

Town of



AMHERST

Massachusetts

TOWN HALL
4 Boltwood Avenue
Amherst, MA 01002-2351

ZONING BOARD OF APPEALS
(413) 259-3040
(413) 259-2410 fax
Planning@amherstma.gov

June 10, 2014

Masoud Hashemi
560 Middle Street
Amherst, MA 01002

Dear Mr. Hashemi,

Enclosed please find the following documents in regard to Special Permit ZBA FY 2014-00018:

1. Zoning Permit with Conditions;
2. Copy of Decision & Approved Plans;
3. Copy of Notice of Special Permit;
4. Copy of Record of Appeal and Decision Rendered;
5. Copy of certified list of abutters;
6. Proof of Filing, for Hampshire County Registry of Deeds.

The above-listed documents were filed with the Amherst Town Clerk on June 5, 2014. Pursuant to Massachusetts General Laws, Chapter 40A, Section II, a 20-day appeal period begins the day after the Decision has been filed.

After this appeal period expires, you, the applicant or owner, must complete the application process before the Permit will take effect, as follows:

1. After the 20-day appeal period, which expires at the end of the day on June 25, 2014, you must acquire a "Certificate of No Appeal" from the Amherst Town Clerk certifying that no appeal of this Decision has been filed. A \$10.00 fee is charged for this service. If an appeal has been filed, you must wait until after it has been denied or dismissed before receiving appropriate certification.
2. After you obtain the "Certificate of No Appeal", you must record it and the enclosed documents at the Hampshire County Registry of Deeds in Northampton.

There will be a recording fee and you must return the Proof of Filing to the Planning Department.

If you have any questions, please do not hesitate to contact this office at 259-3040.

Sincerely,
Jeffrey R. Bagg
Senior Planner

Town of Amherst
Zoning Board of Appeals
SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2014-00018, to modify condition # 6 of ZBA FY1985-13 to allow changes to the approved parking plan and formalize the expansion from six to eight parking spaces, at 100 Gray Street (Map 11D, Parcel 109, R-G Zoning District), with the following conditions:

1. Except for parking, all other conditions of ZBA FY1985-13 shall remain in force.
2. The parking and site improvements shall be as shown on the survey plan, prepared by Heritage Surveyors, dated April 14, 2014, including, but not limited to the following:
 - a. There shall be no more than eight parking spaces, as dimensioned and shown
 - b. The parking spaces shall be delineated by wood timbers, and areas of gravel removed, loamed and seeded, as shown
 - c. The location of the shed shall be as shown on the plan and shall be situated no greater than eight feet from the property line.
3. All site improvements shown on the approved plan shall be completed no later than September 1, 2014. Prior to completion, the Building Commissioner shall be notified and shall inspect the base and construction of the parking area, delineation, location of the shed, and areas to be removed from gravel and loamed and seeded.
4. There shall be no more than eight vehicles parked on the property on a regular basis.
5. The gravel driveway and parking areas shall be maintained seasonally or more often if needed in order to:
 - a) prevent significant ruts and/or vegetation within the gravel area and,
 - b) to maintain a distinct edge between the gravel and any lawn or landscaped areas.
 - a. The eastern edge of the parking area shall be continuously demarked by wood timbers or comparable object
 - b. The fence on the east side of the parking area shall be continuously in place and kept in good repair.

Tom Ehrgood (Je)
 Tom Ehrgood, Acting Chair
 Amherst Zoning Board of Appeals

6/5/14
 DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant/Owner: Masoud Hashemi, 560 Middle Street, Amherst, MA 01002

Date application filed with the Town Clerk: January 13, 2014

Nature of request: For a Special Permit to modify condition # 6 of ZBA FY1985-13 to allow changes to the approved parking plan and formalize the expansion from six to 11 parking spaces

Address: 100 Gray Street, (Map 11D, Parcel 109, R-G Zoning District)

Legal notice: Published on February 5, 2014 and February 12, 2014 in the Daily Hampshire Gazette and sent to abutters on February 4, 2014

Board members: Tom Ehrgood, Carolyn Holstein, Pari Riahi

Staff members: Jeff Bagg, Senior Planner, Rob Morra, Building Commissioner

Submissions:

