

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Michael J. Holden
50 Lincoln Street
Greenfield, MA 01301

Date application filed with the Town Clerk: June 27, 2007

Nature of request: A Special Permit to change the use of a single-family dwelling to a two-family dwelling, under Section 3.321 of the Zoning Bylaw

Address: 1147 North Pleasant Street (Map 5C, Parcel 38, R-VC Zoning District)

Legal notice: Published on July 11 and 18, 2007 in the Daily Hampshire Gazette and sent to abutters on June 27, 2007

Board members: Thomas Simpson, Russell Frank and Albert Woodhull

Submissions: The petitioner submitted a packet of information with the application: a site plan with parking, floor plans of the two units, a management plan, a sample fixed term lease, and photos of the house.

Town staff submitted the following:

- A memo from the Fire Department, dated 7/1/07, confirming that access to the building is adequate;
- A memo from the zoning assistant commenting on the history of the house and zoning/dimensional requirements of the R-VC district.

Site Visit: July 24, 2007

The Board met with the petitioner at the site, and observed the following:

- A long narrow lot in a neighborhood of similarly shaped lots;
- Several multi-family houses in the immediate area, a former nursing home (now a Hospice), a bed and breakfast, and a business village center close by;
- The Greek Revival house in the process of restoration, with two apartments and a former doctor's office;
- A larger two-story apartment with the possibility of 3 or 4 bedrooms, and a smaller one-story, 2-bedroom apartment in the rear of the house;
- A bulkhead on the north side of the house for access to the basement, and interior stairs in the front unit also providing access;
- An old barn that had originally been attached to the house, in very poor condition and slated to be demolished;
- The parking area behind the barn, roughly paved and unmarked.

Public Hearing: July 26, 2007

Mr. Holden represented himself at the hearing. He stated the following:

- The house had been used as a two-family house when he bought it in 2007, but the assessor's office listed it as a single-family.
- He searched the assessor's records and found evidence that it had been listed as a two-family home plus a doctor's office for many years, but the records were missing when the listing was changed to a single family house;
- He wishes to convert the doctor's office and the front apartment to one unit, and keep the rear unit as is, other than restore it;
- No changes to the exterior of the building are proposed other than repairs such as replacing clapboards and windows, restoring the historical trim and replacing the roof;
- The driveway is 13 feet wide with 3 feet of grass on each side;
- The front unit could have 3 or 4 bedrooms, depending on whether the tenants are a family or 4 individuals; the back unit has 2 bedrooms;
- Both units have access to the basement for storage – a bulkhead plus interior stairs;
- When the barn is demolished, trash and recycling will put in a 3-sided shed in back of the house.

Mr. Simpson asked about exterior lighting. The applicant said that there are 2 outside lights for the front unit plus a lamp post by the driveway. The lights are the "jelly jar" type next to the doors, with low wattage. The back unit has 2 exterior scones.

Mr. Frank asked for clarification of the number of bedrooms per unit. The applicant responded that, in the front unit, one of the first floor bedrooms could be a dining room, resulting in 3 bedrooms instead of 4 bedrooms. The upstairs laundry room, though large, has no door and will never be used as a bedroom. For the second (back) apartment, one of the bedrooms is just the same as previously. A second bedroom was created by the applicant by adding an interior wall to a large living room.

Mr. Frank asked about the north doorway for the second unit. Mr. Holden said that there will be a small landing and three steps down from the door. There is no sidewalk on that side of the house. The main entrance is off the driveway on the southern side of the house.

Mr. Frank asked what will be in the barn's place when it is removed. Mr. Holden answered that there will be just grass in its place.

Mr. Woodhull asked if the parking area would be expanded after the barn is removed. Mr. Holden said that it would not be expanded.

Mr. Frank asked if the two units have separate utilities. The applicant said yes, there were separate systems when he bought the house. There are 2 hot water heaters, 2 electrical boxes. The electric is recent, with insulated wiring and up to code. He is in the process of bringing everything up to the Building Code, with firewalls, etc.

Mr. Woodhull asked if there are other multifamily units in the neighborhood. The applicant responded affirmatively, saying that there is a multifamily on the north side of his property, and 3 or 4 properties across the street. Other houses in the area also have a second unit, but he's not that familiar with the neighborhood yet.

One member of the public spoke to the petition. Ms. Jessica Mix Barrington, 39 Pine Street, spoke against

the application. She has lived along Pine Street for 10 years, and considers the multifamily dwelling to be largely shabby. She said that the driveway is narrow, and if there are 6 bedrooms, there will be 6 cars. She said that the work on the house looks great, but without a live-in owner, it will be neglected. There is no need to have “cash cows” as a part of the neighborhood.

Ms. Barrington said that there is a 2-family next door to her, and there are noise and parking problems there. There are lots of students already in North Amherst, but she wishes to encourage the Board to keep the single family mood and feeling of the neighborhood.

Mr. Holden responded with the following points:

- There is plenty of parking on the property. The parking area alone can hold more than 6 cars;
- The house was “shabby” when he bought it, and he has improved it a lot already. The neighbors have been complimenting him on the positive changes;
- He is looking at this as a long term investment; he has put a lot of money into the restoration of this historical home, and is interested in maintaining it.
- He has had 14 groups of folks wanting to rent his apartments, and has turned them all down; his standards are high, so that the type of tenants will not be an issue for him or the neighborhood;
- He has been a landlord for over five years in South Hadley, and is strict with his tenants.

Mr. Woodhull made a motion to close the evidentiary portion of the hearing. Mr. Frank seconded the motion, and the vote was unanimous to close the hearing.

