

AMHERST PLANNING BOARD
Wednesday, July 20, 2016 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Stephen Schreiber, Chair, Greg Stutsman, Rob Crowner, Christine Gray-Mullen, Pari Riahi and Michael Birtwistle
ABSENT: Jack Jemsek and Richard Roznoy
STAFF: Christine Brestrup, Planning Director

Mr. Schreiber opened the meeting at 7:00 PM.

I. MINUTES

The Minutes were not ready for review. Since it was not yet time for the first public hearing, the Board turned to other business.

II. PLANNING & ZONING

- A.** Zoning Subcommittee Report – Mr. Crowner presented the ZSC report. The ZSC is working on three simple articles that are ready for the fall and others that are more complex. After the next ZSC meeting the members will have a better idea of what they will present for fall.
- B.** Planning Issues – Ms. Brestrup reported that Planning Issues have been added to the agenda because members of the public and Planning Board have suggested that the ZSC and the Planning Board focus on the broader issues of planning rather than focusing on zoning. A forum in the fall, possibly focusing on planning for the downtown, is being contemplated.
- C.** Forums – Topics and Schedule – see above
- D.** Public Comment Period – none

V. OLD BUSINESS

- A.** SPR2005-00001 – CRES Development Company (Big Y Plaza) – 175 University Drive – Review of proposed new signs for Big Y in accordance with Condition #2 of SPR2005-00001 Decision

Adam Glasz of Creative Dimensions and Dwight Merriman of Big Y presented the new signs. Mr. Glasz stated that they were upgrading the signs to better fit the new graphics package for Big Y. The signs represent a simple logo change. Mr. Glasz described the new signs and how they differ from the existing signs. The total square footage of existing signs is 516.57 square feet. The total square footage of proposed signs is 519.67 square feet. There is a net change in the square footage of signs of 3.1 square feet. The only sign that is being added is one on an arch on the façade that did not have a sign previously. There were no comments from the Board or from the public.

Mr. Stutsman MOVED to approve the proposed signs. Mr. Birtwistle seconded and the vote was 7-0-0.

The Board turned to public hearings, since it was now 7:10 p.m.

III. JOINT PUBLIC HEARINGS WITH TREE WARDEN – SCENIC ROADS

Scenic Road tree removal – East Pleasant Street – Northeast corner of Kendrick Park – for intersection improvements

Public Shade Trees impacted by this project include the following trees (Sizes indicate “diameter at breast height” – DBH):

19.6” Linden; 16.3” Linden; 11.7” Linden; 8.8” Norway Maple; 22” Spruce

Mr. Schreiber read the preamble and opened the public hearing. He read the list of trees proposed for removal and noted that the Planning Board had received a letter from Kate Green of 20 Harlow Drive, dated July 19, 2016, expressing opposition to the removal of the trees.

Guilford Mooring, Superintendent of Public Works, presented information about the latest layout for the proposed roundabout at the intersection of East Pleasant Street and Triangle Street and showed on the plan the locations of the trees proposed for removal. He also showed trees that are proposed to remain, including a large oak at the northwest corner of the intersection and he noted that the alternative design for the intersection, which would have added a turn lane on Triangle Street eastbound, would have required removal of more trees.

Alan Snow, Tree Warden, stated that the roundabout configuration spares other significant trees in the vicinity. A Sugar Maple will be saved and other Lindens along East Pleasant Street will be spared. The Norway Spruce proposed for removal is already in decline. There will be an opportunity to plant new trees at the intersection in the future.

Mr. Birtwistle observed that the removal of these trees is the result of the proposed roundabout construction. He asked if the town had funding for the roundabout in place.

Mr. Mooring stated that the timing of the funding for the roundabout was not clear. The Town Manager decides on the funding and the design has been approved by the Select Board. The funds are available, he said.

Mr. Crouner remarked that the loss of the trees would cause a gap in the canopy. However, only one of the trees is nice looking – the 19” Linden.

Ms. Riahi asked if there was an intention to reconstitute the edge of the park by replanting the trees to replace those that were lost.

Mr. Snow stated that there is a design for Kendrick Park and that the planting of new trees would be incorporated into the design for Kendrick Park.

Mr. Birtwistle expressed concern for the funding of the roundabout. The roundabout is controversial. He asked if the funding would come from Town Meeting. He recommended that the trees not be removed until funding is secured and made public.

There was further discussion about the loss of trees associated with alternative designs for the intersection. The intersection may also be left as it is. There was further discussion about the proposal to delay removal of the trees.

Mr. Mooring stated that he would like to remove the trees soon because if money becomes available to build the sidewalks he would proceed with that project. The Spruce in the middle of the intersection will be removed in any event.

Public Comment

Henry Lappen, Chair of the Public Shade Tree Committee, stated that the Committee voted to oppose the removal of the trees. He expressed support for the proposal to wait to remove the trees.

Lyons Whitten, a resident of North Amherst, stated that although the roundabout will be an improvement, it is "short sighted" to cut down the trees before funding is secured to construct the intersection improvements.

Joan Burgess of Mount Pleasant Street expressed opposition to the proposed tree removal. Although the Select Board and Public Works Committee have approved the design in concept, they have not given approval to a final design. She urged the town to leave the trees until we are sure about the proposed design for the intersection.