- Application form filed with the Town Clerk on January 13, 2014
- Applicant Narrative, dated February 3, 2014
- Existing conditions photographs (#5)
- Parking Plan, revised February 19, 2014
- Planning Department illustrations (x2), dated February 19, 2014
- Parking Plan, dated January 24, 2014
- Parking Plan, dated November 20, 2013 (from Rental Permit application)
- Rental Permit application
- ZBA FY1985-13, including approved plans
- Lot coverage map (x2), 1985 and 2014

Site Visit: February 19, 2014

Tom Ehrgood, Carolyn Holstein, and Pari Riahi viewed the site and observed the following:

- The location of the property along the west side of Gray Street.
- The location of other multifamily dwellings immediately to the north and south.
- The location of the existing un-delineated gravel parking area behind and along the south side of the dwelling.

Public Hearing: February 19, 2014

In connection with the Town's Rental Permit program, the applicant, Masoud Hashemi, is seeking modification of condition #6 of the 1985 Special Permit to allow an increase in the number of parking spaces on the property. The legal advertisement for the hearing noted a request to increase from six to eleven spaces based on the applicant's initial plan. After a site visit by Town staff it recommended that the approved number of parking spaces not exceed nine. A draft parking plan has been prepared showing nine parking spaces was suggested by staff.

In 1985, the Zoning Board of Appeals granted a Special Permit to alter the existing three family dwelling and increase the number of rooms. In the decision, it states that "*the present 5-6 parking spaces will remain*" and Condition # 6 reads: "*The present parking arrangements for 6 cars is to be maintained*". Although it does not bear a ZBA approved stamp, the file contained one parking plan, dated 12-5-85 showing five parking spaces.

The applicant's narrative states:

- Upon purchase of the property in 2004, a part of the back yard in front of apartment three was grass and because some tenants used it for parking it turned into a rough and muddy area.
- The area was leveled and reseeded with grass but was parked on again by tenants.
- A new area approximately 20 feet by 12 feet was added to the main parking area and covered with compacted gravel with wood beams as a divider between the parking area and grass.
- Since the additional area was added there have been no muddy conditions or issues related to parking.
- Although there are 11 rooms in total, it has never occurred where each tenant has a car. On average, there have been between six to eight tenants with cars.

The Board found that there were no known complaints or violations associated with this property.

The following members of the public spoke regarding the application:

- Paige Wilder, 73 Fearing Street, expressed concern with the original plan for 11 spaces in a residential neighborhood. She noted that the area contains mostly single family homes with a mix of owner occupied and non-owner occupied properties. She stated that the proposal does not fit within the neighborhood.
- Jerry Guidera, 38 Gray Street, urged the ZBA to deny the request. He stated that the amount of lot coverage and number of parking spaces is out of character with the neighborhood. He noted that the petitioner acknowledged it has been in violation for years, in addition to a fence installed without a building permit. It's the owner's obligation to bring it into compliance. He expressed concern that a decision to allow the parking to remain would set a negative precedent. The revised staff plan showing the turnaround area in among other parking spaces would not be enforceable.
- Michael Hanke, 91 Gray Street, stated that he lives across the street and noted that this is a quality of life issue. He stated that the large number of cars creates more of an urban environment which is not compatible with the dominant pattern in the neighborhood. He added that the number of parking spaces exceeds the number of tenants. He also noted that illegally expanded parking has happened on both of the adjacent properties at 94 Gray and 106 Gray Street.

The Board discussed what would be a reasonable number of cars parked on this property. The Board determined that, based on the applicant's testimony that there have never been more than eight cars on a regular basis, that eight would be a reasonable limit. The Board found that:

- Any number of parking spaces over five was an increase from the 1985 Special Permit.
- The 1985 permit noted a total of 11 occupants while providing only five parking spaces.
- Parking for 11 vehicles would be detrimental to the neighborhood based on it being out of character and creating impacts due to noise and traffic in and out of the property.

The Board discussed maneuverability and delineation. The Board found that:

- The existing arrangement provides no delineated parking, resulting in haphazard parking arrangements. It was noted that if parking is not more clearly established, the haphazard parking would exacerbate the already limited maneuverability.
- The staff drawn plan depicting nine spaces was not viable and that the designated turnaround area amongst other parking spaces would be ineffective.

