



TOWN HALL
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Amherst, MA 01002-2351

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**Preliminary
DEVELOPMENT APPLICATION REPORT**

October 1, 2014

TYPE OF APPLICATION: Site Plan Review and Special Permit
SPR2015-00003/M25090 and SPP2015-00001/M25087
APPLICANT: Archipelago Investments, LLC – One East Pleasant Street
APPLICANT’S ADDRESS: 37 South Pleasant Street, Amherst, MA 01002
PROPERTY ADDRESS: One East Pleasant Street
ZONING DISTRICT: General Business (B-G)
DATE FILED: 8/12/14

REQUEST

The applicant is requesting Site Plan Review approval to construct a mixed-use building containing dwelling units in combination with ground floor retail/commercial uses and parking, with 78 apartments on Floors 2 through 5, under Section 3.325 of the Zoning Bylaw (Map 11C, Parcel 278, B-G zoning district)

The applicant is also requesting a Special Permit to modify maximum building coverage (70 to 80%) and maximum height (55’ to 60’) under Footnote “a” of Table 3, Article 6 of the Zoning Bylaw.

On Friday, September 26, 2014, the applicant submitted a Special Permit application to modify the side & rear setback requirements under Footnote “a” of Table 3, Article 6, of the Zoning Bylaw. The public hearing for this Special Permit has not yet been scheduled and the analysis of it is not part of this Report.

PREVIOUS ACTION

The Planning Department is not aware of any relevant land use permits granted for this site.

PROJECT DATA

Assessor’s Map/Parcel #'s: Map 11C, Parcel 278

	<u>Required</u>	<u>Proposed/Existing</u>
Lot area:	N/A	35,375 SF
Frontage:	N/A	192.26 FT
Front Setback:	0 FT min 20 FT max	0 FT – E Pleasant St

	<u>Required</u>	<u>Proposed/Existing</u>
Side and Rear Setback:	20 FT *	4'-4" – south side * 0' – east side * 2' – northeast corner * 18'-5" – at driveway *
Max. Allowable Height:	55' **	60' **
Max. Floors	5	5
Max. Building Coverage:	70% **	80% **
Max. Lot Coverage:	95%	93%
Parking Spaces:	N/A ***	36 ***

* Property is adjacent to a Residential District (R-G, on the West Cemetery property) and therefore a 20 foot side and rear setback is required. (See Footnote “e” of Table 3, of Article 6.) A Special Permit, under Footnote “a” of Table 3 of the Zoning Bylaw, would be needed to modify this requirement. The applicant has recently applied for this Special Permit, but the analysis of it is not part of this Report, and a public hearing for that Special Permit has not yet been scheduled.

** Footnote “a” of Table 3 states that this requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. The SPGA shall consider the modification in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood. The applicant has submitted a Special Permit application for these modifications (height & building coverage) and a joint public hearing has been scheduled with the Site Plan Review application.

*** Property is in the Municipal Parking District. On-site parking is not required. However, the applicant is proposing to provide 36 parking spaces in the building for tenants’ use.

PROJECT DESCRIPTION

The project will consist of the construction of a 5-story, mixed use building, including retail/commercial space on the ground floor and 78 residential units on the upper floors.

As a separate matter, the applicant is also applying for LEED Gold certification from the Green Building Certification Institute (GBCI).

SITE VISIT

The Board held a site visit on Tuesday, September 30, 2014. A copy of the Site Visit Report will be available at the public hearing.

WAIVERS

The applicant has requested the following waivers:

- Sign Plan

ISSUES

1) Lighting Plan

The applicant has submitted a Lighting Plan and catalog cuts for proposed exterior lighting that is related to or mounted on the building (see Sheet A01 prepared by Holst Architecture)

In addition to proposed lights on the building there are at least three existing town-owned street light poles along the frontage of One East Pleasant Street – two traditional downtown style light poles and one aluminum pole with a cobra-head light. These are likely to be disturbed as a result of the proposed construction.

There is also an aluminum pole with a traffic signal arm but no traffic signal and no street light, that is located in front of the building in which Loose Goose is located.

Fourteen (14) wall sconces are proposed for the west and north façades. No wall sconces are proposed for the south or east façades.

In-ground lights were proposed along the east façade to light the reproduced mural, but the number of these lights has not been determined, and it is not clear that the applicant still wishes to install in-ground lights at the mural.

Thirteen (13) recessed lights are proposed for the canopies and entry alcove along the west and south façades.

Issues to consider

It appears from the catalog cuts that the proposed wall sconces provide down lighting only. The Board may wish to confirm that the wall sconces do not also provide up-lighting.