Vince O'Connor of Summer Street submitted a letter opposing removal of the trees, both along East Pleasant Street and along Amity Street. He expressed concern about the roundabout design in this location and supported a delay in removal of the trees. The signalization of the intersection could be adjusted to improve the flow of traffic. There is a backlog of road and sidewalk repair in town. How much money will the work on this intersection cost? The money could be redirected towards fixing other roads.

There was discussion about whether the letter from Ms. Green applied to tree removal at both East Pleasant Street and Amity Street.

Mr. Snow stated that he looks at trees to determine if leaving them in place is a safety risk. He noted that the tree at Amity Street has a crack and leans towards the road. It could qualify for removal.

Mr. Birtwistle MOVED to close the public hearing and to deny permission to remove the trees at Kendrick Park. Ms. Riahi seconded.

There was discussion about the motion. Mr. Birtwistle stated that if the money is found to work on the intersection then the situation would change. He could not approve removal of the trees until the money for the roundabout is approved and becomes available.

There was discussion about whether the new sidewalk could be installed behind the trees. There was also discussion about whether temporary sidewalks could be installed and removed and rebuilt at a later date, once money for the intersection is found.

Mr. Schreiber noted that the removal of the trees would cause some harm to the scenic road [East Pleasant Street] but the roundabout would be a benefit to the town.

Ms. Gray-Mullen, former Chair of the Public Works Committee, stated that there is money to start putting in the sidewalks this summer. She asked what would happen to the sidewalks if the trees remain in place. Mr. Mooring stated that 50 to 60 feet of temporary sidewalk could be built.

Mr. Birtwistle stated that the roundabout may be a reasonable solution, but he doesn't find the intersection to be problematic and doesn't see the need to remove the trees at this time. The Select Board might be swayed to a different conclusion about the intersection.

Mr. Snow agreed with many of the previous comments and made a recommendation to remove the Norway Spruce from the middle of the intersection, to create a safer work area.

Mr. Birtwistle stated his intention to amend his motion to keep the southernmost tree [the 19.6" Linden] and allow removal of the other four trees.

Mr. Birtwistle MOVED to close the public hearing and to recommend to the Select Board that the southernmost tree [19.6" Linden] not be removed at this time, pending securing of funding for the work on the intersection. Mr. Crowner seconded and the vote was 7-0-0. Mr. Snow agreed with this recommendation.

Mr. Crowner MOVED to allow the removal of the other 4 trees when necessary. Ms. Gray-Mullen seconded. The vote was 6-1-0 (Birtwistle opposed). Mr. Snow agreed with the majority vote.

Scenic Road tree removal – Amity Street – for sidewalk & crossing improvements in front of Jones Library

Public Shade Trees impacted by this project include the following trees (Sizes indicate “diameter at breast height” – DBH):

22" Linden

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

Mr. Mooring presented a plan for improvements to the sidewalks and crosswalk in front of the Jones Library. The plan shows a raised and relocated crosswalk and reconstructed sidewalks. The raised crosswalk will act as a traffic calming device and will contribute to doing away with the convoluted ramp system that currently exists. The 22" Linden tree will have its roots cut by the proposed construction work, both on the back and on the front of the tree. Mr. Mooring recommended removing the tree at this time because of the damage that it will suffer as a result of the construction.

Mr. Snow also recommended removal based on the proposed construction and on the condition of the tree. It will not survive or be stable after construction. He recommended removal and replacement with new plantings in the area. Mr. Snow described the tree as leaning towards the road. Its root plate has lifted. While it is starting to grow straight, it has co-dominant stems which tend to split at the point of union. It has an open, active split on the road side. If the sidewalk is dug up and taken out, the tree will not be stable. Other trees are proposed to be planted in this area. There will be two mature trees in the area and one smaller tree will be planted.

Joan Burgess of Mount Pleasant asserted that removal of this tree is opposed by a letter submitted to the Board. Mr. Snow clarified that the letter, submitted by Ms. Green, states that if the tree is a safety issue it can be removed and 4 new trees planted in its place.

Vince O'Connor of Summer Street submitted a letter opposing the removal of the tree. He explained that trees have imperfections and that this tree has been functional for a long time. He opposed removal of the tree and objected to the design of the crosswalk, especially its placement in relation to the exit from the Amity Street parking lot. It will cause problems with traffic on Amity Street eastbound.

Kathy Etheridge, a resident of Amherst and a bus rider who uses the Library stated that she hasn't noticed problems with the sidewalk.

Mr. Mooring explained how the crosswalk will work and how its construction will eliminate the need for the ramp.

Ms. Gray-Mullen noted that when the ramp was installed it was supposed to be temporary. Its slope and railings are not up to code.

Mr. Stutsman MOVED to close the public hearing and to recommend to the Select Board that the tree be removed. Ms. Gray-Mullen seconded and the vote was 7-0-0. Mr. Snow agreed with the vote.

IV. PUBLIC HEARINGS – SITE PLAN REVIEW & SPECIAL PERMIT

SPR2016-00016 – Holland Hoagland – 12 Dickinson Street

(Request to withdraw without prejudice; continued from June 1 and April 2016)

Request Site Plan Review approval to renovate the existing building to create a mixed-use building, under Section 3.325 of the Zoning Bylaw, with a gallery/studio on the first floor and one dwelling unit (Map 14B/58, B-VC zoning district)

The Board acknowledged receipt of a letter from the applicant requesting withdrawal without prejudice of the Site Plan Review application.