The Board discussed the lot coverage. The Board found that:

- The lot coverage created by the gravel area would not necessarily be detrimental to the neighborhood.
- However, any number of vehicles over eight would be detrimental, in that it would be out of character with the neighborhood and create impacts due to noise and traffic.

The Board considered options for delineation of the parking area or other methods to control parking. After discussion, it was determined that the only effective way to organize the parking would be to remove some areas of gravel and constrain the areas available for parking. The Board discussed a sketch plan where six spaces would be provided on the west side and two parking spaces on the south side and the areas delineated by edges of gravel and grass.

The applicant protested the decision to require removal of gravel and limiting the number of cars to eight. The Board recommended that he work with staff to design the plan or risk having the Board deny the request, thus resulting in the enforcement of the 1985 permit with no more than five parking spaces and the removal of a significant amount of gravel.

Ms. Holstein MOVED to continue the hearing to March 5, 2014 at 6:00 p.m. Ms. Riahi SECONDED the motion and the Board VOTED unanimously to continue the hearing.

Public Hearing: March 5, 2014

The following new information was submitted:

- Plan 1 – A Town GIS map depicting eight parking spaces, with two areas to be removed from gravel and planted in grass.
- Plan 2 – A Town GIS map depicting eight parking spaces, with one area to be removed from gravel and planted in grass and the other area delineated by a proposed shed.
- Plan 3 – A Town GIS map depicting eight parking spaces, with one area to be removed from gravel and planted in grass with the other area remaining gravel, but to be posted with “No Parking” signs.
- Email from the applicant, dated March 4, 2014, showing a shed design

The applicant, Masoud Hashami was present. The Board discussed the different plans:

- Plan 1 – Mr. Hashami stated that Plan 1 would be too expensive to implement and difficult to maintain. Mr. Bagg noted that Plan 1 represents the agreed upon plan at the end of the discussion on February 19, 2014. Mr. Morra noted that the plan represents the constrained paved area, delineation, and more organized parking areas.
- Plan 2 – Mr. Hashami stated that he would like to add a shed to the property to store various items associated with the property, such as a lawn mower, snow shovels, salt, etc. The concept was to put the shed in the corner instead of converting the area back to grass. The shed would help delineate the parking. Ms. Riahi questioned whether the location of the shed was practical given its close proximity to the parking space. Ms. Holstein expressed concern with it blocking car doors from opening.

Ms. Holstein expressed concern about where the shed would be located with respect to the property line. Mr. Bagg identified that a shed in an accessory structure that must be setback a distance from the property line equal to its height. Mr. Morra stated that snow removal could be affected.

- Plan 3 – The Board determined that a sign to designate no parking in the corner would not be effective.

The applicant requested that the Board approve plan 2, which would include a shed in the corner with some gravel removed from the east side of the parking area. That area in the vicinity of the two parking spaces and turnaround area would be demarked by timbers.

The Board was agreeable to plan 2 only if the applicant secures a survey to verify the property lines and determine where the shed will be relocated, since it relates to how the parking arrangement will occur.

Ms. Holstein MOVED to continue public hearing to April 16 at 6:00 p.m. Ms. Raihi SECONDED the motion and the Board VOTED unanimously to continue the hearing.

Public Hearing: April 16, 2014

The following new information was submitted:

- Applicant email, dated April 10, 2014
- Existing conditions survey, prepared by Heritage Surveys, Inc., dated March 27, 2014
- Proposed conditions survey, prepared by Heritage Surveys, Inc., dated April 14, 2014

The applicant, Masoud Hashami was present.

The Board discussed the survey showing eight parking spaces, each 9 feet by 18 feet, with a designated turnaround area. The plan shows the parking area delineated by wood timbers; an area of gravel to be removed and re-seeded, and the proposed location of a shed.

The Board discussed the shed location. The Board determined that as shown on the plan, the shed would be eight feet from the property line. The applicant asked if the shed could be placed closer to the parking area, to accommodate a 9 foot tall shed, for example. The Board determined that a taller shed (hence closer to the parking spaces) would be problematic in terms of maneuverability of vehicles. Therefore the height of the shed would be limited to eight feet.

