR2014-00013 – Kohl Construction, Inc. – 49 Northampton Road

Request Site Plan Review approval to reconfigure existing two-family, owner-occupied dwelling, including demolition of existing garage, shed & enclosed porch, construction of addition to house and new garage with relocated apartment (Map 14A, Parcel 243, R-G zoning district)

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

Mr. Stutsman recused himself.

Ted Parker of Kohl Construction presented the application. Fred Meyer of Kohl Construction and Elizabeth Tan, co-owner of the property, were also present.

Mr. Parker explained that Barrie and Elizabeth Tan purchased the property in 1984. There is an existing apartment in the house. The applicants would like to demolish the garage and remove the apartment. They would then build a three-car garage and relocate the apartment to the new three-car garage [part of the unit on the first floor and part on the second floor of the garage]. The applicants also propose to remove a large area of asphalt paving to reduce lot coverage. In addition to building the garage the applicants will also be constructing an addition on the Route 9 side of the house. It will be a two-story addition, parallel to Route 9, attached to the main house by a one-story breezeway. The addition is intended for guests of the single-family house. The addition will have bedrooms, a living room, bathrooms and no kitchen. There will be a full basement under the guest wing and a full basement under the portion of the garage where there is living space above, but not under the place where the cars will be parked. The apartment will have a kitchen, a mud room and a living room on the first floor and bedrooms on the second floor.

Mr. Webber reviewed and summarized the Site Visit Report, including the questions and comments that resulted from the site visit:

- 1) How much will the impervious surface (paving and roof) be increased by the proposed project? How will this affect drainage from the site?
- 2) How will increased stormwater runoff from the project be managed?

Mr. Parker stated that the existing lot has 7,873 square feet of lot coverage. The proposed condition will have 8,468 square feet of lot coverage. This amounts to about 595 square feet increased lot coverage, still below 40%. Even though they are adding significantly to the building square footage, the proposal is reducing the paving square footage.

Mr. Parker stated that the site currently doesn't drain very well and that he has talked to Jason Skeels, Town Engineer, about the drainage issue. The site slopes from east to west. The backyard is habitually wet. Mr. Parker plans to add an area drain to the backyard in the vicinity of the patio and to route an 8" pipe around the new garage to connect to the existing storm drain that is on the property line between the Tans' property and the abutting property. This will drain the backyard.

There is an existing foundation drain that has a sump pump. It now discharges to the sidewalk. Mr. Parker plans to install a new foundation drain and connect it to the drainage system in the street. He reported that Mr. Skeels is in favor of these solutions.

- 3) What vegetation is being removed? Should a Landscape Plan be required?

Mr. Parker stated that three trees would be removed. One of the trees is a Red Maple (*Acer Rubrum*) in front of the house. The two others to be removed have not been identified as to species. The hedge along Northampton Road will also be removed.

- 4) There is an existing sewer line that runs under the existing driveway on the north side of the site that will need to be moved. How will this sewer line be rerouted?
- 5) What types of windows will be used on the additions? Will they match the existing windows?

Mr. Parker stated that the windows in the additions will be Pella vinyl windows with simulated divided lights. The existing windows and the proposed windows will look the same. Ms. Anderson asked if they would be 6 over 6. Mr. Parker offered to provide the information to the Planning Board at a future date, if required.

- 6) How will foundations be handled? There are concrete block, brick and stone foundations existing on the property now.

Mr. Parker stated that he plans to parge (apply a cementious paste, like stucco, to) the brick and concrete block foundations but to leave the granite stone foundations as they are. The new structures (garage and addition) will have concrete foundations.

- 7) How will building materials and excavated soils and topsoil be stored and managed during the project?

Mr. Parker stated that he plans to move the excavated materials off-site. Material from the foundations will be excavated and stored off-site unless it is needed on-site in a few days. Extra fill will be trucked off-site. The foundations will be built in stages, with the Route 9 side being done first and the garage side being done second. Foundations will be poured and backfilled in stages.

Ms. Ford asked about review by the Historical Commission. Mr. Parker reported that the project had been favorably reviewed by the Historical Commission. The project will be receiving a Demolition Permit.

Mr. Parker estimated that the time to complete the project would be about 8 to 9 months. There will be extra labor and logistics because of the tight site. The goal will be to have it all look like it has been there since the beginning.

Mr. Roznoy noted that the building was a pre-existing non-conforming building because the setback from the west property line is less than required. He stated that the proposed changes to the building will not exacerbate the non-conformity. Mr. Parker confirmed that all of the construction would be done within the requirements of the Zoning Bylaw.

Mr. Roznoy asked about the "middle portion" of the building and whether it would be reconstructed. Mr. Parker stated that the entire middle portion will be new, referring to the one story walkway connecting the main house with the existing garage, shown on Sheet A1.

Mr. Carson expressed concern that the building would house more than four unrelated persons. There are a lot of bedrooms and guest rooms.

Mr. Parker reported that Mr. Tan, the owner of the house, runs an international business and travels extensively. People often come to stay with him for short periods of time. Mr. Tan has no plans to house long-term guests in the addition. The main house plus the addition will have seven bedrooms.