Mr. Stutsman MOVED to close the public hearing and to approve the request to withdraw without prejudice. Mr. Birtwistle seconded and the vote was 7-0-0.

SPR2016-00025 – Jane Wald for Emily Dickinson Museum – 280 Main Street

Request Site Plan Review approval to reconstruct historic architectural feature, a conservatory originally constructed in 1855 and removed circa 1916 (Map 14B/27, R-G zoning district)

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

Brooke Steinhauser, Program Director, presented the application. She was accompanied by Jack Baker from the architectural firm of Mesick Cohen Wilson Baker Architects.

The proposal is to restore the 1855 conservatory that was built onto the homestead. The structure will be placed on an 8' x 18' foundation. It will be constructed largely of original material.

Mr. Schreiber noted that there had been a site visit that morning.

Mr. Birtwistle gave the site visit report. A group of Planning Board members (Mr. Birtwistle, Mr. Crouner, Ms. Gray-Mullen, Mr. Jemsek and Ms. Riahi) visited the site and were shown the location of the proposed conservatory, outside of the former dining room, where the conservatory used to be located. The Board members noticed that the original window sashes had been reused on the garage and will be reused again on the conservatory. Many of the sashes still had the old panes of glass in them. The old sashes will replicate what the conservatory looked like in the 1850's. The window opening on the east side of the house will be replaced by a door to gain access into the conservatory from inside the house.

Ms. Steinhauser stated that the public will be able to access the conservatory and that it will be open for interpretation.

Ms. Gray-Mullen asked if there would be a walkway from the door from the conservatory into the yard or towards the street.

Mr. Baker stated that the historic photographs do not appear to show a path, but the question is still being researched. He stated that the original door for the south elevation of the conservatory still exists and will be reinstalled.

Ms. Riahi MOVED to close the public hearing, to approve the proposal for the conservatory as presented, to find that it meets the relevant criteria of Section 11.24 of the Zoning Bylaw and to approve the requested waivers. Mr. Stutsman seconded and the vote was 7-0-0.

SPR2016-00026 and SPP2016-00002 – Archipelago Investments – One East Pleasant Street

Joint public hearing to request Site Plan Review approval for modifications to currently permitted project (mixed-use building) to reconfigure the floor plans for floors 2 through 5 to

increase number of dwelling units from 84 units (with 184 tenants) to 135 units (with 143 tenants), to reconfigure the ground floor plan, to revise the site plan and to revise the elevations and to request a Special Permit to modify side & rear yard setbacks and height requirements (Map 11C/278, B-G zoning district)

Mr. Schreiber read the preamble and opened the public hearing. Attorney Mark Bobrowski of Concord, MA, and Dave Williams of Archipelago Investments, presented the application. They distributed plans of the proposal. These had been previously distributed to Planning Board members in their packets.

Mr. Williams gave an overview of progress and explained the history of the project, including the appeal process that was concluded last summer/fall. The developers have been working on construction drawings and removal of hazardous materials from the site. They have signed an agreement with the mural artist. The artist, David Fichter, has documented the mural, both by photographs and by patterns and measurements. The mural will be the same size that it is now.

Mr. Williams described the ways in which the new set of drawings differs from the previously approved set. Brick has been added to the cemetery (east) façade of the building to satisfy the artist's desire to paint on brick; the brick has been extended almost to the top of the building on that side, with wood across the top. The brick has also been extended on two other elevations.

The developers plan to start construction in September. The primary modification has been in the number and size of units. Units containing 3 and 4 bedrooms have been eliminated and there are now more studios and one-bedroom units in the building. The number of tenants will be reduced while the number of units will be increased. The ground level entry off East Pleasant Street has also changed. And there will now be one entrance to the garage area rather than two, allowing the green space to be larger and allowing more room for stormwater runoff to be captured on site. The gas moratorium has necessitated the use of propane for the emergency generator and hot water. A 1,000 gallon propane tank will be buried. There is a demolition permit in place. Hazardous materials have been removed from the site. The developers would like to put the concrete slab in the ground in September, with steel in mid-November and start the deck so it can be worked on over the winter. They plan to open in mid-summer 2018.

Mr. Bobrowski stated that the building would go from 84 units to 135 units. He read from a document entitled "Additional Information Modification to Existing Permits":

Permitted previously = 84 apartments & 184 tenants

- (8) 1 bedroom units
- (60) 2 bedroom units
- (8) 3 bedroom units
- (8) 4 bedroom units

Currently proposed = 135 apartments & 143 tenants

- (60) Studio units
- (67) 1 bedroom units
- (8) 2 bedroom units

He stated that the count of tenants was based on one tenant in each bedroom and reiterated that although there would be more units there would be fewer bedrooms and therefore fewer tenants.

Neither the building height nor the setbacks are changing from the previous proposal. The footprint of the building stays exactly the same. The unit changes are internal.

Mr. Bobrowski stated that the stormwater management would be improved. A new Stormwater Management Report, prepared by SVE Associates, has been submitted and reviewed by staff. There will be a reduced paved area and an increased planted landscaped area, including a rain garden/bio-retention area. There have been some “tweaks” to the southeast corner of the building and minor changes to the commercial spaces as well.

