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TOWN HALL  
4 Boltwood Avenue  
Amherst, MA 01002-2351

# AMHERST

# sachusetts

PLANNING DEPARTMENT  
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## DEVELOPMENT APPLICATION REPORT

*Preliminary Report*

July 29, 2014

**TYPE OF APPLICATION:** Definitive Subdivision Plan – SUB 2014-00002/M23945  
**APPLICANT:** Retreat at Amherst, LLC, Attn: Jason Doornbos  
**ADDRESS:** 455 Epps Bridge Pkwy, Bldg. 100, Suite 201  
Athens, GA 30606  
**PROPERTY ADDRESS:** Henry Street, Market Hills Road and Flat Hills Road  
**ZONING DISTRICT:** Residential Neighborhood (R-N) and Residential Outlying (R-O)  
**DATE FILED:** May 28, 2014

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### REQUEST

The applicant is requesting Definitive Subdivision Approval for a 136 lot subdivision plan, 123 lots of which are proposed to be developed for housing.

### PROJECT DATA

Parcel Number: Map 6A, Parcels 84, 91, 95 and 96  
Number of Lots: 136 in Residential Outlying (R-O) and Residential Neighborhood (R-N) Zoning Districts (123 of which are in Residential Outlying R-O District, to be developed for housing)  
Number of Units: 175 proposed by applicant (Planning Staff counted lots sized for 174 on plan)  
Parcel Size: 147.3 acres  
Lot Sizes: Lots range in size from 0.07 acres (public lot) to 20.89 acres (open space lot #10)  
Developable lots range in size from 15,000 SF for a single-family dwelling To 40,600 SF for a duplex  
The amenity lot is proposed to be 2.08 Acres (90,604.8 SF)  
Open Space: 75.36 acres  
Utilities: Public water and sewer  
Roads: Road A – a through road from Market Hill Road to Flat Hills Road (4,762 FT);  
Road B – a loop road off Road A (4,162 FT);  
Road C – a cul-de-sac off Road B (242 FT);  
Mislabelled on Sheet 3.6 as Road E;  
Road D – through road connecting Henry Street to Road A (1,427 FT);  
Road E – a cul-de-sac off Road A (800 FT)  
Right-of-way – 50 Feet; Pavement width – 22 Feet;

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Sidewalks: 8 FT multi-use pathways are proposed along one side of roadways;  
5 FT wide sidewalks are proposed along the side of the roadways where there are dwelling units, except where there is an 8 FT multi-use pathway;

**PROJECT DESCRIPTION**

This subdivision is being proposed on land owned by W.D. Cowls located in the Cushman area of Amherst. The property has frontage on Henry Street, Market Hill Road and Flat Hills Road. The site contains 147.3 acres. There are several streams and associated wetlands that cross the site. The Robert Frost Trail crosses east to west along the northern edge of the property. There are no existing structures on the property.

The subdivision is being proposed under Section 4.3 of the Zoning Bylaw, Cluster Development. In addition to Subdivision review a Cluster Development also requires Site Plan Review.

The Cluster Development Method is allowed by Site Plan Review in the R-O and R-N zoning districts on properties of 5 acres or more. This property is 147.3 acres and is located in the R-O and R-N zoning districts and thus meets the acreage and zoning district requirement with respect to the Cluster Development Method.

According to Section 4.30 of the Zoning Bylaw, Cluster Development is defined as “a residential development in which the building and accessory uses are clustered together with reduced lot sizes, into one or more groups. The land not included in the building lots shall be permanently preserved as open space.”

Please refer to the “Summary and Timeline of Permitting Process for The Retreat”, revised 7/25/14, prepared by the Planning Department staff for a more complete explanation of the permitting process for a Cluster Subdivision Development.

**SITE VISIT**

The Board has not scheduled a site visit for this application at this time. A site visit was held on December 4, 2013, prior to the public hearing on the Preliminary Subdivision Plan.

**PREVIOUS ACTION**

SUB2014-00001 – Retreat at Amherst LLC – Preliminary Subdivision Plan for 136 lots, 123 would be developed for housing – Planning Board issued recommendations in December 2013

**ISSUES**

**1. General Review**

The focus of the Planning Board’s review of the Definitive Subdivision Plan will be on the design, layout and grading of the roadway, layout of the lots, utility design and storm water management for the roadway.

At the end of the Preliminary Subdivision Plan review the Planning Board issued a letter to the applicant containing 20 recommendations for improvements to be incorporated into the Definitive

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Subdivision Plan. A copy of this letter has been provided to Planning Board members. Many of the recommendations have been incorporated, however the applicant has not incorporated recommendations #6, #10 or #11 into the current submission.

The application for Site Plan Review for Cluster Subdivision has not yet been submitted. It is expected to be submitted sometime in September 2014. The project will not be able to proceed until the Site Plan Review for Cluster Subdivision application has been submitted and approved by the Planning Board. During the Site Plan Review process the Planning Board will review the location of buildings, architectural design of buildings, on-site parking, site improvements, and lighting and landscaping of individual lots.

## 2. Proposed Use(s) of the Property

The Planning Board may also consider and seek to determine the proposed land use(s) of the property during the Definitive Subdivision Plan review. Town Counsel, Joel Bard, of Kopelman & Paige, has advised staff that it is appropriate during review of the Definitive Subdivision Plan for the Planning Board to review and discuss the proposed use(s) of the property and to make a determination as to the nature of the proposed use(s) in order to determine how those use(s) are to be regulated in the zoning district(s) in which they are proposed.

The property is proposed to be developed for residential use, with single and two-family dwellings constructed on individual lots. These dwelling types are permitted under Section 3.320 (Single Family Detached Dwelling – allowed by right) and Section 3.321 (Two Family Detached Dwelling – allowed by Special Permit in the R-N and R-O districts). However, the Cluster Development Method permits both single family and two-family dwellings to be developed under Site Plan Review as part of a Definitive Subdivision Plan and does not require a Special Permit for each individual two-family dwelling.

The applicant is also proposing an “Amenity Lot” as part of the Definitive Subdivision Plan. The applicant has not yet identified or described the uses that are proposed for the Amenity Lot. Once these uses have been described, the Building Commissioner will determine whether the uses are permissible in the R-O and R-N zoning districts and if so, whether they require Site Plan Review or a Special Permit. The review of uses proposed for the Amenity Lot is not part of the review of the Definitive Subdivision Plan.