Public Meeting:

The Board discussed the request for two apartments, and its effect on the neighborhood. Mr. Woodhull stated that not everyone who rents is a student. Lots of adults do too, single or families, that look for good places and would find these apartments desirable.

Mr. Simpson suggested that the Board limit the number of parking places to four and add a turn around in order to preclude over crowding. Mr. Holden stated that if the parking places were limited, that may be very limiting to the tenants, and to him as well. There are graduate students and young professionals who are interested in renting, each with a car. Moreover, if there is not enough space in the parking lot, tenants usually park on the yard.

Mr. Holden added that he owns a second lot behind the parking lot that eventually will be added to the property under consideration, so there is plenty of screening around the parking area. Six cars instead of 4 on the property will not make a difference to the neighbors. In the past, the parking lot was used on a regular basis, he said. The doctor’s office had traffic coming and going, and two residences will have less traffic than would another business. Most likely he will be renting to a group of 4 people, Mr. Holden said, and he does not want to deny the 4th tenant the use of a car.

Mr. Woodhull said that limiting the number of cars to 6 on the property would be adequate. Two rental units are a business for Mr. Holden, and he would not like to discourage the ability of the applicant to rent his units.

Bonnie Weeks, Building Commissioner, said that there are some ways to provide parking for tenants, but to discourage non-tenants from long-term parking. One would be to provide parking stickers or passes to the tenants, to that it would be evident who the non-tenants are. An additional condition would be to require a resident manager whose name/phone number would be registered with Inspection Services.

The Board agreed that the permanent parking should be limited to six cars. The remainder of the public meeting was spent discussing conditions if the Special Permit were granted.

Findings:

The Board finds 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 and is compatible with existing uses because there are other homes that contain multiple units in the immediate neighborhood.

10.382 and 10.385 – The proposal would not constitute a nuisance and reasonably protects the adjoining premises against detrimental or offensive uses on the site because the house is screened on both sides and the back, the parking will be limited according to the conditions of this permit.

10.383 and 10.387 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians and the proposal provides convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets because the driveway is straight with good visibility, there are clear site lines at the sidewalk, and a large enough parking lot to accommodate parking and a turnaround.

10.384 – Adequate and appropriate facilities would be provided for the proper operation of the proposed use because the applicant’s restoration, the management plan, and his strict lease will help to ensure a well-run rental two-family house.

10.386 – The proposal ensures that it is in conformance with the Parking and Sign regulations of the town because the parking lot will have space for six cars (the Zoning Bylaw requires only four for two dwelling units) and the conditions of this permit will require proper addresses visible to emergency vehicles.

10.389 – The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables and other wastes because a shed will be provided for refuse and recyclables behind the house, and the applicant has contracted for regular disposal of waste.

10.391 – The proposal protects unique or important natural, historic or scenic features. The applicant’s success at restoring the notable features of a Greek revival house is laudable.

10.392 – The proposal provides adequate landscaping, including the screening of adjacent residential uses, because the ZBA will require a landscaping plan prior to occupancy. The house and parking already are screened on both sides and in the back, and the Board is requiring a low stockade fence around the parking area.

10.393 – The proposal provides protection of adjacent properties by minimizing the intrusion of lighting because exterior lighting will be downcast.

10.395 – The proposal does not create disharmony with respect to the use, scale and architecture of existing buildings in the vicinity because the exterior of the building is not altered other than restoration, and the use will be actually less than it was been in the past.

10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw because it protects the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst, and will provide attractive apartments in a Residential Village Center.

Public Meeting – Zoning Board Decision

Mr. Frank made a motion to APPROVE the application, with conditions. Mr. Woodhull seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit for a two-family house under Section 3.321 of the Zoning Bylaw, at 1147 North Pleasant Street (Map 5C, Parcel 35, R-VC Zoning District, as requested in the application file by Michael Holden, with conditions.

THOMAS SIMPSON

RUSSELL FRANK

ALBERT WOODHULL

FILED THIS _____ day of _____, 2007 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2007.
NOTICE OF DECISION mailed this _____ day of _____, 2007
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2007,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit for a two-family house under Section 3.321 of the Zoning Bylaw, at 1147 North Pleasant Street (Map 5C, Parcel 35, R-VC Zoning District, as requested in the application file by Michael Holden, subject to the following conditions:

1. Parking shall be limited to six parking places.
2. The east and west sides of the parking area shall be delineated by large stones or a low stockade fence.
3. A landscape plan showing the parking and its border (large stones or fencing) shall be submitted to the Board for approval at a public meeting prior to issuance of a certificate of occupancy.
4. The driveway shall be a minimum of 13 feet wide, with one foot of clear shoulders on either side.
5. The apartments shall be built and managed according to the plans submitted and approved by the Board at the public meeting July 26, 2007.
6. All exterior lighting shall be downcast.
7. The street address shall be light reflective and visible from both directions.
8. The applicant's name, address and telephone number shall be registered with the Town's Inspection Services, Fire Department and Health Department.
9. All rooms are to be used as labeled on the plans, except that one bedroom in the front apartment may be used as a dining room or study instead of a bedroom. There shall be no more than four (4) bedrooms for the front apartment.
10. There shall be no more than four (4) unrelated people living in either apartment.
11. The permit shall expire upon change of ownership of the property.
12. This Special Permit is subject to Section 14 of the Zoning Bylaw, Phased Growth. Development authorization is available as of September, 2007.

THOMAS SIMPSON, Chair
Amherst Zoning Board of Appeals

DATE