Mr. Carson asked how many parking spaces there would be on the site at any given time.

Mr. Parker reported on a meeting with the Building Commissioner. He said that the Building Commissioner had agreed that there could be six parking spaces on the site, three parking spaces in the garage and three parking spaces in the driveway off Kendrick Place, in front of the garage. He reported that there are often two cars parked in the parking area on the Northampton Road side of the house. The driveway on the Northampton Road side is configured so that people can turn around before exiting onto Northampton Road/Route 9, so that they do not need to back out.

Mr. Webber asked where all of the parking will be, off of Kendrick or off of Route 9?

Mr. Parker reported again on his meeting with the Building Commissioner, in which they discussed the parking off of Kendrick and then stated that they had not considered the Northampton Road side of the building as meeting the parking requirements. This is extra.

Mr. Roznoy asked if there were any plans to remove asphalt on the Northampton Road side. Mr. Parker stated that the owners like to park in the space on the driveway off Northampton Road, because it is near their front door. There are no plans to remove asphalt there.

Mr. Webber explained that the Planning Board is trying to determine how much parking is there and is it an appropriate number of spaces.

There was further discussion about removing some of the asphalt from the Northampton Road driveway. Mr. Parker reiterated that the contractors would be removing asphalt from the driveway on the northern side of the site.

Mr. Carson noted that there was now a tall hedge along Northampton Road and so passersby don't notice the parking in front of the house. When the hedge is removed the parking on the Northampton Road side will be more visible unless planting is installed closer to the house.

Mr. Webber reviewed the Development Application Report. He noted that the setback of the house is non-conforming on the north side (with a 5 foot setback where the requirement is 15 feet) but in all other respects the project meets the requirements of the Bylaw. The proposed project does not increase the non-conformity.

Section 3.321 of the Zoning Bylaw allows this type of duplex (owner-occupied) provided that the Planning Board determines that the two units are connected structurally and continuously by a shared foundation, walls and roof and that the design of the proposed duplex is compatible with the architecture and building and site layout of other residential buildings in the surrounding neighborhood. Mr. Webber stated that the Board needs to find that the project complies with that section of the Bylaw.

The Board found under Section 3.321 of the Zoning Bylaw:

That that the two units are connected structurally and continuously by a shared foundation, walls and roof and that the design of the proposed duplex is compatible with the architecture and building and site layout of other residential buildings in the surrounding neighborhood.

Mr. Crowner stated that he does not object to this project. The three sections of the 2-story house are connected by a one story section. He noted that across the street there is a brick Amherst College dormitory that "sprawls" in a similar manner. Mr. Crowner expressed discomfort with the way this section of the Bylaw reads and suggested that it might need to be changed. However, this project meets the definition in the Bylaw.

Mr. Webber noted that this house follows a certain "sprawling farmhouse model".

Ms. Ford stated that this is a corner site and that having two pieces of the building coming off the existing main building fits the way one looks at the house on the corner site. It is not inappropriate on a corner site.

Mr. Webber stated that Sections 9.200 and 9.2001 of the Zoning Bylaw allow the Building Commissioner to permit renovations of two-family dwellings provided that the project does not constitute a change of use. This property is dimensionally non-conforming but all other requirements shall be met after completion of the project. There is no Special Permit required to alter this building. Mr. Webber agreed that these sections of the Bylaw apply to this project.

The Board found under Section 9.200 and 9.2001 that:

There is no change in use, the existing house is an owner-occupied two-family house and the proposed house will be an owner-occupied two-family house;

The property is dimensionally non-conforming as to front setback, but all other dimensional requirements will be met after the completion of the project.

The owners will live in the main house and rent out the apartment over the garage.

Mr. Carson asked that the record show that in the main house and in the guest wing there will be only one kitchen. There is a kitchen shown on the second floor in the main house. Ms. Brestrup recommended including a condition that the kitchen on the second floor be removed.

There was discussion and determination of facts about the existing and proposed use of the property, as follows:

- The apartment over the garage will be rented;
- The owners do not intend to live above the garage and rent out the main house;
- The main house and guest wing will have only one kitchen;
- The building will be owner-occupied;
- The kitchen on the second floor of the house will be removed and this will be a condition of the approval.

Mr. Webber reviewed the requested waivers:

- Landscape Plan
- Sign Plan
- Traffic Impact Statement
- Site Management Plan
- Soil Erosion Plan

Landscape Plan (the Board will discuss this later along with parking);

Sign Plan

There is no sign proposed for this site so it is appropriate to grant a waiver.

Traffic Impact Statement

The Board agreed by consensus to waive the requirement for the Traffic Impact Statement.

Site Management Plan

The applicant had submitted a Management Plan form, so a waiver is not needed. The Board agreed to discuss this request later.

### Soil Erosion Plan

The Board discussed this request. The Board determined that a condition would require obtaining the advice of the Town Engineer on erosion control. Mr. Parker stated that the location of soil stockpiles will be determined by how the contractor stages the site. He agreed to installing soil erosion devices as necessary, such as silt fence and hay bales. He agreed to collaborate with the Town Engineer to develop a plan.