The single and two-family dwelling units are proposed to be rented, by the bedroom, primarily to students of the local university and colleges. Massachusetts Fair Housing law would prevent a property owner or manager from offering the rental of bedrooms exclusively to students—non-students will also have to have an opportunity to rent.

Abutters and others have contended that, rather than being considered single family and duplex residential uses, the proposed development is “most similar” under the provisions of Section 3.3. to the use described under Section 3.326 of the Zoning Bylaw:

“Fraternity or Sorority building, social dormitory, or similar use related to Amherst College, Hampshire College, or the University of Massachusetts”.

The use described in Section 3.326 is not permitted in the R-N and R-O zoning districts.

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The Board may wish to spend some time identifying the issues and questions related to resolving this question, and may wish to request clarification of such issues from Town Counsel and staff.

The result of the Planning Board's review of the Definitive Subdivision Plan, if the Board chooses to approve the plan, will be a Certificate of Decision, listing conditions, waivers and findings that the Board establishes during its review. The Certificate will be filed with the Town Clerk. The applicant will need to record the Certificate at the Registry of Deeds along with the approved Definitive Subdivision Plans.

### 3. Waivers Requested

The applicant is requesting the following waivers:

#### Waivers from Zoning Bylaw

- Waiver of setback requirements under Footnote "a" of Table 3 (*not to be considered until the filing of a Site Plan Review application when definitive building locations will be shown*);

The applicant may also need, but has not yet requested, the following waiver:

- Waiver of frontage requirements for certain lots under Footnote "k" of Table 3;

#### Waivers from Rules and Regulations Governing the Subdivision of Land:

- Waiver of the requirement for maximum 8% grade along the roadways;
- Waiver of the requirement for minimum horizontal curves (not less than 246 for minor roads and not less than 355 feet for secondary roads);

The applicant may also need, but has not yet requested, the following waivers:

- Waiver of the requirement for a maximum length of 800 feet for cul-de-sac roads (Road B is about 1,100 feet long to the point where it becomes a loop and it may be considered a "cul-de-sac" even though it is designed as a length of road with a loop rather than a turn-around; the applicant is proposing emergency connections to Roads A and C);
- Waiver of the requirement for a maximum grade of 4% within 100' of an intersection.

### 4. Roadways

The primary access for this development is proposed to be from Market Hill Road with secondary access points on Henry Street and Flat Hills Road.

A Traffic Impact Statement has been submitted with the Definitive Subdivision application.

The Town of Amherst Rules and Regulations Governing the Subdivision of Land includes a chart showing requirements for the design of subdivision roads. The chart (Section V.G.2., page 23) presents the Right of Way and Street Design Standards. (A copy of the Rules and Regulations containing this chart has been provided to Planning Board members.)

The requirements for individual roads depend on the "street classification". The applicant has stated in the Development Impact Statement that Road A will be classified as a "secondary road" and the other roads in the subdivision will be classified as "minor roads". The cul-de-sacs will be classified as minor roads.

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The applicant has stated that for the proposed project the streets are currently intended to be private. However, the Planning Board, in its decision on the Preliminary Subdivision Plan, stated that:

“It is the Planning Board’s preference that the proposed roads become public ways. The roadways should therefore be designed to meet Town of Amherst subdivision and DPW street and site work standards to ensure that the roads will be built to a standard capable of being adopted as public ways.”

The applicant has stated its intention that the town assume ownership of the main sewer and water lines in the development. The Department of Public Works is in favor of this proposal because it would open up the possibility that the land to the east of the development, along Flat Hills Road and in nearby neighborhoods, could be connected to the town sewer system.

a. General design standards for roadways

- Cul-de-sacs shall be no more than 800 feet in length; (*waiver required*); Road B exceeds 800 feet in length and is essentially a cul-de-sac although it has emergency connections to adjacent Roads A and C;
- Cul-de-sacs shall have a radius of pavement of at least 50 feet (100 feet in diameter);
- Right of way (property line to property line) width shall be 50 feet for secondary roads and can be 40 feet for minor roads with the approval of the Planning Board;
- Minimum pavement width shall be 20, 22, 24 or 26 feet for minor roads;
- Minimum pavement width shall be 24, 26, 28, or 30 feet for secondary roads (*waiver required*);
- Minimum horizontal curves not less than approximately 246 for minor roads and not less than approximately 345 feet for secondary roads (*waiver requested*);
- Minimum percent grade shall be 1%;
- Maximum percent grade shall be 8% for both secondary and minor roads; minor roads may be as much as 10% for short distances; (*waiver requested*)
- Maximum percent grade shall be 4% within 100 feet of an intersection; (*waiver required*)
- Open space provided as part of a subdivision shall have frontage on a street.

Except for the items shown as “*waiver requested*” and “*waiver required*”, the proposed roadways appear to meet the requirements for width of Right of Way and pavement. All Rights of Way are proposed to be 50 feet wide. All roadways are proposed to have 22 feet of pavement (with two 11 foot travel lanes) in accordance with Condition #2 of the Preliminary Subdivision Plan Decision, dated December 10, 2013. A waiver will be required to allow 22 feet of pavement on a secondary road, in accordance with Condition #2.

There are also various requirements for the width of shoulders, the height of the crown of the road curve radii at intersections, angle of intersections, the sight distance, the minimum horizontal curve radius along the centerline, distance between manholes, location of catch basins, size of drain and sewer lines, distance between fire hydrants. (Refer to the Rules and Regulations Governing the Subdivision of Land for further details)

All gas, phone, electrical and cable utilities are required to be installed underground.

Curb cuts (accessible for handicapped people) are required where sidewalks intersect with roadways. Plans do not show curb cuts.

Sidewalks are required on one side of the road and are required to be 5 feet in width.

Shade trees are required to be planted in accordance with Section V.I.L.2.

Street lights are required at intersections.

The Planning Board may waive compliance with any of the requirements in the Rules and Regulations Governing the Subdivision of Land, in accordance with the following:

“Section VIII.B. Waiver of Compliance (page 35)

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the intent of the Subdivision Control Law. In waiving strict compliance the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived. The Town Engineer may approve minor revisions to the construction plans.”

b. Waivers requested or required from Roadway Design Requirements

1) Length of Cul-de-sacs

One of the cul-de-sac roads (Road B, which is operationally the same as a cul-de-sac) exceeds the maximum 800 foot length allowed in the Subdivision Regulations. The Board will be asked to waive the requirement and allow this road to exceed the 800 foot allowed cul-de-sac length.

