

AMHERST PLANNING BOARD
Wednesday, December 3, 2014 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: David Webber, Chair, Stephen Schreiber, Rob Crowner, Bruce Carson, Richard Roznoy, Greg Stutsman, Sandra Anderson and Christina Calabrese

ABSENT: None

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

Mr. Webber opened the meeting at 7:02 PM.

I. MINUTES

The Minutes were not available for review.

II. PUBLIC HEARINGS – SITE PLAN REVIEW

SPR2015-00003 – Public Hearing – Archipelago Investments LLC – 1 East Pleasant Street (the Carriage Shops) (Continued from October 1, 2014 and October 22, 2014, November 12, 2014 and November 19, 2014)

Request Site Plan Review approval for a mixed-use building containing dwelling units in combination with ground floor retail/commercial uses and parking, with 78 (now 84) apartments on Floors 2 through 5 (Map 11C, Parcel 278, B-G zoning district) (*moved to 8:00 PM at the applicant's request*)

It was not yet time for this or the next public hearing so the Board turned to Zoning.

III. ZONING

A. Zoning Subcommittee Report – Mr. Crowner presented the ZSC report. The ZSC heard a presentation from Jeff Bagg, Senior Planner, on a new way of looking at the list of potential zoning items. Mr. Bagg had presented a list of priorities, dividing the zoning amendments into sections and groups. This provides a good way of looking at all the things that the ZSC has to do. Mr. Bagg had asked to make a presentation to the full Planning Board at the next meeting. The Planning Board had received copies of Mr. Bagg's work via email. Mr. Crowner explained the list and stated that it would be changed over time. Staff has not yet filled in all of the pieces. The ZSC and staff would welcome input from the Planning Board.

Mr. Crowner noted that the Board needed to think about housing, especially the definition of student housing.

Mr. Tucker reported that the ZSC is also working on Inclusionary Zoning, working with the "full palette" of items and putting the pieces together in the right order. He noted that there are two types of tax incentives that we know of:

1. Tax incentives used by Truro and Provincetown, in which property owners receive a tax exemption if they rent to low income tenants; this results in a loss of tax revenue to the town;
2. Tax incentives modelled on Tax Increment Financing in which the level of taxation would be lowered for a period of time for a property and the tax reduction would disappear after a certain number of years; in this model the town gains the social

good of affordable housing and recovers tax revenue over time.

He noted that it is also possible to use a reduction in fees as a financial incentive for affordable housing.

Mr. Webber agreed with this approach, noting that the town already has tax breaks for agricultural land and recreational [conservation] land. Chapter 61 is another model for reduced taxes. He asked if CPA funds could be committed in advance.

Mr. Tucker stated that there is an annual process for appropriating and reconfirming expenditures from CPA funds each year. He noted that CPA funds could be used to “buy down affordability” on a project. Non-zoning incentives for creating affordable housing include some incentives and some direct intervention.

Mr. Webber asked if the town had anyone on the staff who could coordinate the different pieces that are being proposed. Mr. Tucker stated that CPA funds could be used to fund a position to staff the Amherst Affordable Housing Trust Fund. Money will go into the Trust and a staff member will be needed to keep track of the funds.

Mr. Stutsman stated that one of the town’s consultants had proposed a position of “affordable housing coordinator”. The Amherst Affordable Housing Trust Fund is a group of volunteers, currently needing more volunteers. There is a proposal before CPAC to provide seed money for the Trust, he said.

The Board discussed a date for the next Parking Forum. January 20th was agreed upon.

The Board agreed to hear a full presentation from Jeff Bagg on the issues of parking and zoning on December 17th.

B. Public Comment Period – none

The Board returned to public hearings.

II. PUBLIC HEARINGS – SITE PLAN REVIEW

SPR2015-00008 – David Claxton of Pioneer Contractors – 190 University Drive

Request Site Plan Review approval under Section 3.325 of the Zoning Bylaw for addition of exterior handicap ramp and stair to lower floor and replacement of stairs to first floor (Map 13D, Parcel 8, OP zoning district) (*to be withdrawn*)

Mr. Webber noted that the Board had received a letter requesting withdrawal without prejudice of Site Plan Review application SPR2015-00008.

Mr. Stutsman MOVED to approve the request to withdraw without prejudice. Mr. Roznoy seconded and the vote was 8-0.

SPR2015-00009 – Sigrid Miller Pollin for Crotty Hall – 418 North Pleasant Street

Request Site Plan Review approval under Section 3.330 of the Zoning Bylaw, to construct a Net -Zero Energy office building, two stories at street and three stories at rear, for the non-profit Research Support Fund organized under Section 501 (c) (3) of the Internal Revenue Code, including site improvements (Map 11A-30, R-G zoning district)

Mr. Schreiber recused himself and left the meeting.

Mike Liu of The Berkshire Design Group and Sigrid Miller Pollin, architect and applicant, presented the application. They were accompanied by Judy Fogg, building manager and owner’s representative for Gordon Hall and Crotty Hall, and Larry Rideout, builder.