Ms. Anderson observed that the location of the drain line and sanitary sewer are unknown at this time and there may be wash outs during construction. Mr. Parker stated that the contractor will install “socks” in the catch basins to protect them during construction. Ms. Anderson observed that the construction may take 8 to 9 months and the site will be open during winter, so she recommended installation of soil erosion devices.

Mr. Webber suggested a condition that would require that “silt fences or hay bales shall be used to manage runoff in a manner acceptable to the Town Engineer”.

### Lighting Plan

Mr. Webber reviewed the request to waive the requirement for a Lighting Plan. He noted that there are 13 exterior lights proposed for this project but no catalog cut sheets and no lumen plan have been presented, only the locations of the light fixtures have been shown.

Mr. Parker stated that all of the proposed exterior lights are required by code except for the coach lights around the garage doors. The lights will be regular residential light fixtures. He offered to submit cut sheets. The lights will all be 75 watt equivalent fixtures.

Mr. Webber stated that the Board would require a Lighting Plan showing the location of lights, the type of lights, catalog cut sheets and a lumen plan that clearly delineates where lights will shine. The lights shall be dark sky compliant and adequate to light the areas that need to be lit. Mr. Carson stated that the light fixtures should be appropriate to the historic nature of the house.

Mr. Parker stated that the applicant had submitted a plan with the fixtures located on it. The applicant will augment that plan with catalog cut sheets and lumen or photometric patterns projected onto the plan.

### Grading and Drainage

Mr. Webber turned to a review of grading and drainage. He noted that the Board had received representation from the applicant that the applicant is working with the Town Engineer to work out a grading and drainage proposal.

A condition will be imposed stating that grading and drainage shall be completed in a manner acceptable to the Town Engineer.

There was discussion about the drain pipe that runs under the driveway. Mr. Parker referred to the outlet of this pipe as a “farmer’s swale”.

Mr. Parker stated that stormwater runoff now passes from the backyard to the northern property line in a drain line that runs under the driveway. A new 8” SDR35 drain pipe will be installed that will run behind the new garage and around the corner, to connect to the municipal storm manhole to carry positive drainage from the backyard to the storm drains.

Mr. Webber asked if the Town Engineer was satisfied that the increased runoff from the new construction would be retained on site. The Planning Board is still awaiting comments from the Town Engineer regarding the increased runoff. Ms. Brestrup suggested that the Board may wish to impose a condition that would require the applicant to go to the Town Engineer to

obtain his comments and approval on the proposed stormwater management.

Mr. Parker stated that he had met with the Town Engineer. The Town Engineer, Jason Skeels, had stated that he was concerned that the applicant was not increasing the overall impervious area. The applicant is, in fact, increasing the overall impervious area by about 500 to 600 square feet. Mr. Skeels understood that it was impossible to keep all of the storm drainage on site and he agreed with the proposal to install an area drain. Mr. Skeels asked for some reduction in impervious surface to get closer to the existing amount of impervious surface.

Mr. Parker noted that the plan shows an increase in impervious surface of around 500 square feet, but that he can return to the Board with a plan showing a reduction in paved area. The patio area or the paving in the front on the Northampton Road side can be reduced.

The Board turned to a discussion of parking. Mr. Webber noted that Section 7 of the Zoning Bylaw requires two parking spaces per dwelling unit. Therefore four parking spaces are required for two dwelling units. The applicant is proposing six parking spaces, three of which will be in the garage and three are proposed to be parked in front of the garage. There is also room for parking on the Northampton Road side of the property.

Ms. Anderson noted that the front parking area could be reconfigured to reduce the impervious area. With the hedges removed the front parking area could become an “eyesore” in its present configuration. It will also contribute to the runoff going into the backyard. It could be reconfigured to reduce it to allow only 1 or 2 or even 3 cars to park, with an adequate back-up area. This would be a gain in terms of aesthetics, drainage and convenience for the owners. The historical front of the building faces Route 9, she noted. Other Board members agreed with this suggestion, especially if it were accompanied by landscaping.

Ms. Anderson asked to see a Landscape Plan, especially since the hedges were proposed to be removed. This is an entrance to Amherst, she noted. There was consensus on requiring a Landscape Plan.

There were questions about why the hedge was proposed to be removed. Mr. Parker stated that the hedges are a hazard for entering and exiting from the property onto Route 9 and also from Kendrick Place. There was general acknowledgement that a left turn onto Route 9 eastbound from the property is difficult and that there is a sight line problem.

Board members asked the applicant to consider how to screen the front parking area in the context of submitting a Landscape Plan.

Mr. Parker stated that the applicant had requested a waiver from the requirement for a Landscape Plan because the Tans hoped to have the building completed and then figure out what to do about landscaping. They would like to develop the Landscape Plan after the building is there. Mr. Carson asked that a reduction in paving be included in the Landscape Plan.

The Board asked that parking spaces be delineated on the Landscape Plan. Mr. Webber observed that there would be 9 parking spaces. The parking spaces should be marked on the plan as to location.