Mr. Williams noted that two retail spaces on the ground floor had been combined into one, based on comments received from a potential tenant. Mass Mutual is currently renting about 5,500 square feet at Kendrick Place and is ramping up its staffing with UMass. Mass Mutual is currently up to about 50 people at Kendrick Place and is looking for more space.

On the second floor of One East Pleasant Street there will be a fitness center, right across from the elevators. The south and east elevations show increased brick and reduced cedar. Mr. Williams described other changes to the façade of the building.

Mr. Bobrowski noted that there were 18 conditions to the initial Site Plan Review approval [SPR2015-00003]. He reviewed the conditions, noting which ones had been complied with and which ones could remain in effect, as follows:

- Conditions 1 through 6 can remain in effect.
- Condition #7, the applicant has complied with and completed requirements of this condition. A demolition permit has been issued.
- Condition # 8 can remain in effect.
- Condition #9, plans have been updated as per the current application, and this condition can be updated.
- Conditions #10 through 12 can remain in effect.
- Condition #13, the Lighting Plan has been updated as per the current application, and this condition can be updated.
- Conditions #14 and 15 can remain in effect.
- Condition #16, the applicant has complied with and completed requirements of this condition. A demolition permit has been issued. A contract with David Fichter, the mural artist, has been executed and submitted to the Town. A meeting with the Historical Commission took place on June 23, 2015. David Fichter has completed all mural documentation. The applicant has hired a professional photographer to photo-document the entire mural and create a complete, scalable, digital reproduction of the mural, and this has been submitted to the Town.
- Conditions #17 and 18 can remain in effect.

Mr. Bobrowski reviewed the conditions of the Special Permits approvals [SPP2015-00001 and SPP2015-00003] and he noted that there was only one condition on one of the Special Permits [SPP2015-00003]:

- Condition #1, the applicant shall obtain a statement from the Fire Department confirming that the 5'-0" setback at the northeast corner, where the building abuts the Summerlin property, will not be a potential hazard. This condition would remain in effect.

Mr. Bobrowski concluded that with respect to the Special Permits for height and building setback, nothing has changed.

Mr. Schreiber asked about the loss of the loop on the ground floor level that allowed for the trash and delivery trucks to come in to the building and move out of the building without

having to back up. Mr. Williams stated that all of Archipelago's trash removal services are provided by Amherst Trucking, which can provide a truck that will fit, potentially a truck that can back in, load up and move out in a forward direction.

Mr. Schreiber asked about the loss of the loop with regard to parking, noting that people parking their cars at the end might be at a disadvantage in terms of circulation.

Mr. Williams stated that the reason for eliminating the loop was to have more room to retain water on the site, to locate the propane tank and to have more room for green space in the center of the site. Some of the cars will be under the building and others will be under a green trellis. Only six cars will be visible from the apartments above the courtyard.

Mr. Crouner noted that the trash truck would need to "beep" if it has to back up. Mr. Williams responded that this is an urban environment and that people living in an urban environment need to expect some noise. He also noted that the new building would increase the quality of the environment in that area of town.

Mr. Schreiber asked if the trash trucks would now need to park on the street. Mr. Williams stated that the trash removal company will do what the developers want the company to do.

There was further discussion about the movements and noises of the trash truck. There were also questions about access to the bike storage area. The bike storage area will be accessible both from the inside and from the outside of the building.

Vince O'Connor of Summer Street made comments with regard to Section 11.2 of the Zoning Bylaw. He noted that the Planning Board can approve a Site Plan Review application, can deny an application if the application materials are not submitted or if the proposal doesn't comply with the requirements of the Bylaw, or can approve an application with modifications or conditions. The Board does not have to approve the application. The criteria set forth in Section 11.240 of the Bylaw concern him, in particular Section 11.2401, which requires that projects protect town amenities and abutting properties through minimizing detrimental or offensive actions. He urged the Board to hold the developers accountable for the actions of tenants on two town properties – the West Cemetery and Kendrick Park.

He also expressed concerns about Section 11.2403, which requires the provision of adequate recreational facilities, open space and amenities. The applicants have contended that the West Cemetery and Kendrick Park can provide areas of open space and recreation for their tenants. There should be recreational facilities provided on site, especially now that the number of apartments will be 135. Some portion of the building should be set aside for recreation facilities for the tenants. A small amount of open space should be provided for each unit.

Mr. O'Connor asserted that in the first decision the Board lacked information to make a sound judgement about some issues. He distributed information from Claire McGinnis, Town of Amherst Collector, about the number of parking permits sold to tenants of Kendrick Place. He stated that Kendrick Place has 36 units and that the town has sold 55 town center parking permits to residents of Kendrick Place.

Mr. O'Connor asserted that One East Pleasant Street would reflect what has happened at Kendrick Place. Parking permits purchased for the new building will be greater in number than permits purchased for Kendrick Place. He asserted that the town parking lot on Pray Street is now taken up with the tenants of Kendrick Place. He urged the Board to place a condition on the new permit to make sure that parking is effectively provided.

Mr. O'Connor also urged the Board to get a new opinion from Town Counsel about the requirement that developments that require a Special Permit should provide affordable housing.

In response to a question by Joan Burgess of Mount Pleasant, Mr. Bobrowski stated that the new proposal will have less lot coverage than the previous proposal.

Jennifer Taub of 259 Lincoln Avenue objected to the type of use that was occurring in the retail space at Kendrick Place. She had been expecting a boutique or restaurant and she objected to the use of the space as an office work space.