Road B – the length of Road B from its intersection with Road A to the point where the road splits into a loop is approximately 1,100 feet long. The length of the loop is approximately 2,750 feet long. The total length of Road B is 4,162 feet. There are two emergency access easements (20 foot wide easements with 16 foot wide paved emergency drives) connecting the loop to Roads C and A, to allow police, fire and ambulance vehicles to gain access to the loop portion of the road if other portions of the road are blocked.

Issues to consider

Fire and emergency access may be impeded by the added length of road. However, there are two emergency access easements proposed to connect the loop to Roads C and A, to allow police, fire and ambulance vehicles to gain access to the loop portion of the road if other portions of the road are blocked. The Board will need to determine if a waiver for the length of Road B is appropriate.

The Board may wish to seek advice from the Fire Department about the length of the loop road, Road B.

If the Board accepts the emergency access roads as adequate for that purpose, the Board may wish to impose a condition regarding maintenance of these emergency access roads, so that they do not become overgrown or impassable over time.

The Board may also wish to inquire about whether both ends of these emergency access roads will be gated and closed to regular traffic.

2) Steepness of roadways

Several roadway sections are proposed to exceed the 8% maximum grade, allowed for minor roads but not for secondary roads.

The Board is being asked to waive the requirement and allow sections of the roadways to be up to 10% in steepness under the Waiver of Compliance section of the Subdivision Rules and Regulations, for both minor and secondary roads.

In addition several roadway section are proposed to exceed the 4% maximum grade within 100 feet of intersections with other roads. The Board would need to waive this requirement as well, although the request for waiver has not yet been submitted.

Note that Road A is considered a “secondary road” and other roads are considered to be “minor roads”.

The areas where the roadway exceeds either 4% within 100 feet of an intersection or 8% along its length are as follows:

Road A (secondary road)

- Exceeds 8% from approximate station 6+54.10 to 8+91.43 (about 240 feet);
- Exceeds 8% from approximate station 31+76.58 to 33+76.89 (about 200 feet);
- Exceeds 4% within 100 feet of its intersection with Road D (west of Road D);
- Exceeds 4% within 100 feet of its intersection with Road E;

Road B (minor road)

- Exceeds 8% from approximate station 3+26.43 to 5+26.27 (about 200 feet);
- Exceeds 8% from approximate station 7+75.27 to 8+32.27 (about 55 feet);
- Exceeds 8% from approximate station 11+72.36 to 12+15.39 (about 45 feet);
- Exceeds 8% from approximate station 29+00.15 to 29+12.45 (about 12 feet);
- Exceeds 4% within 100 feet of its intersection with Road C;

Road D (minor road)

- Exceeds 8% from approximate station 3+25.9 to 5+65 (about 240 feet).

Issues to consider

Emergency vehicles, particularly fire department trucks, will have difficulty setting up on steep slopes. The preferred grade for fire department trucks to set up is considerably less steep. Therefore, if there are extended areas of steeper roadway, fire trucks will need to move to more level ground to set up their vehicles or turn the vehicle 90° to the direction of travel. They may not be able to position themselves close to structures which may need emergency services. (It should be noted that the applicant has stated its intention to install sprinklers in the dwelling units.)

In addition, icy conditions may make it difficult for passenger vehicles to navigate on steeper slopes, particularly in the vicinity of intersections.

The Board may wish to consider not allowing roads with slopes over 4% within 100 feet of intersections. The Board may also wish to consider not allowing roads with slopes over 8% or alternatively limiting the grades over 8% to minor roads.

**5. Lot Layout in a Cluster Development & Yield Plan Accuracy**

In order to determine how many lots are allowed in a Cluster Subdivision the applicant must go through two exercises:

a. Density

Method 1

Calculate the maximum density in accordance with Section 4.3231 of the Zoning Bylaw.

In this case the property is 147.3 acres.

Total lot acreage of 147.3 acres less 10% (or 14.73 acres) = 133.57 acres.

132.57 acres = 5,774,749.2 square feet (one acre = 43,560 square feet)

5,774,749.2 divided by 30,000 square feet (required per lot in R-O district) = 192.49 lots

Rounding down, in accordance with Section 4.12 of the Bylaw, the yield would be 192 lots.

The applicant is proposing 136 lots, 123 of them developable for housing, which is less than the 192 lots allowed by the calculation.

Method 2

Prepare a Standard Subdivision Plan to show that the number of lots that can be created using the Standard Subdivision method of development. The reason for this exercise is to show that the number of lots being proposed under the Cluster Development does not exceed the number that can be created under the Standard Development method. (Section 3.3231) The applicant has prepared and submitted such a plan and it is included in the drawing set as Sheet 16.0, entitled "Yield Plan and Notes". This is the same Yield Plan as that submitted with the Preliminary Subdivision Plan application. Recommendation #11 of the Decision on the Preliminary Plan recommended that a revised Yield Plan be developed and submitted:

"showing and responding to wetland resource areas as determined by the Conservation Commission and showing that each proposed lot is a buildable lot containing at least 90% or 20,000 square feet of contiguous upland area. The roadways on the Yield Plan shall not exceed the allowed number of wetland crossings, nor the grades otherwise specified herein".

The Yield Plan shows 136 lots, with 123 lots developable for housing. The additional lots are reserved for open space and utilities and office/amenities.

Section 4.3231 of the Zoning Bylaw states that "it is the intention of this Section that the cluster subdivision not result in more lots than would be approved for a standard subdivision under a Definitive Subdivision Plan, except as may be authorized under this Bylaw."



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Planning Department staff has analyzed the Yield Plan for compliance with the definition of a “Lot, Buildable” in Section 12.29. Most of the lots on the Yield Plan appear to comply with this definition of a buildable lot. This will need to be confirmed.

“Lot, Buildable: Any lot meeting the minimum lot area and lot frontage requirements of the zoning district in which it is located and which contains either 90 percent of its total lot area, or 20,000 square feet, in contiguous upland acreage.”

#### Issues to consider

The Yield Plan does not show grading and it proposes 7 separate wetlands crossings.