Mr. Liu showed slides of the site and stated that there had been a site visit, attended by three Planning Board members and Christine Brestrup of the Planning Department. Mr. Liu presented an aerial view and showed where the new building is proposed to be built. There is a wetland at the bottom of the hill, he said.

Mr. Liu presented the Site Plan, noting that the proposed building has a footprint of 5,300 square feet. The plans call for rebuilding and repaving the parking lot and driveway. The parking lot now contains 14 spaces. This will be reduced to 8 spaces. The parking lot is just for visitors. The staff of the existing Gordon Hall and the proposed Crotty Hall will park in the UMass parking lots nearby. Staff of Gordon Hall currently has assigned parking spaces in the UMass lots.

Mr. Liu reported that the Site Plan shows the property at maximum lot coverage, so there is no opportunity for putting more parking on-site. Parking is not really required for the building to function, he said.

Roof drainage will discharge to the north into rain gardens. These rain gardens are proposed to be surrounded by a wall system. The site is designed to capture stormwater runoff from the driveway and roof and direct it to the rain gardens. The rain gardens will allow runoff to infiltrate. Overflow will be directed to swales and then to drainage structures. There is an underground detention area proposed to the west of the new building. If the underground detention area has any overflow it will be directed in a westerly direction. The stormwater runoff will be treated as it flows through the rain gardens.

Ms. Miller Pollin presented the building design. There is an entry on the level of North Pleasant Street, on the north side of the building. There is also an entry directly across from the Gordon Hall entry at the bend in the building. The building is two levels high at the street and three levels high at the western end. There is also a basement under the western end of the building. There will be outdoor spaces created between the buildings.

Ms. Miller Pollin stated that Gordon Hall was built about 11 years ago. The use of Crotty Hall will be the same as that of Gordon Hall. She showed renderings of Crotty Hall from the north and from the street. Rainwater from the roof will be collected in open slots on the façade. The portion of Crotty Hall closest to the street will be two stories tall with a conference room and mezzanine containing a smaller conference room.

Mr. Liu presented a photometric plan of the exterior lighting. There are existing lights on the south side of the driveway and south side of the parking lot. Catalog cuts of proposed lights were distributed to the Planning Board in their packets. There are 6 proposed exterior lights. A light that had been proposed on the east [south] side of the building has been eliminated.

Mr. Liu stated that the consultants would provide written responses to the issues identified in the Development Application Report.

Mr. Webber reviewed the Site Visit Report.

Mr. Tucker reviewed the Development Application Report and highlighted the issues that had been identified. The proposed building is adjacent to an existing building on a single property. The Board has received a letter from the Building Commissioner, Rob Morra, stating that the uses of the two buildings appear to be complementary. Mr. Morra recommends that the Board make a finding to that effect.

Mr. Tucker noted that he and Ms. Brestrup had met with the surveyor for the property [Randy Izer of Harold Eaton Associates] regarding concerns about the property line. Mr. Izer had confirmed that the property line on the street side of the building is at the back edge of the sidewalk.

Mr. Tucker stated that an abutter, Jim Turner, had concerns about the property line near his property. Mr. Tucker stated that the Planning Board is not the body with jurisdiction over deciding property boundary disputes. Town Counsel has, in the past, advised the Board that it cannot decide on property line issues. Professional surveyors are responsible to perform their work in accordance with the regulations of their state board. This is a civil issue that should be resolved outside of the Site Plan Review process. However, it might have an effect on lot coverage if it is found that the property line is not correct. If the property is found to be smaller than shown, then the Site Plan will exceed the allowed lot coverage. In that case, the applicants will need to come back to the Board for approval of an amended plan.

Mr. Roznoy asked about the frontage. Mr. Liu showed the frontage line on the plan. The frontage line is along the west side of the sidewalk. Mr. Tucker noted that this property line only affects the setback for signs, which are required to be 30" back from a public sidewalk. The Board noted that the building wall itself is beyond the setback line and therefore the property line on the street side of the building doesn't affect the project's compliance with the Bylaw.

Mr. Tucker stated that there were concerns about parking. There will be increased demand as a result of the construction of the new building. Mr. Liu presented the applicant's request to modify the parking requirement.

Mr. Tucker stated that staff has questions regarding handicapped parking. The project will double the square footage of the building space on the property. Some visitors will have physical limitations. He asked the Board to consider whether one handicapped space is sufficient.

Mr. Webber asked the applicant to work with staff to resolve issues related to handicapped parking.

Mr. Tucker noted that the issue of Dark Sky compliance appears to have been dealt with but there is another issue related to light trespass from the south side of the building, light coming out of the windows and potentially shining on adjacent residential properties. If the building is used at night, light from the windows might disturb neighbors. Window treatments or limitations on hours of operation might address this issue.

Mr. Tucker noted that Erosion Control measures had been shown on the plans but that the Town Engineer and the Conservation Commission had not reviewed or commented on what was shown as of this date. In addition, a Stormwater Management Plan had not yet been submitted. A request for a waiver of the requirement for a Traffic Impact Statement had been submitted. The arguments for waiver of the Traffic Impact requirements were the same as for Gordon Hall, fairly standard and fairly convincing, he said.