The Board determined that based on the applicant's request, the primary purpose of the shed was to delineate the parking area. The existing gravel area in that location can remain as long as the shed is in place, otherwise the gravel should be removed and replaced with grass.

The Board noted that the proposed plan requires some expansion of the parking area along the west and south side to near the property lines.

Mr. Ehrgood MOVED to close the evidentiary portion of the public hearing. Ms. Holstein SECONDED the motion and the Board VOTED unanimously to close the public hearing.

Findings:

The following requirements under Article 7 appear to be met:

7.0000 - *Two (2) parking spaces for each dwelling unit.* For three dwelling units, a minimum of six spaces is required. The proposal provides eight spaces.

7.0001 – Parking spaces for cars or similar vehicles shall be on a paved surface such as concrete, bituminous asphalt, masonry pavers, oil and stone, gravel, trap rock, or a similar material (see Section 7.101). As shown on the existing conditions photograph, the existing parking area appears to be on existing gravel surface suitable for parking vehicles. Mr. Hashemi stated that the surface consists of small diameter gravel that is maintained as needed to prevent potholes.

7.101- Paving: For the purposes of this bylaw, a paved parking surface shall be considered to be one which has a prepared subgrade and compacted gravel base with a minimum total 12 inch depth, appropriate grading and drainage, and which is surfaced with a minimum 2 inch top coat of concrete, asphalt, masonry pavers, oil and stone, gravel, trap rock, or similar material, as approved or modified by the Town Engineer. To the extent feasible, permeable or porous paving shall be employed in new construction or site renovations or improvements. The Board noted the parking area to be in satisfactory condition. With a condition on the gravel area being continually maintained, the Board found the existing condition satisfactory.

7.0002- In any residential district, there shall be a maximum of two (2) cars or similar vehicles allowed to be parked in the front setback of any property. Parking in the front setback shall be on paved surfaces only. Where five (5) or more cars are regularly parked on a given property in association with a residential use, parking in the front setback shall be designed so as to ensure free passage at all times for regular users and unrestricted access for emergency vehicles. The proposal does not include any vehicles within the front setback.

7.104- Dimensions, Marking & Delineation - The area of all parking areas shall be included in the calculation of maximum lot coverage. Based on a review of the 1985 decision and referenced parking plan, it can be determined that the property contained a non-conforming coverage of 52% at that time. The existing conditions survey shows that the current lot coverage is about 57%. The proposed condition survey shows areas of gravel to be removed and planted in grass thus resulting in a reduced lot coverage of 54%. See the finding under Section 9.22 which allows the modification of the non-conforming lot coverage.

Parking areas shall be clearly delineated and shall be provided with a permanent dust-free surface and adequate drainage. A condition of the permit requires that the edges of the parking area be clearly delineated and maintained. The two spaces along the southeast side are to be delineated by wood timbers.

Each parking space shall be at least 9 feet x 18 feet in size, and all parking areas must have adequate access and maneuvering areas. The proposed survey shows all parking spaces as 9 feet by 18 feet. The parking arrangement, although tight, provides a total of eight parking spaces and a designated turnaround around area to ensure that vehicles can maneuver within the property and avoid having to back down the driveway to exit.

In all parking areas of five (5) or more parking spaces, individual spaces shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces. The Board waived the requirement that each space be delineated. The Board found that the delineation of the parking area with the shed and wood timbers would be sufficient to identify the parking area.

7.105- Lighting: adequate lighting shall be provided for all parking areas of 5 spaces or more if these areas are to be used at night. All exterior site lighting associated with parking areas shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see. The Board found the existing lighting to be sufficient.

7.112 - Screening: parking areas with 5 or more spaces shall provide effective screening of the parking area from adjacent streets or properties. Such screening may be accomplished by: depressions in grade 3 feet or more; a hedge or wall; or any type of appropriate natural or artificial permanent division. Any required screening barrier shall not be less than 3 feet high. Screening shall not be located to obstruct driver visions so as to impair safety at intersections or driveway entrances or exits. Based on the existing conditions photographs, the existing fence along the east property line, facing Gray Street, provides sufficient screening of the parking area from Gray Street. The Board found that no screening was necessary along the west property line adjacent to the Amherst Regional High School parking lot or along the south property line as headlights would not cast into the adjacent dwelling due to its location and the change in grade.