Under state and local wetlands law, total disturbance of wetland (Bordering Vegetative Wetland) in any given project is limited to a total of 5,000 square feet. It is unclear if the 7 wetland crossings shown on the Yield Plan can be accommodated within this limitation.

The Board may wish to require that a more detailed, and more realistic, Yield Plan be submitted to confirm the number of lots that could be permitted and approved under a standard Definitive Subdivision Plan.

Six lots – Lots #5, 36, 65, 68, 75 and 83 – appear to be problematic with respect to wetlands setbacks and zoning setbacks. It appears that, given setback limitations, there may not be enough room left on these lots to develop a dwelling unit.

#### b. Lot Area

Section 4.322 requires that a minimum of 50 percent of the total lots shall be reduced at least 25 percent in area from the minimum standard lot size requirement of the zoning district in which the parcel is located. The minimum standard lot size in the R-O zoning district is 30,000 square feet for a single family dwelling and 40,000 square feet for a duplex.

The lots in the proposed subdivision are all reduced in size. More than 50% of the total lots are reduced at least 25% in area, thus meeting the requirement of Section 4.322.

In accordance with the Dimensional Requirements for Cluster (shown at the bottom of Table 3) the lots are required to have lot areas as follows:

Single family lots – 15,000 square feet

Duplex lots – 25,000 square feet (15,000 SF + 10,000 SF for the additional unit)

The lots proposed for duplexes are shown with a double-unit symbol on Sheets 4.1 through 4.13 in the drawing set.

All of the lots appear to comply with the lot area requirement, except for Lot 25, which shows a duplex building footprint on a lot sized for a single family dwelling.

#### c. Frontage

The frontage requirement for lots in a Cluster Subdivision in the R-O zoning district is 100 feet.

Section 6.111 of the Zoning Bylaw states that in the case of lots “on the convex side of a curve in a street, [frontage] may be taken as the straight distance between the points on the side lot lines intersected by the prescribed minimum setback line”.

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Section 6.111 of the Zoning Bylaw further states that “In the case of lots which have more than one-half of their frontage along the curve of a permanent turnaround (at the end of a dead end street) or of a similar curved street segment serving no more than six (6) dwelling structures, said straight distance between the points on the side lot lines need not exceed seventy (70) percent of the prescribed minimum”.

Section 4.3232 states that “The Planning Board may reduce the frontage requirements for not more than 50 percent of the lots in the subdivision.” The Building Commissioner (Zoning Enforcement Officer) has interpreted this to mean that up to 50 percent of the lots may be further reduced from the Cluster frontage requirement of 100 feet, under Footnote “k” of Table 3.

The applicant has not requested waivers from frontage requirements.

#### Issues to consider

Careful study will be needed to determine if all lots meet frontage requirements, as defined in Section 6.11 of the Zoning Bylaw. A brief analysis indicates that most lots meet frontage requirements, but some appear not to meet frontage requirements. For those that do not meet frontage requirements the Board may wish to consider modifying the requirement under Footnote “k” of Table 3.

#### d. Building Circle

Section 6.40 of the Zoning Bylaw states as follows:

“That portion of a frontage lot within which the principal building is to be located shall be considered the building area. The building area of a frontage lot shall be capable of containing a circle whose diameter is equal to or greater than the minimum standard street frontage required in the district where the lot has its frontage, without any portion of the circle falling outside of the property.”

For Cluster Subdivisions the Building Commissioner has interpreted the phrase “minimum standard street frontage” to be the minimum standard street frontage required for Cluster, not the standard street frontage required for standard subdivisions and not the modified street frontage that may be allowed under Footnote “k”.

In this case the minimum standard street frontage for a lot in a Cluster Development in the R-O district would be 100 feet. Therefore, all lots must be able to contain a building circle of 100 feet in diameter.

#### Issues to consider

All of the proposed lots, except Lot 6, show a 100’ building circle. It appears that Lot 6 is able to contain a 100’ building circle. The building circle for Lot 6 should be shown on the plan.

#### e. Buildable lots

Lots in the proposed Cluster Subdivision must be “buildable lots” in accordance with the definition in Section 12.24 of the Zoning Bylaw. Once the wetland delineation has been approved by the Conservation Commission it will be easier to determine which lots are buildable according to this definition.

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“Lot, Buildable: Any lot meeting the minimum lot area and lot frontage requirements of the zoning district in which it is located and which contains either 90 percent of its total lot area, or 20,000 square feet, in contiguous upland acreage.”

Issues to consider

The Board may wish to require that the applicant show that each lot contains either 90% of its total lot area or 20,000 square feet, in contiguous upland area. Lots 11, 12, 117 and 118 should be carefully checked.

**6. Ratio of Single-family to Two-family Dwellings required for Cluster Development**

Section 4.325 of the Zoning Bylaw states the following with regard to ratios:

“A minimum of 40% of the total dwelling units shall be single-family dwellings. A minimum of 20% of the total dwelling units shall be non-zero lot line, single family dwellings. A maximum of 60% of the dwelling units may be two-family dwellings. A maximum of 30% of the dwelling units may be attached dwellings. There shall be no more than eight attached dwelling units allowed in one building.”

Section 4.331 states that “Attached units shall only be allowed in cluster developments that include affordable units.” This development is not proposed to include affordable units and therefore attached units are not allowed.

The applicant is proposing 71 single family units (40.6% of 123) and thus meets the minimum 40% requirement.

The applicant is proposing 104 two family dwelling units (59.4% of 123) and thus meets the maximum 60% requirement.

The ratio of single to two family dwelling units thus complies with the requirements of Section 4.325.

The applicant is not proposing any zero lot line dwellings or any attached dwellings.

Issues to consider

The Board may wish to require the applicant to check the counts of single and two-family dwellings, on Sheets 4.1 through 4.13, which appear to show 51 duplexes (100 units) and 72 single family dwellings.  $102 + 72 = 174$  total dwelling units.

**7. Street Lights**

Locations for street lights have been proposed for this subdivision at a typical distance of 100' on center on one side of the roads.

Town standards typically require that streetlights are installed at a minimum at intersections and possibly at cul-de-sacs.

The Development Impact Statement states that the project will provide street lighting for safety and security and that there will be lighting outside of the office/amenity building and recreation area. Lighting is proposed to be downcast and to not shine onto adjacent properties.

Issues to consider

The Board may wish to require that the applicant submit catalog cuts for the proposed street lights and a plan showing the areas of illumination (Lumen Plan or Photometric Plan).