In reply to comments from the public Mr. Bobrowski stated the following:

- Fewer residents in the building will mean fewer cars; there will be 49 fewer residents;
- No on-site parking is required for this type of use in the downtown area since it is in the Municipal Parking District;
- Comments made during the previous hearings suffice to answer the issue of parking and affordable housing;
- In terms of affordable housing, Town Counsel Joel Bard had made an aggressive defense, during the appeal process, on behalf of the Board's previous decision not to require affordable housing for this project; that opinion is on record;
- There is not much difference between the previous application and the new application;
- The developers can still go ahead and build what was previously approved.

With regard to retail space, Mr. Williams stated that retail is disappearing from local towns. Amazon is competing with local bricks and mortar establishments. We need to ask the question "How will downtown transition?" Kendrick Place is providing space for 50 jobs at good salaries, in cooperation with the UMass data-science department.

Mr. Schreiber noted that the ground floor spaces on the drawings were labelled "retail". He questioned that labelling in light of statements that the spaces might be filled with office uses.

Ms. Brestrup noted that office uses are allowed in mixed-use buildings. A mixed-use building is defined as a "building containing one or more dwelling units as principal residential uses in combination with retail stores or other permitted business, institutional, government, public service, consumer service, office or similar principal use(s) and lawful accessory use(s)." Mr. Schreiber reiterated that there was a problem with the labelling of the drawings.

Mr. O'Connor asserted that the number of units and the number of bedrooms does not necessarily correspond with the number of tenants. He asserted that there will be more tenants living in the building than the number of bedrooms. He recommended that the Board look into how many people are living in Kendrick Place. He reiterated his comments on the lack of parking and the lack of recreational facilities and questioned the concept of one person per bedroom.

Mr. Schreiber noted that the application states that there will be 135 units and 143 tenants.

There was further discussion about the number of people who would be living in the building. Mr. Williams stated that the property management company would know who is living in the building. A person will not get a key fob if he/she is not on the lease.

Mr. Bobrowski stated that the conditions require that a Management and Security Plan be submitted. He also noted that, in terms of open space, the property is across the street from Kendrick Park and adjacent to the West Cemetery.

Mr. Williams stated that there will be fitness center on the second floor. There were questions about the size of the fitness center. The center will be 20' x 20', which will be enough for 6 machines, a free weight area and a yoga area.

Mr. Crowner commented on the issue of parking. The Municipal Parking District is a good idea and should be encouraged. Limiting the number of parking spaces in the downtown will be a good thing. There will be more use of bicycles and more pedestrians. He expressed support for the approach that the applicant takes towards parking.

Mr. Birtwistle asked if the parking spaces would be leased to tenants. Mr. Williams stated that this building will have 36 parking spaces. Tenants will be the first group served by the parking spaces. He noted that half of the people who work in the Mass Mutual office at Kendrick Place ride bicycles to work. Leasing of parking spaces at One East Pleasant Street will be on a first-come, first-served basis.

Ms. Riahi expressed concern about the striking similarities between the façade of One East Pleasant Street with that of Kendrick Place. She would prefer that the facades of these two buildings were different. Mr. Schreiber noted that there is a large area of "undeveloped" land between the two buildings which could be developed differently.

The Board noted that the Design Review Board would not be reviewing the proposed changes to the building and site until the following week. The Board could continue the public hearing in order to incorporate input from the DRB or it could condition the permit such that changes resulting from review by the DRB would be required to come back to the Planning Board for approval.

The DRB will focus mainly on the look and feel of the building. Mr. Schreiber recommended that the Board try to finish the public hearing this evening.

The Board members reviewed and updated the Site Plan Review findings from the previous public hearing.

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; 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 to the Planning Department;
- 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 or allowed non-residential 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; an important part of urban building is to connect to open spaces that already exist; there will be crosswalks installed to connect the new building with Kendrick Park and a fitness center for tenants will be installed on the second floor of the building;
- 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; a revised 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; the condition will be improved over the current condition and over the previous Site Plan Review application;
- 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; a condition will require that the development comply with all of the Town Engineer’s comments as contained in his letter of July 6, 2016, including his recommendation about the choice of street trees;
- 11.2415 – The Erosion Control Plan has been submitted; it has been reviewed by the Town Engineer who expressed no concerns about erosion control; the project will comply with the Town Engineer’s conditions;
- 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 will review the proposed changes to this project at its upcoming meeting on July 25, 2016; if changes result from the DRB review, the changes will be presented to the Planning Board for review and approval at a public meeting;
- 11.2421 – The development is sufficiently consistent with respect to setbacks, landscaping, entrances and exits, with surrounding buildings and development; the applicant has applied for 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 protected by the building; the building is a residential use under Section 3.325 of the Zoning Bylaw and is located in the Municipal Parking District under Section 7.43 of the Bylaw and is therefore exempt from providing on-site parking;
- 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; 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; the building, located in the Municipal Parking District, includes parking in excess of that required by the Zoning

- Bylaw; parking is off-street; the building is a residential use under Section 3.325 of the Zoning Bylaw and is located in the Municipal Parking District under Section 7.43 of the Bylaw and is therefore exempt from providing on-site parking;
- 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; the building, located in the Municipal Parking District, includes parking in excess of that required by the Zoning Bylaw; parking is off-street; the building is a residential use under Section 3.325 of the Zoning Bylaw and is located in the Municipal Parking District under Section 7.43 of the Bylaw and is therefore exempt from providing on-site parking;
- 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; there will be fewer bedrooms in the building than the previous permit allowed and the same number of parking spaces will be provided;
- 11.2437 – The Traffic Impact report, submitted with the previous permit application, complies with the relevant requirements.