In response to a question about occupancy, Ms. Miller Pollin stated that the new building would contain 35 offices, 3 conference spaces and a small kitchen. The large conference room would be 27' x 27' with a smaller conference room (about half as big) on a mezzanine above the large conference room.

Ms. Calabrese asked about service access and turning movements on the site for loading and unloading. Mr. Liu stated that only Federal Express and UPS trucks would be making deliveries to the site. Ms. Miller Pollin stated that there would be garbage pick-up and agreed that there might be deliveries by office supply trucks.

Mr. Webber acknowledged that this building does not appear likely to generate a significant amount of vehicular traffic.

Mr. Roznoy stated that the Board should obtain a statement from the applicant about the use of the new building and a statement that the use of the new building will be complementary to the use of Gordon Hall. He also asked about traffic that would be generated by the buildings.

Ms. Miller Pollin referred to a letter that had been submitted from the Research Support Fund, written by Gerald Epstein, with respect to the proposed use of the new building, and its complementarity with the existing building on site. The letter had been reviewed by Rob Morra Building Commissioner, she said.

Mr. Roznoy stated that it is the duty of this Board to determine if the uses are complementary. The letter from Mr. Epstein could be used in the process of making that decision.

Mr. Liu stated that the letter requesting the waiver of the Traffic Impact Statement gave information about the occupancy of both Gordon Hall (50) and the new building (35) and indicated that the new building would not double the occupancy of the site.

Mr. Webber asked about existing traffic studies for this area. Mr. Tucker stated that the Gateway Traffic Study, covering this area, had recently been completed.

Ms. Brestrup explained that traffic studies usually rate intersections for Level of Service (LOS) and if a study shows that an intersection suffer a decrease in its level of service as a result of a new project, the applicant can be required to make improvements to the intersection. In this case, it is unlikely that the Level of Service of nearby intersections will be adversely affected enough by the level of traffic entering and exiting from this site to require improvements to any nearby intersections.

In response to a question about land ownership, Ms. Miller Pollin stated that the property is owned by the Research Support Fund which is a private foundation.

Ms. Anderson asked if the pathway to the UMass parking lots proposed to be used by the occupants of this building were illuminated. She noted that the parking lots at UMass would be the substitute for on-site parking. She observed that the lots at the Visitors' Center were designated to become buildings in the future on the UMass Master Plan. Parts of the parking lots may become decks or garages, she said. This will make room for more infill on the UMass campus.

Ms. Miller Pollin stated that there is illumination on the pathway to the UMass parking lots and the letter regarding parking on the UMass lots is for the current existing situation.

Ms. Anderson noted that she did not believe that the UMass parking lots would be available in the "medium term".

Mr. Tucker noted that the Town Engineer had not yet reviewed the drainage and utilities plan or a stormwater management report for the site. He noted that the stormwater management system needed to be designed to deal in a responsible way with stormwater runoff and that it cannot increase the rate of runoff from the site.

Mr. Tucker stated that the building would be connected with the town's water and sewer systems. There is an existing sewer manhole within the property to which the new sewer connection will be made. He noted that the signs appear to meet most of the requirements for setbacks and size. The new sign will resemble that of Gordon Hall.

Ms. Miller Pollin stated that the Sign Plan had been revised to show the main sign located 30' from the public sidewalk. The main sign will be stencil-cut vinyl on aluminum panels. The panels will be made of a heavy gauge sheet of aluminum. The UMass red color will be part of the sign. The Board reviewed drawings of the proposed signs.

The ground sign will be 4' tall x 4' wide. The sign on the building will be 1'-6" x 5'-0".

Mr. Tucker stated that the landscape plan was detailed and complete. He questioned the grass path that leads from the parking lot and asked if it would be made of reinforced turf.

Mr. Liu stated that the grass path would be reinforced turf with a polymer additive that supports and binds the soil.

Mr. Tucker described the proposed benches, which are granite blocks with Ipe wood seats. He noted that they lacked armrests for elderly and disabled people. Ms. Miller Pollin agreed to ask the landscape architect to include armrests.

Mr. Tucker questioned the use of Ipe, a tropical hardwood, harvested in Brazil and other South American countries. He asked if it were harvested under sustainable guidelines. He noted that Ipe is sometimes poached. He suggested substituting Black Locust, a local hardwood.

Ms. Miller Pollin agreed to the use of a sustainable wood product for the seats of the benches.

Mr. Tucker asked about the removal of existing trees at the front and south side of the property. He noted that there had been a substantial amount of clearing, including removal of a large beech at the front of the property. He also recommended replacing some of the proposed smaller ornamental trees with large specimen trees, preferably native species. He suggested planting another large tree along the street.

Ms. Miller Pollin stated that the Beech tree had been looked at by C. L. Frank Tree Service and it had been determined to be in decline. She consulted with the Tree Warden who agreed with the removal of the tree. The design team has spoken with the landscape architect about adding shade trees in the parking lot.