**8. Sidewalks and Pedestrian Circulation**

All of the roadways are proposed to have 8 foot wide multi-use paths on one side of the road. The drawings also show 5 foot wide sidewalks along roads in front of dwelling units, where there is no multi-use path.

The applicant is also showing new trails to be connected with the Robert Frost Trail that crosses the north end of the property.

Issues to consider

The Definitive Subdivision Plan (Sheet 4.5) also shows a pedestrian link to Henry Street. It is likely that residents of this new development will want to walk to the Cushman Store through the woods and this link will provide them with that option. However, there are no sidewalks along Henry Street connecting the roadway entrances/exits or proposed pedestrian paths for The Retreat property to existing sidewalks on Pine Street and thence to PVTA stops in Cushman village center or with the goods and services available at the Cushman Market and Cafe. Under the current proposal, pedestrians would need to walk in the road to get to any of these destinations. The Board may wish to inquire regarding off-site improvements ensuring safe pedestrian access to and from the village center.

**9. Parking, Driveways and Handicapped Access**

a. Numbers of Parking Spaces

Section 7.0000 of the Zoning Bylaw requires 2 parking spaces for each dwelling unit. The applicant is proposing to build 175 dwelling units to house 641 residents. In accordance with Section 7.0000, 350 parking spaces would be required ( $2 \times 175 = 350$ ).

The applicant is proposing to provide 681 parking spaces. This amounts to 1.06 parking spaces per resident.

Issues to consider

This is a reduction in the number of spaces originally proposed, as recommended by the Planning Board's letter of decision, recommendation #16.

b. On-site Parking

Section 7.00 of the Zoning Bylaw requires that "off-street parking spaces shall be provided and maintained in connection with the construction, conversion or increase in dwelling units or dimensions of buildings, structures or use." Usually this is interpreted to mean that parking is required to be provided on the lot where the associated use occurs.

In this case the applicant is proposing on-site parking for the dwelling units at a rate of 3 parking spaces per dwelling unit, for a total of 369 parking spaces on the lots.

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The applicant is also proposing 37 parking spaces on the amenity/office lot, including 2 handicapped parking spaces.

Additional parking spaces (119) will be provided as parallel parking spaces along the roadways.

c. Driveways

Some units will share a common driveway. Common driveways are proposed to be 18' wide. Some are wider than that. Single driveways are shown at 12' wide. These driveway widths are generally in conformance with Section 7.106 of the Zoning Bylaw. However, common driveways for Lots 53 & 54, Lots 55 & 56 and Lots 57 & 58 appear to be oversized at 24 feet wide.

Issues to consider

The Board may wish to consider whether to require that driveway entrances to dwelling units be no more than 18 feet wide.

d. Landscaping in Parking Lots – Section 7.11 of the Zoning Bylaw requires landscaping in parking areas. The amount of landscaping is associated with the number of parking spaces being proposed. The Site Plan Review application should provide information on landscaping as required in Section 7.11.

e. Pedestrian Access from Parking Areas – Pedestrian access is proposed to be provided from roadways to dwelling units.

In addition, pedestrian access should be provided from on-site parking lots to the entries of the dwelling units. This type of access should be shown on the Site Plan Review drawings.

f. Pedestrian Access from Parallel Parking Spaces – Pedestrian access is proposed to be provided from parallel parking spaces along roadways via a sidewalk in most cases.

g. Handicapped Access across Driveways – Curb cuts should be provided at driveways to allow handicapped individuals to move continually along sidewalks and multi-use paths.

h. Handicapped Parking – The Zoning Bylaw requires that Handicapped Parking be provided in accordance with Section 7.6. The Site Plan Review application will need to show the appropriate number and location of Handicapped Parking spaces in accordance with this section of the Bylaw.

Two handicapped parking spaces are proposed for the Amenity/Office lot.

## 10. Snow Storage

When the roadways are plowed snow will need to be stored. If the applicant proposes to cart the snow away, it needs to be stored at least temporarily until it can be carted away.

In addition, snow from the individual lots will need to be stored.

Issues to consider

The Board may wish to require that the Definitive Subdivision Plan show snow storage areas for plowing of the roadway. The Board may wish to require that the Site Plan Review application show locations for snow storage for each lot.

### **11. Pedestrian and Bicycle Facilities**

Sidewalks, multi-use paths and pedestrian trails are shown on the Definitive plan.

The Development Impact Statement states that the applicant will encourage the residents of this project to use bicycles. There are no bike lanes or separate bike paths shown on the plan, however the applicant is proposing an 8' wide multi-use path along at least one side of the roads.

#### Issues to consider

The Board may wish to consider whether the 8' wide multi-use path will be adequate to serve the needs of both pedestrians and bicyclists in this development. The Board may also wish to require the installation of bike racks throughout the development.

### **12. Utilities**

The proposed development will be served by new sewer and water lines installed by the developer. The sewer and water lines are proposed to be taken over by the Town if the development is built.

Information about the location of sewer and water lines is shown on Sheets 5.1 to 5.16, Utility Plans. Detailed information about the size and construction of the proposed sewer and water lines has been shown on the Definitive Subdivision Plans, which include profiles of sanitary and storm sewer lines and details of utilities.

#### Issues to consider

The proposed sanitary sewer is shown on the road profile as being up to 30 feet deep in certain areas (Road A – around station 39+50, 30 feet deep; around station 38+00, 30 feet deep).

The Board may wish to inquire how the sewer line, at 30 feet deep, could be repaired if it breaks or needs maintenance. The applicant is proposing that the town take possession of the sanitary sewer line at the end of the project and therefore would be responsible for its maintenance. The Town Engineer may be asked to comment on this issue. Fuss & O'Neill, third party consultants to the town, may also be asked to comment.

The Board may wish to request comments from the Town Engineer on the proposed utility systems, including sewer and water.

The Board will be receiving a report on the utility systems from its third-party consultant, Fuss & O'Neill.

### **13. Stormwater Management**

The applicant is proposing to install a storm drainage system in the roadways. Stormwater is proposed to be detained on site in stormwater detention basins located throughout the site. The proposed location for these basins is shown on the plans Sheets 6.1 through 6.13 and in detail on Sheets 7.1 and 7.2.

The applicant has also submitted a detailed Stormwater Management Plan.