In response to the concern of the Board, Mr. Bobrowski stated that the building plans would be changed to show the ground floor, formerly labelled “retail space” relabeled “permissible non-residential uses under Section 3.325 of the Zoning Bylaw”.

Board members discussed the issue of the DRB review. Since the DRB is primarily interested in issues related to the aesthetics of the building and site and since the DRB has reviewed this project on previous occasions, the Board agreed by consensus not to wait to vote on the applications and to impose a condition requiring that any changes that result from the DRB review be presented to the Planning Board for review and approval at a public meeting.

Mr. Stutsman MOVED to close the public hearing for the Site Plan Review application, to approve the application with conditions as requested and to make the findings with regard to the Site Plan Review criteria in Section 11.24 of the Zoning Bylaw as discussed. Ms. Gray-Mullen seconded and the vote was 7-0-0.

Board members noted that the Special Permits need to be approved again because the decisions refer to plan sets with previous dates and to the number of units and types of units that were approved previously.

Waivers

- None (a Sign Plan is required under Condition #3)

Board member reviewed and updated conditions from Site Plan Review decision SPR2015-00003.

Conditions

1. Applicant shall comply with the Town Engineer's requirements outlined in his July 6, 2016, 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. Condition #7 from Site Plan Review decision SPR2015-00003, regarding a Construction Logistics Plan, has been complied with. A Demolition Permit has been issued.
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 July 20, 2016, except for re-labelling of ground floor space formerly labelled as “retail”, to be re-labelled as “permissible non-residential uses under Section 3.325 of the Zoning Bylaw”.
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 has been 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. Condition #16 from the Site Plan Review decision for SPR2015-00003, regarding the existing mural, has been complied with. A Demolition Permit has been issued.

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.
19. The project will be reviewed by the Design Review Board at its upcoming meeting on July 25, 2016; if changes result from the DRB review, the changes will be presented to the Planning Board for review and approval at a public meeting.

The Board reviewed and updated Special Permit findings from SPP2015-00001, for height modification, and SPP2015-00003, for setback modification.

Findings regarding modification of height requirement

The Board found, under Section 10.38 of the Zoning Bylaw, Special Permit, with respect to modifications of the height requirement, from 55 feet to 60 feet:

- 10.380 – 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; its height is compatible with other buildings in the downtown area, in the B-G zoning district; the height is suitable to the neighborhood;
- 10.381 – The proposal is compatible with existing uses and other uses permitted by right in the same district; the modified height of the building is compatible with the mixed-use of the building, allowing higher ceilings (by 6” per floor) in the apartments and higher first floor ceilings providing access by service and delivery vehicles to the ground floor garage area;
- 10.382 – The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; this is a mixed-use building with windows, not an industrial building that would produce a nuisance; the HVAC heat exchange units are better screened from sight and sound as a result of the higher roof of the building where they are located; the building is an all-electric building; the HVAC equipment is up on the roof and is shielded and enclosed with a screen; the extra height makes the mechanical equipment less audible from the street; the additional height of the building will not constitute a nuisance and does not create visually offensive structures or site features;
- 10.383 – N/A; the height of the building has no bearing on this criterion;
- 10.384 – N/A; the Special Permit is for modification of height, not for the use;
- 10.385 – The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site; this is a mixed-use building with windows, not an industrial building that would produce a nuisance; the HVAC heat exchange units are better screened from sight and sound as a result of the higher roof of the building where they are located; the condensers are all up on the roof and are shielded and enclosed with a screen; the extra height makes the mechanical equipment less audible from the street; the additional height of the building will not constitute a nuisance and will not create detrimental or offensive uses on the site;
- 10.386 – N/A; the height of the building has no bearing on parking and sign regulations;
- 10.387 – The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements; the Board has received a Traffic Impact Report; the increased height of the building improves pedestrian and vehicular safety; full-sized delivery trucks will be able to enter into the ground floor of the building and therefore will not impact streets and sidewalks; the