Mr. Crouner observed that the driveway off Kendrick Place was proposed to be expanded and that it would accommodate 3 parking spaces within the front setback. The Bylaw (Section 7.0002) limits the number of cars that can be parked within the front setback to 2 cars.

Mr. Crouner asked if the driveway opening was a legal opening since it appears that the proposed width is considerably wider than the existing width. Mr. Crouner asked if the DPW would approve a driveway opening curb cut that is the proposed width [of about 34 feet].

Board members and the applicant acknowledged that the issue of driveway width and number of cars to be parked in front of the garage needs to be resolved.

Ms. Brestrup suggested that the Board require the applicant to speak with the Town Engineer and obtain a written comment with regard to the driveway opening.

Ms. Ford suggested that the Board not take a definitive position on the number and location of parking at this time, but to let it be part of the Landscape Plan.

There was further discussion about whether to require the applicant to remove pavement from the front parking area. The Board agreed, after discussion, to allow the owners to construct the addition and then design and present a Landscape Plan, including more detail about the parking plan.

Ms. Brestrup noted that the Board had the option of resorting to Section 7.9 of the Zoning Bylaw, with regard to parking of more than two cars within the front setback. This section would allow the Board to modify or waive this limitation.

The Board declined to modify the limitation at this time. The Board agreed to allow the applicant to come back at a later date with a Landscape Plan including parking.

Mr. Webber expressed support for this approach. He also noted that the Board needed to hear from the Fire Department and the Town Engineer about the project, particularly with respect to the “farmer’s swale” and the sanitary sewer line. A condition will be imposed about the relocation of the sanitary sewer and the associated easement to the town.

Mr. Webber noted that the applicant had appeared before the Historical Commission had received a positive review.

Mr. Webber stated that the Design Review provisions would be applied to the two family dwelling.

Janet Keller of Precinct 1 expressed support for the care taken by the Board and the intent of the owners in this review. She noted that there is drainage coming from the east (uphill) side of this property and that people in the neighborhood have concerns about flooding. She requested that special care be taken with regard to storm water management.

Mr. Webber reviewed the Design Review Principles and Standards, Sections 3.2040 and 3.2041 of the Zoning Bylaw.

The Board found, under Sections 3.2040 and 3.2041 of the Zoning Bylaw:

That the proposed project complies with these Principles and Standards to the extent that they are applicable with the exception of 3.2041, 5) Landscape. The Board made no finding with respect to landscape, noting that a condition of the decision would require submission of a Landscape Plan for review and approval by the Board.

Mr. Schreiber arrived (8:30 PM).

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;
- 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;
- 11.2403 – Adequate recreational facilities, open space and amenities will be provided;
- 11.2410 – Unique or important natural, historic or scenic features will be protected;

- 11.2411 – Methods of refuse disposal will be adequate; the Management Plan explains how refuse will be disposed of;
- 11.2412 – The ability of the proposed sewage disposal and water supply systems within and adjacent to the site to serve the proposed use will be adequate; a condition of this approval will require that the applicant work with the Town Engineer regarding the relocation of the sanitary sewer line and obtain approval from the Town Engineer regarding the other utilities;
- 11.2413 – The proposed drainage system within and adjacent to the site will be adequate to handle the increased runoff resulting from the development; a condition of this approval will require that the applicant obtain approval from the Town Engineer regarding the proposed drainage system;
- 11.2414 – Provision of adequate landscaping has been addressed; a condition of the approval will require the submission of a Landscape Plan for review and approval by the Planning Board;
- 11.2415 – The proposed soil erosion control methods have been discussed during the public hearing; a condition of the approval will require that the applicant use silt fences, hay bales and other appropriate erosion control devices, in a manner acceptable to the Town Engineer;
- 11.2416 – The adjacent properties will be protected by minimizing the intrusion of stormwater runoff because a condition of this approval will require that the applicant obtain approval from the Town Engineer regarding the proposed drainage system;
- 11.2417 – Adjacent properties will be protected by minimizing the intrusion of lighting; a condition of this approval will require the submission of a Lighting Plan, including a photometric plan and catalog cuts, and will require that exterior lighting be downcast and not shine onto adjacent properties or streets;
- 11.2418 – N/A;
- 11.2419 – N/A;
- 11.2420 – N/A; however, the Board did review the Design Review principles and standards set forth in Sections 3.2040 and 302041 of the Zoning Bylaw and found that the project was in compliance with all of the criteria with the exception of a Landscape Plan, submission of which will be required at a future date;
- 11.2421 – The development is reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development;
- 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 – N/A;
- 11.2430 – The site has been designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties; the hedges in front of the property will be removed, which will improve sight distance and safety entering and exiting the site;
- 11.2431 – The width of the curb cut on Kendrick Place is proposed to change; a condition of the approval will require approval from the Town Engineer on the new configuration of the curb cut on Kendrick Place;
- 11.2432 – The location and design of parking spaces and sidewalks will be provided in a safe and convenient manner; a condition of the approval will require the submission of a revised parking plan in conjunction with the Landscape Plan;
- 11.2433 – N/A;
- 11.2434 – N/A;
- 11.2435 – N/A;

- 11.2436 – The requirement for a Traffic Impact Statement will be waived;
- 11.2437 – N/A.