The Board found under Section 9.22, the following:

9.22 - The Special Permit Granting Authority authorized to act under the provisions of Section 3.3 of this bylaw may, under a Special Permit, allow a non-conforming use of a building, structure or land to be changed to a specified use not substantially different in character or in its effect on the neighborhood or on property in the vicinity. Said Authority may also authorize, under a Special Permit, a non-conforming use of a building, structure, or land to be extended, or a non-conforming building to be structurally altered, enlarged or reconstructed; provided that the Authority finds that such alteration, enlargement, or reconstruction shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or non-conforming building. The Board found that based on the proposed conditions survey:

- The total lot coverage is reduced from 57% to 54% which is less non-conforming than what exists. The plan provides for an area of gravel to be removed and replaced with grass.
- Limiting the parking to eight is not more detrimental as it is a reduction from the originally requested 13 by the applicant.
- Based on the applicant's testimony that there have not been more than eight cars in the past, allowing eight spaces was a reasonable compromise.
- More than eight would be detrimental due to 1) the additional vehicular movements into and out of the site, 2) increased noise associated with car engines and car doors opening and closing, and 3) would have made maneuverability on the small property substantially worse.

Specific Findings:

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

10.380 and 10.381 – The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District. The reduction of the number of parking spaces to eight makes the property more compatible with other properties in the neighborhood. The eight spaces was determined to be less detrimental than the existing condition. The Board found that the reduction in lot coverage and gravel areas would provide a better managed and useable parking area.

10.383 & 10.387 - The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. As shown on the final survey, the proposed configuration has been reduced in scale to provide a total of eight parking spaces and a designated turnaround area. The proposed parking configuration provides for certain areas to be delineated by wood timbers to prevent cars from parking on the lawn. The permit allows the construction of a shed to delineate the parking area.

The location of the shed eight feet from the property line was important to ensure enough room would be available for vehicles to maneuver in and out of the parking spaces.

10.386 - The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw;

The proposal provides a greater number of parking spaces than is required under Section 7.000 of the Zoning Bylaw for the three units (six spaces; two per dwelling unit). The parking area is adequately screened from Gray Street due to the existence of the stockade fence. No additional screening is necessary along the west side of the property which faces parking area for Amherst Regional High School.

10.398- The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan. The proposal provides for a more accurate depiction of existing parking conditions on this property. The location and arrangement of the parking area has been reduced from the original proposal in order to provide better maneuverability on-site.

Zoning Board Decision

Ms. Riahi MOVED to approve the application with conditions. Ms. Holstein seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2014-00018, to modify condition # 6 of ZBA FY1985-13 to allow changes to the approved parking plan and formalize the expansion from six to eight parking spaces, at 100 Gray Street (Map 11D, Parcel 109, R-G Zoning District), with conditions.

<u>Tom Ehrgood</u>	<u>Carolyn Holstein</u>	<u>Pari Riahi</u>
TOM EHRGOOD (13)	CAROLYN HOLSTEIN	PARI RIAHI (13)

FILED THIS 5th day of June, 2014 at 2:42 p.m.,
 in the office of the Amherst Town Clerk Lawrence J. Berger
 TWENTY-DAY APPEAL period expires, June 25, 2014.
 NOTICE OF DECISION mailed this 5th day of June, 2014
 to the attached list of addresses by Jeffrey K. Bay, for the Board.
 COPY OF NO APPEAL issued this 11 day of June, 2014.
 NOTICE OF PERMIT or Variance filed this day of , 2014,
 in the Hampshire County Registry of Deeds.