- height allows for the woonerf area to be enlarged, thereby providing increased access to the building as well; in addition the number of curb-cuts is being reduced from 2 to 1, improving the pedestrian and vehicular access;
- 10.388 – The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, material and equipment incidental to the normal operation of the use; there is adequate space in the building, in the service area, to accommodate these needs; full-sized delivery trucks will not impact streets and sidewalks because they can enter the ground floor of the building;
- 10.389 – The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes and methods of drainage for surface water; increased height of the building will not affect sewage disposal or drainage of surface water; increased height of the building will allow more efficient disposal of refuse and recyclables because garbage trucks will be able to enter the ground floor of the building for pick-up of disposables;
- 10.390 – N/A; the building is not located in a Flood Prone Conservancy District;
- 10.391 – The proposal protects, to the extent feasible, unique or important natural, historic or scenic features; these features include the general character of downtown and the cemetery; it is consistent with other existing downtown buildings; the building will protect the natural, historic and scenic general character of the downtown; the height of the building will help to enclose Kendrick Park and will protect the function of the West Cemetery as an urban green space;
- 10.392 – N/A; the increased height of the building will not affect the landscaping;
- 10.393 – N/A; the height of the building will not affect the intrusion of lighting onto adjacent properties;
- 10.394 – The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes and wetlands; the increased height of the building will not affect steep slopes, floodplains, scenic views, grade changes and wetlands; 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;
- 10.395 – The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto;
- 10.396 – The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features; the increased height of the building directly supports screening for these items; loading docks, refuse disposal and storage areas will be located within the building; rooftop equipment will be higher above the surrounding grades and will be screened with fencing;
- 10.397 – N/A; the building is located in the B-G zoning district where high density is encouraged; the project is immediately across the street from Kendrick Park, which will serve as a nearby recreation area for tenants of the building;
- 10.398 – The proposal is in harmony with the general purpose and intent of this Bylaw and the goals of the Master Plan; the Board has already quoted some of the goals of the Master Plan that are upheld by this proposal; the project promotes the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst; the proposal also follows the recommendations of the Housing Production Plan and the Housing Market Study, recently prepared by consultants for the town, which stated the need for additional housing throughout the town; by meeting the goals of both of these plans it promotes the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst.

Findings regarding modification of setback requirements

The Board found, under Section 10.38 of the Zoning Bylaw, Special Permit, with respect to modifications of the side and rear setback requirement [from 20 feet to 4'-4" on the south side, 5'-4" on the cemetery side, 5'-0" on the northeast corner and 0' on the southeast corner]:

- 10.380 – 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 proposed setbacks are compatible with other buildings in the downtown area, in the B-G zoning district; the setbacks are roughly consistent with the existing building footprint along two sides of the building;
- 10.381 – The proposal is compatible with existing uses and other uses permitted by right in the same district; the modified side and rear setbacks are consistent with other buildings in the B-G zoning district because a 0' setback is allowed on most properties in the B-G district; the proposed setbacks are consistent with the architectural styles throughout the downtown area;
- 10.382 – The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; the proposed setbacks will not create a nuisance; the proximity of other buildings is hardly applicable; based on the renderings submitted by the applicant the proposed setbacks will not create a nuisance that cause a visually offensive structure or site feature;
- 10.383 – The proposal will not be a substantial inconvenience to abutters, vehicles or pedestrians; the Board will impose a condition requiring that the applicant obtain a statement from the Fire Department that the 5 foot setback from the neighboring building on the northeast corner will not create a hazard; the proposal provides adequate/excellent access around all sides of the building; any potential substantial inconvenience during construction will be mitigated by the required staging plan;
- 10.384 – N/A; the Special Permit is for modification of setbacks, not for the use;
- 10.385 – The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site; the proximity of other buildings is hardly applicable; based on the renderings submitted by the applicant the proposed reduced setbacks will not create a detrimental or offensive use on the site;
- 10.386 – N/A; the setbacks of the building have no bearing on parking and sign regulations; any signs will be addressed when the required sign plan is submitted and the parking is all contained within the building so it is not affected by the modifications;
- 10.387 – The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements; the Board has received a Traffic Impact Report; the modification to the side setback will allow the applicant to create a “woonerf” for excellent access to the north side of the building and will reduce the impact to pedestrians because there will be only one curb cut;
- 10.388 – The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, material and equipment incidental to the normal operation of the use; the modification to the side setback will allow the applicant to create a “woonerf” for excellent access to the north side of the building and to the garage area;
- 10.389 – The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes and methods of drainage for surface water; the modification to the side setback will allow the applicant to create a “woonerf” for excellent access to the north side of the building for refuse disposal and other vehicles to service the building;
- 10.390 – N/A; the building is not located in a Flood Prone Conservancy District;

- 10.391 – The proposal protects, to the extent feasible, unique or important natural, historic or scenic features; these features include the general character of downtown and the cemetery; the reduced setback will protect the mural by replacing it in concert with the artist in a location that is consistent with its current location; the setback along the cemetery will be approximately the same as the existing building; there will be no intrusion into the historic cemetery; the slope will be brought back to its historic grade along the cemetery side;
- 10.392 – The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage; a condition of the Site Plan Review will require that the applicant return with a revised Landscape Plan; the applicant will work with the Tree Warden regarding the disposition or preservation of existing trees and planting of new trees along the sides of the property;
- 10.393 – N/A; the modified setbacks of the building will not affect the intrusion of lighting onto adjacent properties;
- 10.394 – The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes and wetlands; the modification of the side and rear setbacks will improve the appearance of the repainted mural by making it more approachable and by bringing it up to grade with the cemetery;
- 10.395 – The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto;
- 10.396 – The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features; the modification of side and rear setbacks allow better access to the parking and service area and therefore better screening of loading and delivery areas;
- 10.397 – N/A; the building is located in the B-G zoning district where high density is encouraged; the project is immediately across the street from Kendrick Park, which will serve as a nearby recreation area for tenants of the building;
- 10.398 – The proposal is in harmony with the general purpose and intent of this Bylaw and the goals of the Master Plan; the Board has already quoted some of the goals of the Master Plan that are upheld by this proposal; the project promotes the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst; the modification of the side and rear setbacks allows for a single curb cut and promotes better access to the building on the north side, which will promote the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst.