Mr. Webber summarized the Board's discussion:

- The applicant would be required to contact the Fire Department, obtain comments on the project and submit the comments to the Board;
- The windows in the additions and renovated portions of the building shall match existing windows;
- The Board finds that the project complies with Section 3.321 because the external appearance and footprint are compatible in terms of design with those of single family dwellings in the surrounding neighborhood and with the Amherst College dormitory across the street;
- The Board finds that the project is connected structurally and continuously by a shared foundation, walls and roof and that the design is compatible with the architecture and building and site layout of other residential buildings in the surrounding neighborhood;
- The owners shall occupy the main house not the apartment over the garage;
- The existing kitchen on the second floor of the main house shall be removed;
- The Board will waive the requirements for a Sign Plan and a Traffic Impact Statement.

Mr. Carson MOVED to close the public hearing. Ms. Anderson seconded and the vote was 5-1-1 (Crownor opposed; Schreiber abstained).

Ms. Ford MOVED to approve the application with the waivers and conditions discussed during the hearing. Mr. Roznoy seconded and the vote was 6-0-1 (Schreiber abstained).

#### Waivers

- Sign Plan
- Traffic Impact Statement

#### Conditions

- 1) The applicant shall contact the Fire Department, obtain comments on the project and submit the comments to the Board;
- 2) The applicant shall relocate the existing sanitary sewer line that runs under the driveway in consultation with the Town Engineer and shall grant an easement to the town for access to the sewer line;
- 3) Silt fences and/or hay bales or other appropriate erosion control devices shall be used to manage stormwater runoff during construction in a manner acceptable to the Town Engineer;
- 4) The applicant shall contact the Town Engineer and obtain comments on the following aspects of the project and submit the comments to the Board:
  - a) Proposed stormwater management system, including grading of property and proposed area drain, drain piping and connection, if any, to town drainage system;
  - b) Proposed relocation of sanitary sewer line, including easement to town;
  - c) Proposed water line, if any, and its connection to the town system;
  - d) Proposed soil erosion control.
- 5) The new windows in the additions and renovated portions of the building shall match existing windows;
- 6) The owners shall occupy the main house not the apartment over the garage;

- 7) The existing kitchen on the second floor of the main house shall be removed; there shall be only one kitchen in the main house, including the guest wing;
- 8) A Lighting Plan shall be submitted for review and approval by the Board, showing locations and types of proposed exterior light fixtures, a photometric plan for proposed exterior light fixtures, and catalog cuts indicating the style of proposed exterior light fixtures;
- 9) Exterior lighting shall provide adequate light for areas that need to be lit, shall be dark-sky compliant and/or shielded, shall not shine onto adjacent properties or streets and shall be appropriate to the historic nature of the house;
- 10) A Landscape and Parking Plan shall be submitted for review and approval by the Board, showing a reduction in the paved area, the configuration and delineation of parking, and shall specify how many cars will be parked on site and clarify the proposed width of the driveway on Kendrick Place; applicant shall also consider whether screening will be necessary or appropriate for the parking proposed for the front area along Northampton Road;
- 11) Landscaping shall be installed in accordance with the approved Landscape Plan and, once installed, shall be continually maintained. All disturbed areas shall be loamed and seeded, unless otherwise specified;
- 12) One paper copy of the final revised plans and one electronic copy shall be submitted to the Planning Department.

Mr. Stutsman rejoined the meeting.

**SPR2014-00014 – Kathryn Chiavaroli – 37 North Pleasant Street**

Request Site Plan Review approval to install a directory blade sign on property of Knights of Columbus (alleyway) to replace existing blade sign (Thai Corner) (Map 14A, Parcel 49, B-G zoning district)

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

Kathryn Chiavaroli of Lincoln Real Estate presented the application. She explained that Thai Corner, which had operated a restaurant in Boltwood Walk, had closed. Thai Corner used to have a blade sign in the same location as the proposed directory blade sign. Thai Corner's blade sign has been removed.

Lincoln Real Estate has an easement over a portion of the Knights of Columbus property at 37 North Pleasant Street, including the alleyway where the sign is proposed to be installed. Lincoln Real Estate has an agreement with the Knights to provide electricity for the new sign.

A new tenant of the Boltwood Walk restaurant space has recently put up a blade sign in the location where the proposed directory sign is to be installed, but this restaurant sign was put up in error and will be removed and put on the building that will house the new restaurant tenant.

The proposed directory blade sign will be set at a height so that the bottom of the sign will be 7'-6" above grade.

Ms. Chiavaroli reported that she had met with the Design Review Board and that they had recommended using thinner letters on the new sign and making the words "Boltwood Walk" larger. She changed the sign to agree with the DRB's recommendations.

The metal conduit with the two flood lights will be removed. The new sign will be an interior li box sign with LED lights inside.