Mr. Tucker recommended that the applicant update the digital renderings to better represent the revisions to the building and site plans. He stated that the Management Plan appeared to be adequate. The Town Engineer, Fire Department and the Conservation Commission had not yet reviewed the plans. There are no known historical features on the site that need to be reviewed by the Historical Commission. He noted that prior to the construction of Gordon Hall there had been an old fraternity building on the site that had been demolished.

Jerry Gates of River Road in South Deerfield and a representative of the First Baptist Church spoke in support of the application. He stated that the church has an agreement regarding the use of the stair from the Gordon Hall property to the church parking lot. He foresees no problems with use of the stair or with the proposed project.

Jim Turner, an abutter on Phillips Street, asserted that the property lines appear to have changed.

He has met with town staff to discuss the issue and was told to present his comments to the Planning Board. He asserted that the survey is "overstated" on three corners. He showed the Planning Board plans of the site and of the adjacent properties to the south, including an ANR plan recently signed by the Planning Board. He noted that the Planning Board had accepted the survey but he asserted that it was ambiguous and hard to figure out with regard to the property line discrepancy. He asked that the property line issue be resolved before the building is built.

Mr. Webber thanked Mr. Turner for the explanation and stated that the issue is between Mr. Turner and the applicant. It is in the interest of both parties to get the property line right.

Mr. Stutsman suggested that a condition of approval could be that the surveyor's work be reviewed by a third party prior to the issuance of a Building Permit.

Vince O'Connor asserted that it is not right for a private citizen to spend money to challenge the survey for the applicant's property. He asked whether the survey was based on a title search.

He recommended that the Board require a title search of this property and adjacent properties. He recommended that the Board hire a consultant to assess the applicant's survey and that the matter should be settled as part of a public process. He stated that he had no problem with what the applicant is proposing to do.

Mr. Webber explained the definition of a title search.

Mr. Tucker stated that Mr. Turner had met with staff, including Mr. Tucker, Planning Director, and David Ziomek, Director of Conservation & Development. Staff did speak with the applicant's surveyor and did recommend that the issue be presented to the Planning Board. He suggested that the Board could seek advice of Town Counsel but recommended against the Board interjecting itself into a separate "civil matter". It is in the applicant's interest to resolve the issue. The Planning Board should recommend to the applicant that it resolve this issue.

Paige Wilder of Fearing Street stated that she lives close to the property. Phillips Street is a problem street, she said. She encouraged the Board to visit the site on Thursday, Friday, or Saturday nights and consult the police about safety and noise issues. She asserted that lighting on the site would draw large crowds. She expressed concern about the landscape plan and stated that the removal of trees and removal of invasives will provide a pathway for access on the south side of the property. She suggested moving the buildings closer together to allow a larger buffer on the south side. She questioned the fact that the property lines appeared to have changed without notice to abutters. She asked about the process for changing the maps.

Ms. Brestrup, Mr. Webber and Mr. Tucker explained the ANR (Approval Not Required) process and noted that notification of abutters is not part of the process. State law provides for this process by which the Planning Board endorses a plan essentially stating that the change in lot lines does not require approval under the subdivision regulations. Mr. Webber noted that the ANR process is used when a lot line is being moved. [In the case of the recent ANR signed in September 2013, the lot line that was moved or erased was a lot line that was internal to the current Research Support Fund property.] The Planning Board determines whether the property has sufficient frontage to provide access to the site. The state law does not require nor does it prohibit notification of abutters.

Mr. Tucker stated that local communities can create an abutter notification process for ANRs if they wish to do so. The Board discussed the topic of the ANR process and whether there should be notifications of abutters for ANRs.

Mr. Webber encouraged the applicant and Mr. Turner to work out the issue of the property line.

Mr. Webber noted that there were several outstanding items that needed to be addressed:

- Fire Department review
- Town Engineer review
- Conservation Commission review
- Lot line issues
- Landscape Plan revisions
- Handicapped spaces
- Arm rests on the benches
- More information on the traffic issue
- The fact that UMass parking lots won't be available forever.

Mr. Carson asked for more information about lighting.

The Board discussed a date for a continued public hearing. The Conservation Commission is scheduled to hold a public hearing on January 14th.

Mr. Roznoy MOVED to continue the public hearing to January 21, 2015, at 7:05 p.m. Mr. Stutsman seconded and the vote was 7-0 (Schreiber recused).

Mr. Schreiber returned to the meeting.

SPR2015-00003 – Public Hearing – Archipelago Investments LLC – 1 East Pleasant Street (the Carriage Shops) (Continued from October 1, 2014 and October 22, 2014, November 12, 2014 and November 19, 2014)

Request Site Plan Review approval for a mixed-use building containing dwelling units in combination with ground floor retail/commercial uses and parking, with 78 (now 84) apartments on Floors 2 through 5 (Map 11C, Parcel 278, B-G zoning district)

Mr. Webber explained that this was a continued public hearing.

Kyle Wilson of Archipelago Investments gave an update on meetings with the Historical Commission. The applicants met with the Historical Commission on November 20th. The Board received a memorandum from staff outlining the results of the meeting. The main points were that the applicants would enhance the Gaylord Gates and recreate the mural.