Town of Amherst Abutter List

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/Sy/Zip</i>
11D-279	GRAY ST	LEWIS, VIRGINIA		129 GRAY ST	Amherst, MA 01002
11D-106	78 GRAY ST	JANSE, STEPHEN D		78 GRAY ST	AMHERST, MA 01002
11D-117	83 GRAY ST	REGISH, JOHN P		8 RIVER DR	HADLEY, MA 01035
11D-107	86 GRAY ST	DICARLO, BONNI & ROBERT		86 GRAY ST	AMHERST, MA 01002
11D-116	91 GRAY ST	HANKE, MICHAELA & MARSHALL, ANN W.		91 GRAY ST	AMHERST, MA 01002
11D-108	94 GRAY ST	OCONNELL, KILLIAN R		610 STATION RD	Amherst, MA 01002
11D-115	97 GRAY ST	CHERNOFF, MICHAEL L & JAYMIE W		97 GRAY ST	AMHERST, MA 01002
11D-109	100 GRAY ST	HASHEMI, ABOLHASSAN & ZOHREH		560 MIDDLE ST	AMHERST, MA 01002
11D-114	105 GRAY ST	LEIGHT, PETER W & BRUZELIUS, MARGARET		105 GRAY ST	AMHERST, MA 01002
11D-110	105 GRAY ST	GU, THOMAS T		782 NORTH EAST ST	Amherst, MA 01002
11D-202	110 GRAY ST	GRYBKO, MICHAEL L & VALENTINE, RACHAEL L		110 GRAY ST	AMHERST, MA 01002
11D-203	126 GRAY ST	SHARICK, RAYMOND M & CAROL R		126 GRAY ST	Amherst, MA 01002
11D-113	129 GRAY ST	LEWIS, VIRGINIA		129 GRAY ST	AMHERST, MA 01002
11D-119	86 HIGH ST	SALWEN, NATHAN	MORRELLO, SUSAN	86 HIGH ST	AMHERST, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/Zip</i>
11D-120	92-94 HIGH ST	RBABB REALTY LLC		37 COLES MEADOW RD	NORTHAMPTON, MA 01060
11D-121	100 HIGH ST	SCHREIBER, STEPHEN & THURBER, JANE C		100 HIGH ST	AMHERST, MA 01002
11D-122	108 HIGH ST	REMENSNYDER & STUART & LAURENCELL, NICOLE		108 HIGH ST	AMHERST, MA 01002
11D-215	21 MATTOON ST	AMHERST PELHAM REG SCHOOL DIST		21 MATTOON ST	AMHERST, MA 01002
11D-216	TAYLOR ST	AMHERST PELHAM REG SCHOOL DIST		CHESTNUT ST	AMHERST, MA 01002
11D-102	18 TAYLOR ST	DABROWSKI, ALTHEA M & THADDEUS E		9 SQUIRE LN	AMHERST, MA 01002
11D-104	26 TAYLOR ST	BEAUDOIN, RICHARD A & DOUVILLE, LEA M		26 TAYLOR ST	Amherst, MA 01002
11D-105	36 TAYLOR ST	REYNOLDS, CHRISTOPHER & DEBORAH GREENE		324 NO LEVERETT RD	LEVERETT, MA 01054
11D-118	56 TAYLOR ST	LUKAS, HENRY G & LUKAS, PATRICIA E		56 TAYLOR ST	AMHERST, MA 01002
14B-74	62 TAYLOR ST	VERCLAS, KATRIN		62 TAYLOR ST	AMHERST, MA 01002

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

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

Notice is hereby given that a Special Permit has been granted

To Masoud Hashemi
Address 560 Middle Street
City or Town Amherst, MA 01002

Identify Land Affected: 100 Gray Street
(Map 11D, Parcel 109, R-G Zoning District)

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

100 Gray Street Amherst
Street City or Town

The record of title standing in the name of
Abolhassan and Zohreh Hashemi
Name of Owner

Whose address is 560 Middle Street Amherst MA 01002
Street City or Town State Zip Code

By a deed duly recorded in the
Hampshire County Registry of Deeds: Book 7784 Page 83
or

Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2014-00018
In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

Tom Ehrgood (13) Chairman
(Board of Appeals)
Caroline M. Heston Clerk
(Board of Appeals)

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

ATTEST _____
Register of Deeds
Notice to be recorded by Land Owner

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

Petition of Masoud Hashemi

For A Special Permit to modify condition # 6 of ZBA FY1985-13 to allow changes to the approved parking plan and formalize the expansion from six to eight parking spaces

On the premises of 100 Gray Street
At or on Map 11D, Parcel 109, R-G Zoning District

NOTICE of hearing as follows mailed (date) February 4, 2014
to attached list of addresses and published in the Daily Hampshire Gazette
dated February 5, 2014 and February 12, 2014