Ms. Brestrup explained that this application is being considered under Sections 8.41 and 8.5 of the Zoning Bylaw.

Section 8.41 states that:

“An off-site directional or identification sign may be erected and maintained in any district where the Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for the use(s) associated with the sign(s), finds that such signs will serve the public convenience, will not endanger the public safety, and will be of such size, location, and design as will not be detrimental to the neighborhood. Where an off-site directional or identification sign serves a geographic destination but not a specific land use, a Special Permit from the Zoning Board of Appeals shall be required.”

Mr. Webber noted that the Board would need to make findings under Section 8.41. He stated that the sign serves a specific use or uses, which are those uses which are shown on the sign. He noted that, under Section 8.5, the Board can waive any portions of the sign requirements contained in Section 8, Sign Regulations, of the Bylaw to which the proposed sign does not conform.

Section 8.5 states that:

“Any section or subsection of Article 8, Sign Regulations, may be waived or modified by the Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for compelling reasons of public convenience, public safety, aesthetics, or site design.”

Mr. Webber asked the Board members if there were any concerns about the sign either aesthetic or in terms of serviceability.

Ms. Anderson stated that this new sign would be a great improvement over what is there now. She noted that the proposed sign exceeds the 10 square feet allowed under Section 8.000 for Projecting Signs. The proposed sign is about 12 square feet. A sign that is lit from within will be easier to read. The proposed sign will be black, white and maroon. She asked if the sign can be upgraded and changed as new tenants come in.

Ms. Chiavaroli stated that each panel of the sign will be done in vinyl and can be easily taken off and changed. The portion of the sign that says “Boltwood Walk” will be an added benefit to the public so they can find Boltwood Walk.

Mr. Webber asked that the back panel, on which the sign will be mounted, be painted black.

The Board discussed allowing modifications of the size requirements of Section 8.001 of the Bylaw, under Section 8.5 of the Bylaw.

Section 8.001 of the Bylaw states the following:

“If affixed to, suspended from, or incorporated as part of a building, project more than 36 inches from the building, except that such a sign may project up to 48 inches from the building provided it does not exceed 6 square feet in area.”

The proposed sign exceeds these dimensions because it projects more than 36 inches [it projects 38.659”] and it exceeds 6 square feet in area [it is a bit less than 12 square feet in area].

Board members agreed that the sign would fit in “just fine” with the surrounding area.

Mr. Webber stated that the Board could grant the waivers under Section 8.5 to allow the sign to project more than 36 inches and exceed the square footage and that this would be consistent with public convenience, public safety and site design.

Mr. Webber stated that the Board could grant approval of the sign under Section 8.41 of the Bylaw if it found that the sign serves a specific land use.

Board members agreed by consensus to grant the waivers under Section 8.5 and to approve the sign under Section 8.41.

The Board found under Section 8.5 of the Bylaw:

That the Board may grant a waiver of the requirements of Section 8.00 of the Zoning Bylaw, because although the sign exceeds 10 square feet in area and projects more than 36 inches from the building, the sign will serve the public convenience, public safety, aesthetics and site design.

The Board found under Section 8.41 of the Bylaw:

That the proposed sign is an off-site directional or identification sign for uses associated with the sign and that the sign will serve the public convenience, will not endanger the public safety and will be of such size, location and design as will not be detrimental to the neighborhood.

#### Waivers

- Traffic Impact Statement
- Soil Erosion Plan
- Landscape Plan

#### Conditions

- 1) The bottom of the sign shall be a minimum of 7'-6" off the ground.
- 2) The existing electrical piping and floodlights will be removed.
- 3) The black board will be re-painted black.
- 4) The light will be turned off at 1:00 a.m.
- 5) The name "Columbus" in the "Knights of Columbus" should be spelled correctly.

Mr. Webber noted that the Design Review Board had reviewed the sign. Ms. Ford reported that all documented recommendations had been addressed and that the changes to the font were made.

Mr. Roznoy MOVED to close the public hearing and to approve the application based on the conditions enumerated by Mr. Webber and with the requested waivers. Mr. Stutsman seconded and the vote was 8-0-0.

### III. TOWN MEETING

#### A. Review of Annual and Special Town Meeting Actions

Mr. Crowner reported that Town Meeting passed the Supplemental Dwelling zoning amendment, did not pass the Accessory Business Uses zoning amendment, passed the Atkins Corners zoning amendment and referred the other proposed amendments back to the Planning Board.

Mr. Webber reported that Town meeting had also passed the restrictive covenant article. He noted that the Board would be thinking and talking about how to go about zoning amendments in the future. The Board had told Town Meeting that it would work on Inclusionary Zoning and bring it back in the fall.

Mr. Roznoy asked procedural questions about the dates of applicability of zoning amendments and for clarification about the date of applicability of a new article with reference to a new public hearing notice. The answer was that the new Inclusionary Zoning amendment that the Board will be working on will have a new public hearing with a new date of publication of notice.

He asked when the ZSC would be ready to refer Inclusionary Zoning to the Planning Board. Mr. Crowner stated that the ZSC hoped to refer Inclusionary Zoning to the Planning Boards soon but could not predict when that would be.