Mr. Webber acknowledged receipt of a memorandum from the Historical Commission dated December 2, 2014. The Historical Commission had voted unanimously (4-0) to recommend approval of the project with the following conditions:

1. Archipelago Investments conduct research to determine if a more precise boundary of West Cemetery during the 18th and 19th centuries can be identified, and to learn if there were burials in the area of the Carriage Shops, and report back to the Commission. The Commission said that two good local sources are Special Collections at the Jones Library and the Archeological Services at UMass, which may have surveyed the cemetery in recent years with a National Science Foundation (NSF) grant.
2. Archipelago Investments return to the Commission to discuss the final plantings and signs relative to the mural and West Cemetery, and to review the specifications for replicating the mural.

Mr. Wilson stated that the Commission had talked about Mitch Mulholland as a possible source of information on the West Cemetery. Mr. Mulholland had been contacted, but he had no knowledge about an NSF grant. Mr. Wilson stated that he would continue to pursue information on the history of the cemetery.

Mr. Webber acknowledged receipt of a large number of comments received from the public about this project. He stated that the Board had also received a memorandum from Jonathan Tucker.

Ken Rosenthal of 53 Sunset Avenue stated that he supported a mixed use development for the Carriage Shops site. However, he wanted to support the right project for a mix of tenants. He recommended continuing the public hearing to September 2015 to see what kind of a project this would be. By then the Board would have the example of Kendrick Place which would be completed and occupied. He would like this project to succeed. The applicants can prepare the site and wait until after September 2015 to proceed with the project. Buildings last for 100 years or more, he said. He encouraged the Board to wait a few more months before approving this project.

Larry Kelly presented research that he had done regarding calls to the Amherst Police Department during the fall of 2013 versus fall of 2014. He reported that the number of calls had dropped significantly as follows:

2013	322 complaints	2014	214 complaints
	91 noise tickets		17 noise tickets
	33 nuisance house tickets		25 nuisance house tickets

He attributed the drop in calls to the fact that “the outrage is being heard” and to the influence of the Rental Registration Bylaw. He stated that he was not concerned that this project would become a problem.

Maurianne Adams of Beston Street stated that she had submitted an email to the Planning Board. She expressed concern about the cumulative effect of Kendrick Place and One East Pleasant. She referred to Sections 11.2401 and 11.2402 of the Bylaw and stated that the Planning Board needs a contingency plan. The Board should require that the developers come back on an annual basis for 5 years for review of the project. She stated that the Management Plan should include a live-in superintendent with 24 hour a day, 7 day a week management. The Management Plan should include external security if it is needed. Students are attracted to these buildings. This one will be close to downtown bars. The responsibility for security should be on the applicants. She questioned whether this would be a “mixed-use building” or a “student social dorm”.

Sean Burke of Henry Street asked about who would be occupying the commercial spaces in the building. He noted that the square footage of commercial space was not much.

David Moriarty of South Mount Holyoke Drive noted that the discourse on this building had focused on an “impulse to exclude”. He encouraged the town to consider the project from an “impulse to include”. This is a project that the community needs. We should assume that there will be students in this building and we should take the responsibility and the opportunity to include them in the community to the benefit of all.

Mr. Webber thanked everyone who had commented on this project, both in the meetings and in writing.

Mr. Webber turned to a review of the Site Plan Review Criteria in Section 11.24 of the Zoning Bylaw.

The Board discussed the occupancy of the building, noting that total occupancy is determined by Building Code. They asked how many bedrooms would be expected to have couples in them.

Mr. Wilson stated that the applicants’ intent is not to pack the building with tenants. The intention is not to rent by the room but by the unit.

The Board discussed the staffing of the building, desk staffing, someone living in the building.

Mr. Roznoy agreed with rental by the unit and stated that the town needs a way to enforce how many people are living in the building.

Mr. Wilson stated that all of the tenants will be listed on the lease. The lease will require that names and birthdates be supplied every year. The units will be rented by the year; they will be rented via 12-month leases. Sublets will be allowed, provided that the tenants go through the application process. There will be a three-page application for subleases.

There was further discussion about the issue of management and having a staff person living in the building.

Ms. Anderson asked about a plan for “move-in day”. There was further discussion about a need for a “move-in day” plan. Mr. Wilson stated that the goal is to have staggered move-ins and not to have everyone moving in on one day or one weekend. Also, there will be an option to rent a furnished apartment.

Ms. Anderson noted that there were a number of four-bedroom apartments, similar to North Hall at UMass that would not be conducive to having families live there, or one person with a child. She noted that a development in South Amherst had changed to all 1 and 2 bedroom units because of demand.

Mr. Wilson acknowledged that a lot of potential tenants are looking for 2-bedroom units. The goal for everyone is to have a well-managed building, he said.

Mr. Williams stated that the applicants are interviewing management companies that manage new buildings in Boston. They want all of their properties to be managed by one company.

There was further discussion about the Management Plan and the need for on-site management.

The Board discussed possible conditions for Site Plan Review approval.