#### Issues to consider

The Board may wish to request comments from the Town Engineer on the proposed stormwater management plan.

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The Board will be receiving a report on the stormwater management plan with regard to roadway drainage from its third-party consultant, Fuss & O'Neill.

#### **14. Development Impact Statement**

The applicant has submitted a Development Impact Statement. It appears to cover the issues listed in the Rules and Regulations Governing the Subdivision of Land in a general manner.

##### Issues to consider

The Board may wish to consider whether it will require more detailed information on the development impact of this project.

#### **15. Town Engineer's Review**

The Town Engineer has not yet submitted comments on this Definitive Subdivision Plan.

#### **16. Conservation Commission Review**

Wetland resource areas have been flagged on this site. The proximity of the development to streams and wetlands resources will necessitate extensive review by the Conservation Commission. Conservation Commission review will also be required for the development of lots that lie within the 100 foot buffer of wetland resource areas where work is proposed in the 100 foot buffer.

An ANRAD (Abbreviated Notice of Resource Area Delineation) has been submitted to the Conservation Commission along with subsequent amendments. The Conservation Commission is in the process of reviewing the ANRAD to determine the edges of the Bordering Vegetated Wetland and whether streams are intermittent or perennial. A Notice of Intent showing proposed work has not yet been submitted to the Conservation Commission.

Given the time limits for reviewing the Definitive Subdivision Plan, the Planning Board may need to take action on the Definitive Subdivision Plan before the Conservation Commission has completed its review of the wetlands delineation and Notice of Intent. If the Planning Board does need to take action prior to the Conservation Commission's decision and there are changes required in the plans, the applicant may need to submit an amended Definitive Subdivision Plan for approval by the Planning Board.

#### **17. Fire Department Review**

The Assistant Fire Chief has not yet submitted comments on the Definitive Subdivision Plan.

#### **18. Board of Health/Health Department Review**

The Health Inspector has not yet submitted comments on the Definitive Subdivision Plan.

The development is proposed to be served by new town sewer and water lines and therefore no septic systems or wells are proposed.

##### Issues to consider

During the review of the Preliminary Subdivision Plan the Health Inspector asked that the Definitive Subdivision Plan contain information on trash disposal, such as location of dumpsters, if any, and plans for enclosure and screening of trash receptacles and dumpsters.

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This information has not been submitted, but it may be more appropriate to review this type of information during the review of the Site Plan Review application.

The Board may wish to require that information on trash disposal, such as location of dumpsters, if any, and plans for storage or enclosure and screening of trash receptacles and dumpsters be submitted with the Site Plan Review application.

### **19. Common Land Requirements**

Section 4.34 of the Zoning Bylaw sets forth Common Land Standards. The Definitive Subdivision Plan must show that the proposed common land meets these standards.

One of the standards is set forth in Section 4.344, which states that “at least 2,000 square feet per dwelling unit must be usable open space for active and passive recreation. Such space shall not include parking space, roadway, sidewalk area, land within the FPC district, or Wetlands as determined by the Conservation Commission. Usable open space shall be defined to include such facilities as contiguous open space available for play, tot lots, gardens, hiking/jogging trails, tennis courts or similar facilities.”

The Definitive Subdivision Plan proposes 175 dwelling units. At 2,000 square feet per dwelling unit the required Common Land would be 350,000 square feet or approximately 8 acres.

The plans show 75.36 acres of open space, of which some is wetland. It appears that more than 8 acres of non-wetland area is available to meet the common land requirements.

Section 4.35 of the Zoning Bylaw sets forth various options for common land ownership. In this case the developer has stated that the common land will be conveyed to the Town of Amherst if this project goes forward.

During the process of removing the subject properties from their MGL Ch. 61 tax status, the Select Board and W.D. Cowsls entered into an agreement requiring the preservation of large, usable areas of contiguous open space as part of any subsequent development of the properties. The layout of roads and proposed building lots under the proposed Definitive Plan results in a potential 75.36 acres of preserved land.

### **20. Historical Preservation Issues**

Subdivision review and approval concerns itself with the creation of new roadways, utilities, and lot layouts. There is no provision in the Subdivision Regulations—even in a general manner—for the review or consideration of historic preservation issues as part of a Definitive Subdivision Plan review. The Purpose (Section 1B) of Amherst’s Subdivision Regulations is summarized as follows:

These Subdivision Regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the Town by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and, in proper cases, parks and open areas. The powers of the Planning Board and of the Board of Appeals under these Regulations shall be exercised with due regard for the provision of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for minimizing congestion in such ways and in the adjacent public ways for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire,



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flood, panic and other emergencies; for insuring compliance with the applicable zoning by-laws; for securing provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other, with the public ways in the Town and with the ways in neighboring subdivisions.

Historic preservation is a land use issue addressed under zoning, and would therefore be appropriately addressed by the Planning Board under an upcoming Site Plan Review application for this development.

#### **21. Proposed grading (cut and fill)**

The existing conditions on the site are irregular in terms of topography. There are several hills and ravines that cross the site from northeast to southwest, resulting in topographical changes that are steep and somewhat sudden. In order to construct roadways and housing on this site it is necessary to do a substantial amount of cutting and filling and regrading of existing topography.

In addition, some of the utilities that generally operate via gravity, such as sanitary sewer lines and storm drain lines, will require significant excavation to allow them to operate properly.

There are several places along the centerlines of Roads A, B, C and D where there are cuts of 12' to 28' deep (existing grade to proposed grade).

There are several places along the centerlines of Roads A, B, C and D where there are fills of 20' to 24' deep (existing grade to proposed grade).

In addition there are places throughout the site where newly created slopes will be up to 36 feet high at a 2:1 slope. Examples of these slopes are as follows:

- Sheet 6.4 – 2:1 slope, 34 feet high, behind Lot 124 (also called Lot 14);
- Sheet 6.6 – 2:1 slope south of cul-de-sac (Road C), 36 feet high;
- Sheet 6.9 – 2:1 slope behind house at Lot 46, 36 feet high;
- Sheet 6.12 – 2:1 slope behind house at Lot 91, 36 feet high.

These slopes appear to be excessively high and excessively steep. There are other steep, high slopes associated with several detention basins proposed throughout the site.

#### Issues to consider

The Board may wish to require that all detention basins be fenced with a 4' high fence.