Ms. Ford stated that she had thoughts about how to provide incentives for developers and asked how this is being pursued. Will there be joint discussions before the ZSC with the Town Manager and others to discuss other types of incentives?

Ms. Brestrup stated that there are parallel discussions going on. Town Manager and staff and others are looking at other means and incentives to encourage the development of affordable housing and making it easier for developers to build affordable housing.

Board members suggested holding a joint discussion with the Town Manager and others on this.

Mr. Webber stated that other parts of town government are exploring tax incentives and changes to the General Bylaws that might act as incentives to providing affordable housing. There is a need to balance incentives with requirements. It is also possible that the state zoning statute will change, but there will be time to bring the Zoning Bylaw into compliance with the new state zoning statute if it is adopted. The zoning statute would require a "nexus" statement.

The ZSC needs to decide whether it will hold a Zoning Forum. Mr. Crowner reported that the ZSC had discussed the possibility of a Zoning Forum and had determined that the full Planning Board should hold the Forum and hear all of the comments.

Mr. Roznoy spoke in opposition to a Zoning Forum. Forums often come up with too many ideas. The Board needs to focus on 2 or 3 important items that it already knows about. Unfortunately, Zoning Forums often focus on what has happened in the past. The Board needs to focus on moving forward.

Mr. Stutsman agreed with this opinion and enumerated other amendments that the ZSC has looked at. He would like to present an abridged version of the full list of possible zoning amendments to a community forum. He suggested putting an abridged list on the website and seeking input.

Ms. Brestrup cautioned the Board against taking on too much. She noted that the Board would be involved in reviewing The Retreat over the next few months and that this would take time and energy from both the staff and the Board members.

Others agreed that it may not make sense to solicit new ideas at this time.

Mr. Crowner suggested a Zoning Forum as a periodic “check-in”, perhaps not every 6 months or even every year.

Mr. Carson suggested revisiting the Zoning Forum idea after Fall Town Meeting, after going through the articles that the Board is currently considering.

Mr. Webber asked that the Planning Board agenda continue to include time for public input on zoning issues when the Board has a typical agenda. When The Retreat is on the agenda, time for discussion of general zoning issues would not be included.

Mr. Crowner stated that the ZSC would meet again on June 18<sup>th</sup>.

Mr. Roznoy recommended that the Board extend an invitation to the Town Manager to come to a Planning Board meeting to discuss alternatives to Inclusionary Zoning for providing and incentivizing affordable housing.

Mr. Stutsman suggested that the Planning Board hold an economic development forum to discuss economic development and tax incentives. Others expressed concern about the focus on Inclusionary Zoning becoming too diffuse. They agreed to save a discussion of economic development until later.

The Board discussed inviting the BID, the Chamber of Commerce and others along with the Town Manager.

Mr. Webber asked that there be a discussion on the merits of Article 24 at a meeting in July. Mr. Webber recommended holding a meeting to discuss Inclusionary Zoning to invite all of the stakeholders and to hold the meeting in July.

Mr. Stutsman recommended involving the Assessors to discuss the potential of TIF (Tax Increment Financing). He also suggested inviting the BID to bring specific recommendations to the meeting.

Board members asked if the PVPC was still available to help the town with Inclusionary Zoning. Mr. Carson suggested that the Board ask Ms. Armington of PVPC to join the meeting.

Mr. Webber outlined the broader question as “What can we develop in this town for a comprehensive strategy to increase our stock of affordable housing?”

Mr. Stutsman re-stated the question as “How can the town partner with developers to create more affordable units?”

Board members agreed in principle to hold a separate meeting in early July to discuss Inclusionary Zoning and to invite the Town Manager and other stakeholders.

- B.** Zoning Amendment Process for Upcoming Town Meetings – none
- C.** Topics not reasonably anticipated 48 hours prior to the meeting – none

#### **IV. OLD BUSINESS**

- C.** SPR2014-00010 and SPP2014-00005 – South Congregational Church – 1066 South East Street – Letter from Lori Hoffman of 1030 South East Street, dated May 23, 2014, regarding boundary markers – The Board acknowledged receipt of this letter.

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

**V. NEW BUSINESS**

- A.** Newmarket Center – 400 Amity Street – Reverend Cindy Frado – Review of new sign in accordance with PA85-6

Reverend Frado, the owner and director of the Hampshire Hypnotherapy Center, presented the proposed sign. Her office is located at the corner of Amity Street and University Drive. She would like to install a new sign on the front of the building. There is already a sign for “servicenet” in that location.

The new sign would be installed just above the “servicenet” sign and it would be the same dimensions as the “servicenet” sign (14” x 35”). She presented a drawing of the sign. The sign will not be lit. It will be aluminum with sheet vinyl applied. It is being made by Duncan Ferguson of Ferguson Signs. Reverend Frado has permission of the owner of the building to install the sign.

Mr. Webber noted that this is being brought under Condition “d” of PA 85-6.