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 and the goals of the Master Plan; the Board finds that this is a mixed-use building as defined by Section 3.325 of the Zoning Bylaw; the Zoning Bylaw allows five-story mixed-use buildings by right, by Site Plan Review, in the B-G zoning district; the project aligns with the goals of the Master Plan as it seeks to direct new development to existing built-up areas, to create a vital downtown center, that includes retail, commercial and residential elements that are walkable, attractive and efficient; the project aligns with the Master Plan goal of encouraging increased upper floor residential development in downtown and village centers to support a vital economic and social setting; the project aligns with the Master Plan goal of encouraging commercial and mixed-use development in downtown and village center business districts to reduce development pressures on scenic rural landscapes; the applicant has applied for Special Permits for modification of building setback and height; the Special Permits have been approved; a Sign Plan will be required as a condition of the Site Plan Review approval;
- 11.2401 – Town amenities and abutting properties will be protected because detrimental or offensive actions are not planned for this site; the conditions of the Site Plan Review will require the applicant to submit an extensive Management and Security Plan that will detail how the property is to be managed, as well as submitting final revised site plans;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use; lighting will be downcast and will not shine onto adjacent properties; essential building functions and services will be conducted within the courtyard area; a Management and Security Plan will be required as a condition of the Site Plan Review, detailing how the property will be managed 24 hours a day, 7 days a week;
- 11.2403 – Adequate recreational facilities, open space and amenities will be provided because this is a residential building providing retail space in the downtown area; the property is across the street from Kendrick Park, a public open space; the developers propose to strengthen connections to Kendrick Park; the property is immediately

- adjacent to the West Cemetery, a public green space;
- 11.2410 – Unique or important natural, historic or scenic features will be protected; the applicant is cooperating with the Historical Commission, the Tree Warden, the Planning Board and town staff to redesign and re-commission the replacement for the mural that is currently on the back of the existing building as well as to provide improved signage and improved access to the West Cemetery; the applicant has agreed to install additional landscaping;
- 11.2411 – Proposed methods of refuse disposal are described in the Management Plan; trash removal will occur in the courtyard area; trash and recycling will be stored within the building;
- 11.2412 – The ability of the proposed sewage disposal and water supply systems to serve the proposed use is considered to be adequate; the property is connected to the town sewer and water systems; the Town Engineer has reviewed the project and has not expressed concerns with the proposal regarding these issues; the project will comply with the Town Engineer's conditions;
- 11.2413 – The ability of the proposed drainage system within and adjacent to the site to handle any increased runoff resulting from the development has been discussed; the Stormwater Management plan has been presented and the stormwater management system has been designed to decrease the rate of runoff from the site in the developed condition and meets the required state and local regulations; the project will comply with the Town Engineer's conditions;
- 11.2414 – Provision of adequate landscaping will be satisfactory because a Landscape Plan has been submitted; the applicant will work with the Tree Warden and town staff to provide a buffer as needed with the adjacent residential district, the West Cemetery, and determine which trees will be removed and where new trees will be planted to allow the mural to remain visible; the applicant will submit a revised Landscape Plan
- 11.2415 – The Erosion Control Plan has been submitted; it has been reviewed by the Town Engineer and the Town Engineer expressed no concerns about erosion control; the project will comply with the Town Engineer's conditions, if any;
- 11.2416 – Adjacent properties will be protected from the intrusion of various types of nuisances, including pollution, light and noise because of appropriate site and structure design and the use of appropriate design and materials for containment, ventilation, filtering, screening, sound-proofing, sound-dampening and other similar solutions because the project includes a protected off-street parking area, protected off-street loading area, protected off-street trash disposal area and high-efficiency mechanical equipment, roof mounted and surrounded by appropriate screening; in addition, the project includes high-efficiency exterior walls and windows;
- 11.2417 – Protection of adjacent properties by minimizing the intrusion of lighting has been discussed; all exterior lighting will be required to be downcast and dark-sky compliant; the applicant has submitted catalog cuts on all exterior lighting fixtures;
- 11.2418 – N/A; the property is not located in the Flood Prone Conservancy district;
- 11.2419 – N/A; the property is not within 100 feet of a wetland resource area;
- 11.2420 – The project has been presented to the Design Review Board on multiple occasions and has been found to be in keeping with the Master Plan because it does not create disharmony and it is in keeping with the DRB design principles and standards; the Design Review Board has reviewed this project and recommended approval;
- 11.2421 – The development is sufficiently consistent with respect to setbacks, landscaping, entrances and exits, with surrounding buildings and development; the applicant has been granted a Special Permit to modify setback requirements; there is only one entrance/exit for this property, located approximately where one of the existing