There may be other utility poles in the area which may be removed as part of this project. The Board may wish to inquire about these existing light poles and utility poles and what will happen to them

The Board may wish to require that all new lighting be downcast and/or shielded, not shine onto adjacent properties and be dark-sky compliant.

The Board may wish to require that a lumen or photometric plan be submitted to show where the lights will be cast on the ground.

The Board may wish to ask the applicant to clarify whether he is proposing to pay to replace the town-owned street lights and to add more streetlights as part of the work to repair the streetscape along North & East Pleasant Streets.

2) Erosion Control Plan

The applicant has submitted an Erosion Control Plan. The plan calls for installation of fiber rolls around the entire site, with a crushed aggregate apron at the entry drive.

Issues to consider

The Board may wish to hear from the Town Engineer as to whether this plan is adequate.

3) Sign Plan

The applicant has requested a waiver from the requirement for a Sign Plan. There is a note in the application that states:

“Signage for building to be determined at future date. Signage will conform to Article 8 in Zoning Bylaw. Applicant seeks to submit final Sign Plan prior to completion of construction.”

Issues to consider

The Board may wish to require that a Sign Plan for the building be submitted prior to issuance of a Certificate of Occupancy. Such a Sign Plan would show materials, approximate locations and sizes of proposed signs. The Board may wish to inquire about the need for an identification sign for the building, as well as an address sign.

Among the signs that might be included in the sign plan are the following:

- Signs for retail/commercial spaces
- Signs to identify the building and its address
- Signs for access to the parking lot in the building and for deliveries
- Signs directing people to the cemetery
- Signs directing people to the mural

4) Landscape Plan and Site Improvements

The applicant has not requested a waiver from the requirement for a Landscape Plan.

The applicant has submitted an Existing Conditions Plan which shows the locations of some, but not all of the existing trees on the site and along the borders of the site.

The applicant has submitted a plan entitled “Proposed Grading/Landscape Plan”, which is a conceptual Landscape Plan without much detail. It does not show where plantings will be installed nor does it show what types of plants will be installed. It does not show types of pavement proposed, such as concrete pavers or scored concrete sidewalk.

It should be noted that there is 93% lot coverage proposed for the site.

The roof of the parking area will be a “green roof” and there are proposed concrete planter boxes along the south façade with what appear to be grasses planted in them. These planter boxes are shown in elevation drawings.

It should be noted that some of the site improvements for this project may occur within the public way. In addition sidewalk and streetscape improvements that are disturbed as a result of construction will need to be replaced.

The site itself is small and very little of it will be left uncovered by building or pavement if the dimensional modifications requested are granted.

The applicant is requesting a Special Permit to exceed the required maximum building coverage (70% vs. 80%), again leaving little area on-site available for plantings, except within a very small area at the entry to the building and at the southwest corner at the entry to Retail Space #3 and along the south wall.

The area at the northeast corner of the building, where it meets the small Summerlin building, is not clearly defined on the plans as to whether it is paved or planted.

Issues to consider

The Board may wish to require a more detailed survey of the site, showing the locations, sizes and species of existing trees, particularly those along the perimeter of the site, along East Pleasant Street and along the property line with the cemetery. In addition, the Board may wish to require that a determination be made as to whether the trees on the cemetery side are public trees or private trees.

If they are public trees the removal of the trees would need to be approved by the Cemetery Commission (the Select Board).

The Board may wish to inquire about how the landscape at the northeast corner of the building will be treated where it meets the Summerlin building.

The applicants have stated to staff that they intend to work with the town (DPW and others) to develop a plan for streetscape improvements in front of the building, within the public way.

There are existing utility lines along the frontage of the property and these will need to be put underground in order for street trees to be planted there.

The Board may wish to inquire about whether the applicants are proposing to pay for these streetscape improvements.

The Board may wish to require that a detailed Landscape Plan for the site be submitted at a future date, prior to the issuance of a Building Permit, if the application is approved. The detailed Landscape Plan should show all planting, paving, and site furniture, if any, proposed for the applicant's property.

A detailed plan should also be submitted that will show how selected handicapped accessibility requirements will be handled, both in the public way and on-site such as curb cuts, textured/tactile strips for sight-impaired people at curb cuts and vehicular entrances to buildings.

The Board may wish to require that a detailed Landscape Plan be submitted showing all proposed improvements in the public way, including sidewalks, plantings, street furniture, handicapped accessibility features, with a statement about who will pay for these improvements. This plan can be developed in cooperation with town staff, including the Departments of Conservation and Development and Public Works.