The Board may wish to consider whether the amount of grading that is required to construct this project with so many units has too great an impact on the site and whether the number of units should be reduced in order to lessen the impact on the site. Resolution of this and other similar issues is also related to the need for development and submission of an accurate Yield Plan (see. p. 9).

The Board may wish to inquire about the plantings and maintenance methods that the applicant plans to use to maintain these slopes.

The Board may wish to require that extremely steep slopes not be permitted on this site. In New England, slopes steeper than 3:1 are difficult to maintain with normal mowing equipment and are subject to slumping and erosion. The Board may wish to seek guidance from Fuss & O'Neill on appropriate limitations for proposed steep slopes.

**22. Proposed retaining walls**

There are many retaining walls proposed to be constructed throughout the site. They range in height from fairly low, 2 feet to over 28 feet in maximum height. The proposed retaining walls are as follows:

- Retaining Wall “B” – 119.4’ long; 13.6’ maximum height;
- Retaining Wall “C” – 72.9’ long; 9.8’ maximum height;
- Retaining Wall “D” – 56.2’ long; 4.4’ maximum height;
- Retaining Wall “E” – 95.1’ long; 7.0’ maximum height;
- Retaining Wall “F” – 107.4’ long; 6.4’ maximum height;
- Retaining Wall “G” – 303.9’ long; 20.1’ maximum height;
- Retaining Wall “H” – 315.9’ long; 21.3’ maximum height;
- Retaining Wall “I” – 265.3’ long; 18’ maximum height;
- Retaining Wall “J” – 254.7’ long; 15.1’ maximum height;
- Retaining Wall “K” – 140.6’ long; 4.1’ maximum height;
- Retaining Wall “L” – 546.6’ long; 28.7’ maximum height;
- Retaining Wall “M” – 259.4’ long; 26.9’ maximum height;
- Retaining Wall “N” – 550.7’ long; 24.7’ maximum height;
- Retaining Wall “O” – 125.2’ long; 23.4’ maximum height;
- Retaining Wall “P” – 240.8’ long; 20.6’ maximum height;
- Retaining Wall “Q” – 236.7’ long; 24.1’ maximum height;
- Retaining Wall “R” – 139.1’ long; 9.5’ maximum height;
- Retaining Wall “S” – 99’ long; 4.6’ maximum height;
- Retaining Wall “T” – 67.9’ long; 2’ maximum height.

Issues to consider

The retaining walls very long and some of them are quite high. They are shown outside of the roadway Right of Way (see Detail B/14.1).

Board members may wish to inquire about the material proposed for the walls.

Board members may also wish to inquire about future maintenance of the retaining walls, since they are integral to maintaining the integrity of the roadways.

If the roadways remain in private ownership, the landowner will maintain the walls.

If the roadways become town roads, and the walls are outside of the Road right of Way, the Board may wish to inquire as to who will maintain the walls, and how the town can be assured that the walls will be properly maintained.

The plans show approximately 5’ from the base of the walls to the Limit of Construction (LOC). The Board may wish to inquire as to whether it will be possible to build these high retaining walls within the Limit of Construction shown on the plans or whether more space will be needed at the bottom of the walls to accommodate construction equipment, footings and excavation for footings.

If more space is required to construct the walls than the 5’ shown on the plans, the amount of wetland to be disturbed will be increased.

**23. Request for return of inspection fee**

The applicant has submitted a letter requesting return of the fee for inspection of the roadways performed during construction by the Town Engineer. The fee is based on linear footage of roadway. The applicant submitted a check in the amount of \$68,436.00 along with the application, as was required by the Rules and Regulations Governing the Subdivision of Land, amended through August 18, 1999.

The inspection fee was calculated based on 11,406 feet of roadway at \$6.00 per linear foot, the fee in effect at the time of submission of the Preliminary Subdivision Plan (October 2013).

The Board has since amended the Rules and Regulations, on June 18, 2014, to allow the submission of the inspection fee at a later date. Section II.F. Fees now reads:

*“Other than inspection fees the following application fees shall be paid at the time of filing of subdivision applications”.*

In addition, the Rules and Regulations, Section VIII.C.3. Inspection, also state the following:

*“The costs of inspection shall be borne by the subdivider and the inspection fee shall be established by the Planning Board, based on a set fee per linear foot of street, measured along the center line, on an approved definitive plan and shall be paid to the Town Treasurer prior to endorsement of the Definitive Plan.”*

The applicant is proposing to pay the inspection fee prior to the endorsement of the Definitive Plan.

**Issues to consider**

The Board may wish to consider returning the inspection fee to the applicant until the Board is ready to endorse the Definitive Subdivision Plan.

**24. Request for extension of time to review Definitive Subdivision Plan**

M.G.L. Chapter 41, Section 81U, and the Planning Board’s Rules and Regulations Governing the Subdivision of Land, both require that the Planning Board act on a Definitive Subdivision Plan within 90 days of receiving an application, unless the applicant requests an extension of the 90 day period.

On July 2, 2014, the Planning Board requested that Planning Department staff seek a request for extension of the time from the applicant, for up to an additional 90 days, to the end of November 2014.

In subsequent conversations with the applicant’s attorney, Tom Reidy, Planning staff has transmitted this request. Mr. Reidy has indicated that his client may be willing to request an extension of the review period by 30 days, to the end of September. As the public hearing progresses the applicant may be willing to request an additional extension of time.

Planning staff expects that the applicant will submit a letter requesting a 30 day extension of the review period at the July 30<sup>th</sup> public hearing.

**25. Request 3D images or “flyover” of proposed development, including topography and buildings**

The Definitive Subdivision Plan shows substantial tree clearing, grading of and impact to the site.

Issues to consider

The Planning Board may wish to request one of the following types of presentations in order to better understand the extent of the impact of the proposed project:

A 3-Dimensional “flyover” showing the site, roadway, proposed grading, proposed clearing and proposed buildings, in video format;

Or

A series of static images showing the site in the format of aerial perspectives, similar to those prepared for Atkins Corner, available through the following link:

<http://amherstma.gov/DocumentCenter/Home/View/380>

**26. Security for Construction of ways and the installation of Municipal Services**

M.G.L. Chapter 41, Section 81U, sets forth four methods by which a planning board shall secure the construction of ways and the installation of municipal services:

- a. A proper bond;
- b. A deposit of money;
- c. A covenant, requiring release of lots;
- d. An agreement among the town, the applicant and the lender to retain funds sufficient to secure the construction of ways and the installation of municipal services.