- entrances was located; there has been a reduction in the number of entrances/curb cuts for this property; the landscaping will be an improvement; the grade at the rear of the property, where it abuts the West Cemetery, will be returned to its original grade; the project, located in the Municipal Parking District, includes parking in excess of that required by the Zoning Bylaw; parking is off-street and enclosed by a protective fence;
- 11.2422 – The building site avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes and wetlands; the area adjacent to the West Cemetery where there is a steep slope will be filled in and returned to its original grade; there are no floodplains or wetlands; grade changes will be minimal; scenic views of the West Cemetery will be enhanced; the building is consistent with other buildings in the downtown such as Town Hall (66' at the ridge), First Congregational Church (64' on north side, 74' on west side), Clark House (57'), Kendrick Place (57'); the 60 foot height will have no significant impact on scenic views in the area;
- 11.2423 – N/A; there will be only one building on the site;
- 11.2424 – Screening has been provided for storage areas, loading docks, dumpsters, rooftop equipment, and similar features; functions and services for the building will be provided in the courtyard area, screened from adjacent properties by the building and by a fence on the north side; rooftop equipment will be screened;
- 11.2430 – The site has been designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties; there will be pedestrian access around four sides of the building; on-site parking will be provided in the courtyard area, screened from view by a fence; access to the parking and service area will be from a pedestrian/vehicular alley on the north side of the building, similar to a “woonerf” as have become common in certain parts of Europe; the applicant will submit a Site and Landscape Plan which will show in detail how pedestrian ways will be handled;
- 11.2431 – The location and number of curb cuts is designed to minimize turning movements and hazardous exits and entrances; there will be only one curb cut, near the northwest corner of the building, for access to the service and parking area; this will be an improvement over current conditions;
- 11.2432 – The location and design of parking spaces, bicycle racks, drive aisles, loading areas and sidewalk will be provided in a safe and convenient manner; parking spaces will be provided in the courtyard area, accessed from an alleyway at the north side of the building; loading areas will be located within the courtyard; bike racks and bicycle storage will be provided for tenants in the garage area and public bike racks will be provided for the public at locations to be determined with the town staff;
- 11.2433 – Provision for access to adjoining properties is appropriate; there will be new walkways provided along the north, west and south sides of the building; the applicant has made an effort to improve access to the West Cemetery through the Gaylord Gate; in all other respects the access is appropriate;
- 11.2434 – N/A
- 11.2435 – N/A
- 11.2436 – A Traffic Impact Report has been submitted; the Town Engineer has reviewed it and found it to be satisfactory;
- 11.2437 – The Traffic Impact report complies with the relevant requirements.

Mr. Roznoy MOVED to close the public hearing and to approve the Site Plan Review application with waivers, conditions and findings as discussed. Mr. Carson seconded and the vote was 6-0-2 (Calabrese and Anderson abstained).

Waivers

None

Conditions

1. Applicant shall comply with the Town Engineer's requirements outlined in his November 12, 2014, review letter, to the satisfaction of the Town Engineer.
2. Applicant shall submit a revised Management and Security Plan to the Planning Board for review and approval prior to the issuance of a Certificate of Occupancy. The development shall be managed in accordance with the Management and Security Plan submitted to and approved by the Planning Board. If there is a change in the Management and Security Plan, the owner shall submit a revised Management and Security Plan for review and approval by the Board.
 - a. The Management and Security Plan shall include a "Move-in Logistics Plan".
 - b. The applicant shall provide for a live-in manager or superintendent. A job description, including a list of duties, shall be provided as part of the Management and Security Plan.
3. A Sign Plan for permanent signs shall be submitted to the Planning Board for its review and approval prior to the installation of any permanent signs.
 - a. The Sign Plan shall include signs for the entry to the West Cemetery and the Amherst Community History Mural. The applicant shall work with the Planning Department, Department of Public Works and the Historical Commission to develop these signs.
 - b. The Sign Plan shall be presented to the Design Review Board for review prior to submission to the Planning Board.
4. Prior to the removal of any trees, a Site and Landscape Plan shall be submitted to the Planning Board for review and approval and shall:
 - a. Show existing trees and trees proposed to be removed.
 - b. Show proposed plantings for areas on site, areas within the town Right-of-Way that are disturbed by construction, and areas within the cemetery, as appropriate.
 - c. Show detailed plans of paved areas and detailed information about site improvements, for areas on-site and in the town Right-of-Way and on adjacent properties, as applicable, including information related to handicapped accessibility, curb cuts both on the site and in the public way in areas disturbed by construction, surface treatments, materials, grading, spot elevations, railings, etc.
 - d. Be reviewed and approved by the Tree Warden for street tree plantings and for plantings proposed within the cemetery.
 - e. Be reviewed and approved by the Select Board (Cemetery Commission) for plantings proposed for the cemetery.
5. Landscaping shall be installed in accordance with the approved Landscape Plan and, once installed, shall be continually maintained and replaced in kind as needed.
6. Applicant shall place a public bike rack at a location to be determined, the location to be coordinated with the Town of Amherst Planning Department and Department of Public Works.