Hearing date and place February 19, 2014, March 5, 2014, and April 16, 2014 (Town Hall)

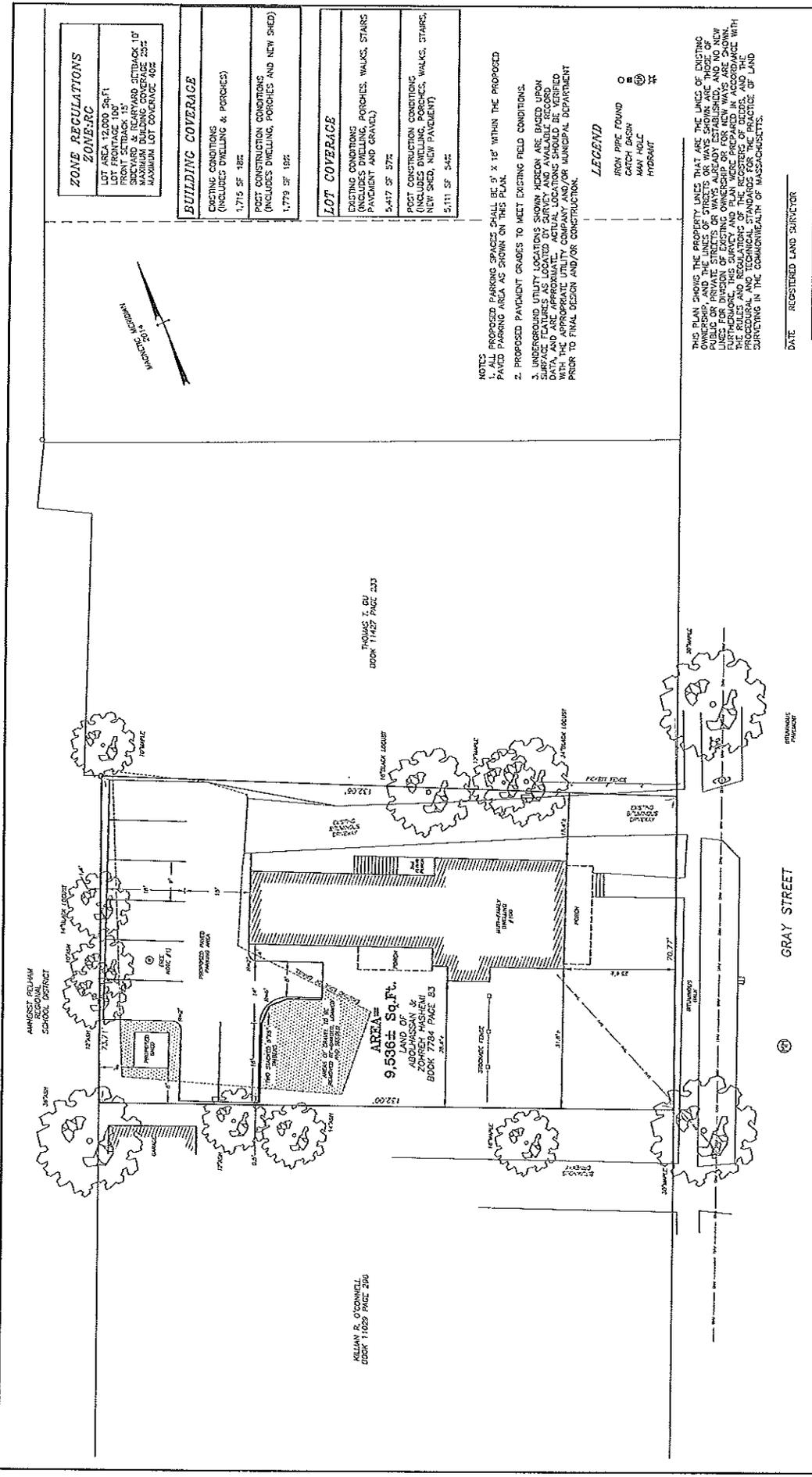
<p>LEGAL NOTICE The Amherst Zoning Board of Appeals will meet on Wednesday, February 19, 2014, at 6:30 P.M. in the First Floor Meeting Room, Town Hall, to conduct the following business: PUBLIC HEARING: ZBA FY2014-00014 - Priscilla White - For a Special Permit to modify condition # 3 of ZBA FY2006-00046 to formalize the reconfiguration of the four required parking spaces, at 318 Lincoln Avenue (Map 11C, Parcel 55, R-G Zoning District) ZBA FY2014-00017 - Truman Likens - For a Special Permit to modify condition # 6 of ZBA FY1986-26 to allow changes to the approved parking plan and formalize the expansion from three to four parking spaces, at 473 Pine Street (Map 6A, Parcel 59, R-N Zoning District) ZBA FY2014-00018 - Masoud Hashemi - For a Special Permit to modify condition # 6 of ZBA FY1985-13 to allow changes to the approved parking plan and formalize the expansion from six to 11 parking spaces, at 100 Gray Street, (Map 11D, Parcel 109, R-G Zoning District) ERIC BEAL, CHAIR AMHERST ZONING BOARD OF APPEALS February 5, 12 3224586</p>