Ms. Brestrup explained that a condition of the Plan Approval (PA 85-6) required submission of a sign plan. This has been interpreted over the years to require that each new sign proposed for this property (400 Amity Street and 6 University Drive) be reviewed and approved by the Planning Board.

Reverend Frado stated that, although she is a Unitarian Universalist minister, with a congregation in Northfield, the hypnotherapy business is separate and is not affiliated with any religion.

Ms. Anderson MOVED that the sign be approved. Mr. Schreiber seconded and the vote was 8-0-0.

The Board discussed whether the condition of PA 85-6 could be changed to allow staff review of these signs, with an endorsement by the Planning Board by consent agenda, or if they could be approved by a subcommittee of the Planning Board. It was determined that the property owners would need to apply for a Site Plan Review amendment, involving a public hearing, in order to change the condition.

- B.** Chapin Hall, Amherst College – presentation of site plan for new accessible entrance in ED zoning district in accordance with Section 3.211 of the Zoning Bylaw

Tom Hartman of Coldham and Hartman Architects presented the plan for a new accessible walkway intended to create an accessible entrance for Chapin Hall at Amherst College, which is being considered as “new construction”. The submission of a site plan for this project in the ED zoning district is required by Section 3.211 of the Zoning Bylaw. The walkway will be less than 5% in grade, with less than 2% cross slope. Ms. Brestrup explained that the plan is being submitted for the Planning Board’s information. Board members may choose to comment on the plan, but they do not have any permitting role for projects in the ED zoning district.

The Board had no comment on the proposal.

There was discussion about the interpretation of Section 3.211. Ms. Brestrup explained that the Building Commissioner has determined that any new construction in the ED zoning district should be submitted to the Planning Board.

Mr. Webber read Section 3.211. Ms. Brestrup noted that the Building Commissioner has been waiving the 60 day requirement, and will issue a Building Permit once the applicant has had the plan presented to the Board.

Board members discussed the possibility of changing this section of the Zoning Bylaw so that only projects over a certain threshold in size or significance would be presented to the Planning Board. The suggested change of language would be to add the words “for any new building construction or significant change in use” to Section 3.211.

**C.** UMass Donahue Institute – Long term population projections for Massachusetts

Board members acknowledged receipt of this report. They noted the fact that the Lower Pioneer Valley is continuing to lose population in the 30 to 50 year old range, while the population of college age and senior citizens is not declining at the same rate. There will be an overall loss of population over the next 15 years.

**D.** The Retreat – Definitive Subdivision Plan and Site Plan Review – discussion of process

Ms. Brestrup reported that there were three responses to the RFP for a consultant for third party review. Mr. Roznoy and Ms. Ford volunteered to be on the review committee.

Board members discussed the timeline and process for this project. Mr. Webber stated that the review committee should try to choose a third party consultant before June 18<sup>th</sup>, so that the Board could approve the choice at its meeting on the 18<sup>th</sup>.

Board members discussed the upcoming summer schedule. The Board has meetings scheduled for the following nights:

- July 2
- July 16 (Mr. Webber will be absent.)
- July 30 (The Retreat public hearing is scheduled.)
- August 6 (Mr. Stutsman will be absent.)
- August 20 (Mr. Roznoy will be absent.)

Mr. Webber suggested that the Board may need to meet on an additional night to accommodate all of its upcoming workload.

**E.** Topics not reasonably anticipated 48 hours prior to the meeting

Mr. Webber received an email from the Select Board staff regarding appointments to CPAC. The Planning Board’s representative, Ms. Anderson, has indicated that she will not seek reappointment to the Planning Board. However, she has offered to stay on through the summer or until a replacement is found. But she will not be the Planning Board’s representative to CPAC. She recommended CPAC as an interesting committee and stated that it usually only meets once a month, on Thursdays. During the busy season leading up to Town Meeting, CPAC meets twice a month.

Ms. Brestrup noted that appointments and reappointments would be made as of July 1<sup>st</sup>. The Board may wish to wait until after appointments have been made before nominating a representative to CPAC.

Mr. Webber read the invitation to the Olympia Oaks Grand Opening Celebration on Friday, June 13<sup>th</sup>, at 11:00 a.m. He encouraged Planning Board members to attend.

**VI. FORM A (ANR) SUBDIVISION APPLICATIONS – none**

**VII. UPCOMING ZBA APPLICATIONS – none**

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

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

Pioneer Valley Planning Commission – Bruce Carson reported that the Annual Celebration of PVPC would be on June 19<sup>th</sup>.

Community Preservation Act Committee – Sandra Anderson – no report

Agricultural Commission – vacant

Transportation Plan Task Force – Richard Roznoy and Rob Crowner – no report

Amherst Redevelopment Authority – vacant

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 – no report

Master Plan Implementation Committee – vacant

**X. REPORT OF THE CHAIR – none**

**XI. REPORT OF STAFF – none**

**XII. ADJOURNMENT**

The meeting was adjourned at 10:05 PM.

Respectfully submitted:                      Approved:

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

\_\_\_\_\_  
DATE: \_\_\_\_\_  
David Webber, Chair