Detailed Landscape Plans for on-site and off-site improvements would be subject to review by the Design Review Board and the Planning Board.

In resolving these issues the Board may wish to consider the following issues:

- The uncertainty regarding the overhead utilities, when and if they will be placed underground and who will pay for the work;
- The applicants' request for a Special Permit to exceed the maximum building coverage, leaving little room for planting on site;

- The fact that construction will probably damage or destroy plantings, benches, street lights and existing sidewalks within the town Right-of-Way along North and East Pleasant Street and cause the disturbance of the area within the town Right-of-Way, necessitating at a minimum the replacement of these streetscape elements;
- The fact that construction will probably damage or destroy mature trees along the property line with the West Cemetery;

The Board may wish to note that requiring associated streetscape improvements in connection with the construction of significant new buildings is a common condition of land use approvals for new development, on the basis that there will be increased activity to and from the site as a direct impact of the development, and that the developers need to make reasonable accommodation for the impacts of that new activity.

Given these facts, if the developer does not provide pedestrian and landscape improvements in the adjacent public way, the Board may wish to consider requiring instead that the applicant place funds in an escrow account in an amount that would pay for some or all of the landscaping and site improvements shown on the Site Plan within the public way.

5) Traffic Impact Statement and Parking Requirements

The applicant has submitted a Traffic Impact Statement. A copy of the TIS is included in the Planning Board's packet.

The conclusions and recommendations of the Traffic Impact Statement are contained on pages 9 and 10 of the TIS.

The conclusion of the report states the following:

“In summary, the addition of project-related traffic to the study area roadways and intersections is not anticipated to significantly impact traffic operations within the study area. With implementation of the above recommendations, safe and efficient site access will be provided and the proposed project can be built with minimal traffic impact on the roadway system.”

Issues to consider

The Board may wish to seek the comments of the Town Engineer on the methodology and conclusions of the Traffic Impact Statement.

6) Site Management Plan

A Site Management Plan was submitted with the application and has been provided to Planning Board members. The Management Plan appears to address all relevant issues.

The building is proposed to be managed by “on-call” property management, 24 hours a day. The lobby entrance is proposed to be “keycode secured”.

Issues to consider

The Board may wish to inquire about the “on-call” property management proposed for the site. Will the manager live on-site or will he/she live close by in order to be able to answer calls 24 hours a day?

Will this building be managed in a way that is similar to the management of Boltwood Place and Kendrick Place? If so, the Board may wish to request more detail about that type of management.

7) Fire Department Review

The Fire Department has submitted comments on this application. Assistant Fire Chief Don McKay has sent an email, dated 9/30/14. He stated that the usual concerns of access and water supply are well met by the current design considerations.

8) Town Engineer Review

The Town Engineer has not yet submitted written comments on this application.

9) Architecture and Design Review

The architectural style of the proposed building has been described as “Contextual Modern”. That term implies that materials of the building relate to the buildings in the surrounding area through use of brick facades and fenestration that is similar in size and placement to that on other more traditional buildings in downtown Amherst. Proportions of the building may be considered to be similar to buildings in the older center in the south end of Downtown Amherst.

Issues to consider

Because this building is located in the B-G zoning district, the applicants are required to consult with the Design Review Board regarding proposed exterior design features and site improvements. The applicants met with the Design Review Board on Tuesday, September 30, 2014.

The applicant proposes to meet with the DRB again in the upcoming weeks as the design for the building evolves. Formal recommendations from the DRB will be forthcoming after subsequent meetings.

10) Special Permit – Footnote “a” Modifications Requested

The applicant is requesting a Special Permit from the Planning Board to modify certain dimensional requirements (Section 6, Table 3, Footnote “a” of the Zoning Bylaw), as follows:

- Maximum building coverage – allowed by right 70%, proposed 80%
- Maximum height – allowed by right 55’, proposed 60’
- Side and rear setback requirements – 20’ required for properties that are adjoining a Residential District.

Issues to consider

Although the building is proposed to be five (5) stories in height, it will exceed the maximum height requirement of 55 feet by 5’.

In the downtown area, the existing buildings frequently exceed the lot and building coverage requirements. The height and massing of this building may be considered to be consistent and compatible with that of numerous older and well-established mixed-use buildings in the downtown area. There are other five story buildings in the Town Center, including the Ann Whalen Apartments and Boltwood Place. In addition, the Clark House at the other end of the downtown is six stories in height. The Town Hall exceeds 65 feet in height at its roof ridge (not including the clock tower).