Mr. Stutsman MOVED to close the public hearing for the Special Permit application for modification of height requirements [SPP2016-00002] and to make the findings related to that Special Permit as discussed and to approve the Special Permit application for modification of height requirements. Ms. Riahi seconded and the vote was 7-0-0.

Mr. Stutsman MOVED to close the public hearing for the Special Permit application for modification of setback requirements [SPP2016-00002] and to make the findings related to that Special Permit as discussed and to approve the Special Permit application for modification of setback requirements, with one condition as discussed. Ms. Riahi seconded and the vote was 7-0-0.

Waivers

- None

Conditions

1. The applicant shall obtain a statement from the Fire Department confirming that the 5'-0" setback at the northeast corner, where the building abuts the Summerlin property, will not be a potential hazard.

V. OLD BUSINESS – The Board returned to Old Business.

- B.** SPR2014-00001 & SPR2014-00019 – Archipelago Investments LLC – Olympia Place – 57 Olympia Drive – Review of compliance with Conditions 2 (revised Management Plan), 4 (parking for tenants), 5 (revised lease), 6 (handicapped parking) and 7 (handicapped drop-off area), 8 (Landscape Plan), and 13 (detailed plans of paved areas and site improvements) of Site Plan Review decision

David Williams of Archipelago Investments LLC presented information to the Board regarding compliance with the conditions. Archipelago had previously submitted a packet of written documentation to the Board on these conditions, including plans of the site and context plans.

Mr. Williams reported that there will be six handicapped parking spaces provided on a parcel adjacent to Olympia Place, to the north, currently owned by UMass. There will be paved paths leading from these parking spaces to the front door. There will be between 75 and 100 bike racks provided. A Landscape Plan has been submitted showing proposed plantings around the buildings, including grasses and birch trees. These will not be gathering spaces, but rather viewing spaces. The six handicapped parking spaces will be located within 200 feet of the main door.

Regarding the use of the UMass parking lots by tenants of Olympia Place, the applicants have met with Jonathan King, Director of Parking at UMass, and have a letter of agreement regarding parking on the UMass lots across from Olympia Place. In addition to that, Archipelago and the adjacent sorority, as owners of a property, have rights of recreation and parking, in the deed, over the property that contains the UMass parking lots. The information on streetlights has been distributed. Archipelago is working with Guilford Mooring, Superintendent of Public Works, and UMass, on the upgrade to public way. The building is entirely accessible.

Mr. Crouner noted that there is a designation “faculty staff” on one of the maps prepared by UMass, for one of the parking lots (one of the “blue lots”) that is proposed to be used by the tenants of Olympia Place. Mr. Crouner observed that there is plenty of parking in the area and he doesn’t see this designation on the map as a problem.

Mr. Stutsman MOVED that the project is in compliance with Conditions 2 (revised Management Plan), 4 (parking for tenants), 5 (revised lease), 6 (handicapped parking) and 7 (handicapped drop-off area), 8 (Landscape Plan), and 13 (detailed plans of paved areas and site improvements) of Site Plan Review decision. Ms. Riahi seconded and the vote was 7-0-0.

The Board members agreed to meet on the Olympia Place site for a tour of the building at 10:00 a.m. on Monday, July 25th.

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

VI. NEW BUSINESS

Topics not reasonably anticipated 48 hours prior to the meeting – Ms. Brestrup gave a report on the presentation by AECOM, consultants for the town, at a July 19th joint meeting of the Planning Board and Conservation Commission on Floodplain Mapping, which will help the

town update the town's FIRM (Flood Insurance Rate Maps), with the goal of having the maps adopted by FEMA.

VII. FORM A (ANR) SUBDIVISION APPLICATIONS

The Board endorsed the following ANR plans:

ANR2017-00001 – Slobody Development Corp, 85 and 101 University Drive

ANR2017-00002 – James W. Hoerle, 908 South East Street

VIII. UPCOMING ZBA APPLICATIONS

Ms. Brestrup reported on the following current and upcoming ZBA applications:

- Linda Muerle, 32 North Prospect Street – converted dwelling and townhouses
- GTI, 169 Meadow Street – medical marijuana facility
- Christopher Montiero, 134 Summer Street – converted dwelling
- Jonathan Klate, 47 Red Gate Lane – flag lot
- Upcoming Comprehensive Permit application for mixed-use development in North Amherst Village Center, being proposed by Beacon Communities

IX. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup reported on the following upcoming Site Plan Review applications:

- Lutheran Church, 867 North Pleasant Street – play structure
- Nauset Properties, LP, 156 South East Street – conversion of a single family house to office space

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS – no reports

Pioneer Valley Planning Commission – Jack Jemsek

Community Preservation Act Committee – Pari Riahi

Agricultural Commission – Stephen Schreiber

Design Review Board – Michael Birtwistle

Housing and Sheltering Committee – Greg Stutsman

Zoning Subcommittee – Rob Crouner and Greg Stutsman

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman and Christine Gray-Mullen

Downtown Parking Working Group – Christine Gray-Mullen and Richard Roznoy

XI. REPORT OF THE CHAIR – none

XII. REPORT OF STAFF – none

XIII. ADJOURNMENT

The meeting was adjourned at 10:20 PM.

Respectfully submitted: Approved:

Christine M. Brestrup
Planning Director

Stephen Schreiber, Chair

DATE: _____