One of these methods must be agreed upon and the document(s) executed before the Planning Board’s endorsement or its approval of the Definitive Subdivision Plan.

Issues to consider

The Board may wish to inquire as to which method of security the applicant is proposing.

**27. Landscaping along Roadways**

Sheets 4.1 through 4.13 show large and small trees proposed to be planted along the roadways within the Right of Way, in accordance with Section VI.L. of the Rules and Regulations Governing the Subdivision of Land.

Issues to consider

The Board may wish to require submission of a list of numbers, species and sizes of trees proposed and to have them identified on the Definitive Subdivision Plan.

**28. Items to be reviewed under Site Plan Review application**

The applicant has not yet submitted the Site Plan Review for Cluster Subdivision application as required by Section 4.3 of the Zoning Bylaw. Once this application has been submitted, the Planning Board, will consider the application under Sections 4.3 and 11.24 of the Zoning Bylaw.

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Among the issues that the Board will consider for each lot are location of buildings and parking, grading, planting, lighting and pedestrian access on each lot.

Section 4.3 of the Bylaw sets forth special criteria and design standards for Cluster Subdivisions.

Section 11.24 of the Bylaw sets forth criteria and guidelines that the Board must use to determine whether a Site Plan Review application can be approved. The criteria include the following:

#### 11.24 REVIEW CRITERIA/DESIGN GUIDELINES

The following criteria and guidelines shall be used by the Board in evaluating the site plan and all information submitted as part of the application.

##### 11.240 GENERAL

11.2400 Conformance with all appropriate provisions of the Zoning Bylaw and the goals of the Master Plan.

11.2401 Protection of Town amenities and abutting properties through minimizing detrimental or offensive actions.

11.2402 Protection of abutting properties from detrimental site characteristics resulting from the proposed use, including but not limited to air and water pollution, flood, noise, odor, dust vibration, lights or visually offensive structures or site features.

11.2403 Provision of adequate recreational facilities, open space and amenities.

##### 11.241 ENVIRONMENTAL

11.2410 Protection of unique or important natural, historic or scenic features.

11.2411 Adequacy of proposed methods of refuse disposal

11.2412 Ability of proposed sewage disposal and water supply systems within and adjacent to the site to serve the proposed use.

11.2413 Adequacy of the proposed drainage system within and adjacent to the site to handle the increased runoff resulting from the development.

11.2414 Provision of 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. When a non-residential use adjoins a residential district, an uninterrupted vegetated buffer shall, to the extent feasible, be established and maintained between buildings associated with uses under this section and the nearest residential property boundary. Where natural, undisturbed vegetation already exists onsite prior to site preparation and clearing, the majority of that vegetation may be retained and included as part of the buffer, along with the addition of such new plantings, selective removals, and other management of site plantings as are determined to be necessary to maintaining an effective year-round visual screen. See Section 11.3.

11.2415 Adequacy of the soil erosion plan and any plan for protection of steep slopes, both during and after construction.

11.2416 Protection of adjacent properties by minimizing the intrusion of air and water pollution, flood, noise, odor, dust and vibration through 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.

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- 11.2417 Protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and building exterior lighting, through the use of cut-off luminaries, light shields, lowered height of light poles, screening or similar solutions. Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved site management plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.
- 11.2418 Protection from flood hazards as stated in Section 3.22, considering such factors as: elevation of buildings; drainage; adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant material; extent of paving; effect of fill, roadways or other encroachment on floor runoff and flow; storage of chemicals and other hazardous substances.
- 11.2419 Protection of wetlands by building in accordance with the provisions of the Wetlands Protection Act, Chapter 131, Section 40, and the Amherst Wetlands Bylaw.
- 11.242 DESIGN
- 11.2420 Within the B-L, B-VC, B-N, COM, OP, LI and PRP Districts, and any residential zoning district where the project in question occurs within the boundaries of a National Historic Register District, the Permit Granting Authority shall, if it deems the proposal likely to have a significant impact on its surroundings, be permitted to use the design principles and standards set forth in Sections 3.2040 and 3.2041, 1) through 9) to evaluate the design of the proposed architecture and landscape alterations. Within the B-G and abutting B-L districts, and for any Town project within any district, the provisions of Section 3.20, Design Review, shall remain in effect.
- 11.2421 The development shall be reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development.
- 11.2422 Building sites shall avoid, to the extent feasible, the impact on steep slopes, floodplains, scenic views, grade changes and wetlands.
- 11.2423 If there is more than one building on the site, the buildings shall relate harmoniously to each other in architectural style, site location and building exits and entrances.
- 11.2424 Screening shall be provided for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.
- 11.243 TRAFFIC/PARKING
- 11.2430 The site shall be 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.
- 11.2431 The location and number of curb cuts shall be such to minimize turning movements, and hazardous exits and entrances.
- 11.2432 The location and design of parking spaces, bicycle racks, drive aisles, loading areas and sidewalks shall be provided in a safe and convenient manner.
- 11.2433 Provision for access to adjoining properties shall be provided as appropriate.
- 11.2434 Where possible, driveways located in commercial and business districts shall be located opposite each other.

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- 11.2435 Joint access driveways between adjoining properties shall be encouraged.
- 11.2436 A traffic impact report shall be required, unless waived under Section 11.222. Information required as part of this report shall be as set forth in the Rules and Regulations of the Planning Board.
- 11.2437 When a traffic impact report is required, the proposed development shall comply with the following standards:
1. Level of Service (LOS) at nearby intersections shall not be degraded more than one level as a result of traffic generated by the proposed development, nor shall any nearby intersection degrade below the Level of E.
  2. Adjacent streets shall not exceed design capacity at the peak hour as a result of traffic generated by the proposed development.
  3. Safety hazards shall not be created or added to as a result of traffic generated by the proposed development.
  4. If any of the standards in Section 11.2437 1 - 3 are violated, the applicant shall provide alternative proposals to meet the standards, including but not limited to; reduction in the size of the development, change in proposed uses on the site, contributions to off-site street and intersection improvements or construction of off-site street and intersection improvements.

**29. Preliminary Report**

This Development Application Report is a Preliminary Report prepared by the staff of the Planning Department. If additional issues and information come to light as the review of the Definitive Subdivision Plan progresses, a revision of this Report may be required.