7. A Construction Logistics Plan shall be submitted to the Planning Board, the Town Engineer, Superintendent of Public Works and the Building Commissioner for review and approval prior to the issuance of a Demolition Permit. It shall include, at a minimum, the following information:
 - a. Construction timeline and expected completion dates for each phase
 - b. Location of parking for contractors
 - c. Location of on-site and off-site staging, such as for construction vehicles, including cement trucks
 - d. Location of fencing around construction site
 - e. Location of "jersey barriers"
 - f. Details and locations of directional, marketing and job signs related to construction
 - g. Emergency contact information, such as name and cell phone number of developer and contractor
 - h. Information about construction signs, including advertising signs for contractor, developer and architect
 - i. Any other relevant information that they may request.
8. Applicant shall work with the Department of Public Works, the Planning Department and the Select Board to relocate the crosswalk across East Pleasant Street.
9. The development shall be built substantially in accordance with plans submitted to the Planning Board and approved on December 3, 2014.
10. A revised lease shall be submitted to the Planning Board for its review and approval.
 - a. The revised lease shall include a rider regarding parking, which shall contain the make and model of the vehicle, vehicle registration information and information regarding the vehicle owner's permit to park the vehicle.
 - b. The revised lease shall include a statement that rentals are to be by the unit only and not by the bedroom.
 - c. The revised lease shall include a statement that guests may not stay overnight for a period exceeding 14 consecutive days or 30 days total per year.
11. A seating plan, including layout of chairs and tables, and catalog cuts for the chairs and tables, for the area of seasonal outdoor dining at the southwest corner of the building shall be submitted to the Planning Board for review and approval prior to the installation of site furnishings. This information shall also be submitted to the Design Review Board for review and recommendations prior to being submitted to the Planning Board.
12. Furnishings (including tables and chairs and trash receptacles) associated with seasonal outdoor dining may remain in place during the winter months from November 1 to April 1, as authorized by Section 5.0410 of the Zoning Bylaw. Planters may also remain in place during the winter months if they contain seasonally appropriate plant materials.
13. All exterior lighting shall be dark sky compliant. Exterior lighting shall be downcast, shielded and shall not shine onto adjacent properties or streets. A revised lighting plan shall be submitted showing parking lot lighting and eliminating all "uplights" and sconces that allow light to escape above the horizontal.

14. This property shall be registered and permitted in accordance with the Amherst Residential Rental Property Bylaw. Loss or suspension of a rental permit shall constitute a violation of this condition.
15. Substantial changes to the project and/or to any approved site plans or to the exterior of the building shall be submitted to the Planning Board for its review and approval prior to the work taking place. The purpose of the submittal shall be for the Planning Board to approve the change and/or to determine whether the changes are de minimis or significant enough to require modification of the Site Plan Review approval.
16. Details related to the disposition of the existing mural and painting of the proposed mural and a copy of a signed new agreement with the Amherst Historical Commission with regard to the Amherst Community History Mural shall be filed with the Building Commissioner prior to the issuance of a Demolition Permit for the existing building. The applicants shall comply with conditions outlined in the December 2, 2014 memorandum from the Historical Commission, which require the following actions:
 - a. Archipelago Investments to conduct research to determine if a more precise boundary of West Cemetery during the 18th and 19th centuries can be identified, and to learn if there were burials in the area of the Carriage Shops, and report back to the Commission. The Commission said that two good local sources are Special Collections at the Jones Library and the Archeological Services at UMass, which may have surveyed the cemetery in recent years with a National Science Foundation (NSF) grant.
 - b. Archipelago Investments to return to the Commission to discuss the final plantings and signs relative to the mural and West Cemetery, and to review the specifications for replicating the mural.
17. Details related to deliveries to the building and to the pick-up of trash shall be submitted to the Planning Board for review and approval prior to the issuance of a Certificate of Occupancy. Deliveries to the building and pick-up of trash shall be carried on off-street and shall not block traffic coming and going from the garage.
18. One hard copy and one digital copy of the final revised plans shall be submitted to the Planning Department.

IV. OLD BUSINESS

- A. Signing of Decisions
SPP2015-00001 & SPP2015-00003 – Archipelago Investments LLC – One East Pleasant Street – Special Permits for dimensional modifications – The Planning Board signed the Special Permit decisions.
- B. Topics not reasonably anticipated 48 hours prior to the meeting – none

V. NEW BUSINESS

- A. PVPC – Letter Offering Free Technical Assistance on a Variety of Topics – The Planning Board acknowledged receipt of the letter and decided not to ask for technical assistance from the PVPC at this time.
- B. Topics not reasonably anticipated 48 hours prior to the meeting – none

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VII. UPCOMING ZBA APPLICATIONS – none

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS – no reports

Pioneer Valley Planning Commission – Bruce Carson
Community Preservation Act Committee – Sandra Anderson
Agricultural Commission – Stephen Schreiber
Transportation Plan Task Force – Richard Roznoy and Rob Crowner
Amherst Redevelopment Authority – vacant
Design Review Board – vacant
Housing and Sheltering Committee – Greg Stutsman
Town Gown Study Steering Committee – David Webber and Greg Stutsman
Master Plan Implementation Committee – vacant
Zoning Subcommittee – Rob Crowner, Bruce Carson, Greg Stutsman and Stephen Schreiber

X. REPORT OF THE CHAIR – none

XI. REPORT OF STAFF – none

XII. ADJOURNMENT

XII. ADJOURNMENT

The meeting was adjourned at 10:45 PM.

Respectfully submitted: Approved:

Christine M. Brestrup
Senior Planner

David Webber, Chair

DATE: _____