SITTING BOARD and VOTE TAKEN:

To grant a Special Permit, ZBA FY2014-00018, to modify condition # 6 of ZBA FY1985-13 to allow changes to the approved parking plan and formalize the expansion from six to eight parking spaces, with conditions.

Tom Ehrgood – Yes Carolyn Holstein – Yes Pari Riahi – Yes

DECISION: APPROVED with conditions



ZONE REGULATIONS
ZONE: RC
 LOT AREA 12,000 SQ. FT.
 FRONT SETBACK 15'
 SIDEYARD & REARWARD SETBACK 10'
 MAXIMUM BUILDING COVERAGE 35%
 MAXIMUM LOT COVERAGE 40%

BUILDING COVERAGE
 EXISTING CONDITIONS (INCLUDES DWELLING & PORCHES) 1,715 SF 18%
 PROPOSED CONSTRUCTION CONDITIONS (INCLUDES DWELLING, PORCHES AND NEW SHED) 1,779 SF 18%

LOT COVERAGE
 EXISTING CONDITIONS (INCLUDES DWELLING, PORCHES, WALKS, STAIRS, PAVEMENT AND GRAVEL) 5,417 SF 57%
 PROPOSED CONSTRUCTION CONDITIONS (INCLUDES DWELLING, PORCHES, WALKS, STAIRS, NEW SHED, NEW PAVEMENT) 5,111 SF 54%

NOTES
 1. ALL PROPOSED PARKING SPACES SHALL BE 9' x 18' WITHIN THE PROPOSED PAVED PARKING AREA AS SHOWN ON THIS PLAN.
 2. PROPOSED PAVEMENT GRADGES TO MEET EXISTING FIELD CONDITIONS.
 3. UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED UPON SURFACE FEATURES AS LOCATED BY SURVEY AND AVAILABLE RECORD DATA AND ARE APPROXIMATE. ACTUAL LOCATIONS SHOULD BE VERIFIED BY THE CONTRACTOR AND THE REGISTERED LAND SURVEYOR PRIOR TO FINAL DESIGN AND/OR CONSTRUCTION.

LEGEND
 ○ IRON PIPE FOUND
 □ CATCH BASIN
 ⊕ MAN HOLE
 ⊕ FIBER OPT

THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP AND THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF THE LINES FOR RECORD OF EXISTING OWNERSHIP OR ESTABLISHED, AND NO NEW LINES FOR RECORD OF EXISTING OWNERSHIP OR ESTABLISHED ARE SHOWN. FURTHERMORE, THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERED LAND SURVEYORS AND THE SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

DATE: _____ REGISTERED LAND SURVEYOR

SITE PLAN OF LAND IN
AMHERST, MASSACHUSETTS
 SURVEYED FOR
ABOLHASSAN & ZOHREH HASHEMI

SCALE: 1" = 10'
 DATE: APRIL 14, 2014

HERITAGE SURVEYS, INC.
 PROFESSIONAL SURVEYORS AND ENGINEERS
 241 COLLEGE HIGHWAY & CLARK STREET
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ZONING BOARD OF APPEALS
APPROVED, APRIL 16, 2014

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