The Board may wish to ask the applicant for supportive written information describing why the Special Permits for dimensional modifications are necessary for this project.

Since the Board just received a Special Permit application for side and rear setback requirements, and a public hearing date has not been set for that application, staff recommends that the Board not discuss or take testimony on that particular Special Permit until a public hearing is held for that Special Permit.

11) Storm Water Management/Drainage

The existing site consists of a developed parcel of land that is already mostly covered with either building or pavement. The stormwater from the proposed project will not markedly increase runoff.

In the existing condition, stormwater from the site flows to two on-site catch basins and then from there into the municipal storm drainage system in East Pleasant Street.

In the proposed condition, a “green roof” is proposed for a portion of the building over the garage. This green roof will act to contain and slow the release of stormwater from the developed site.

The existing catch basins on the site will be removed. A new “deep sump” catch basin will be installed. It will collect runoff from the site and will be connected to the municipal storm drainage system in East Pleasant Street, at the same point as the existing system.

Runoff from the developed site is predicted to be less than runoff from the existing site in the two-year, ten-year and 100-year storms.

Issues to consider

The Town Engineer has not yet commented on the proposed storm water management system.

12) Open Space

There will be very little “open space” available on the site once it has been developed. However, Kendrick Park, a 3 acre public park, is immediately across the street, providing a place for active and passive recreation for tenants of the Kendrick Place building. In addition, recreational facilities at the High School and at War Memorial Pool and Community Field are within walking distance, as is the Town Common and Sweetser Park.

13) Sewer and Water

The building is proposed to be connected with town sewer and water lines that run in East Pleasant Street.

Issues to consider

The Town Engineer has not commented on the ability of the town water and sewer systems to serve the proposed development.

14) Historical/Archeological Issues

At its September 23, 2014 meeting, Historical Commission reviewed and discussed plans for One East Pleasant as they relate to the existing Amherst History Mural and associated easement. The Commission will meet again in October and expects to discuss the proposed development in greater depth at the October meeting.

15) Edges of the Property

The northern edge of the property is not well defined in terms of existing conditions. There is a parking lot owned by an adjacent landowner immediately to the north. No topographical information or information on existing conditions has been provided for that area.

Issues to consider

The Board may wish to require that the applicant provide more topographical information on the area to the north of the site and show on a site plan how the edge will be treated. Will there be a curb to separate the proposed driveway from the adjacent parking lot? Will there be a fence?

16) Mural

The existing mural was painted by mural artist, David Fichter and local citizens a number of years ago on an existing 1960s-era cinder block building that is proposed to be demolished as part of this project.

The applicant has been discussing the fate of the mural with the Historical Commission (which holds a controlling easement on the property with regard to the mural) and the artist, and staff have been informed that the parties are close to coming to an agreement about recreating the mural on or near the new building.

The location of the mural is relevant to the Planning Board's review of this project. If it is part of the building, then its location may become a determining factor in whether the Board wishes to grant the modification of rear setback requirements.

If the mural stands away from the building, on its own, it will need to be considered as a "fence" under the Bylaw requirements. Issues related to height will need to be considered. The Bylaw states that a fence may not exceed 6 feet in height. However, Section 6.29 of the Zoning Bylaw authorizes the Permit Granting Board or Special Permit Granting Authority with jurisdiction over the proposed use to modify the height provisions for reasons of safety, aesthetics, or site design.

Whether the mural is part of the building or stands alone away from the building will be a determining factor in how it is treated by the Zoning Bylaw.

17) Logistics Plan

This project will take place in downtown Amherst on a very tight site. It will involve the closing of sidewalks, the demolition of existing buildings and pavement and removal of objects within the public way.

Issues to consider

The Board may wish to require that the applicant submit a Logistics Plan, showing how the site and its surroundings will operate during construction, prior to the issuance of a Building Permit, for review and approval by the Planning Board. Such a plan would include the following:

- Staging and stockpile areas for materials and equipment
- Parking for construction vehicles
- Parking for contractors personal vehicles
- Fencing
- Closing of sidewalks
- Demolition and removal of sidewalks, light poles, benches, etc. within the public way

18) Inclusionary Zoning

A citizens' petition was submitted on September 12th which proposes to amend Article 15 of the Zoning Bylaw and require that Inclusionary Zoning apply to any project that requires a Special Permit for use or dimensional modifications. This project falls under the scope of that petition article.

Issues to consider

Town Counsel has recommended in the past that the Planning Board not vote on the Site Plan Review or Special Permit applications for projects that may be affected by Town Meeting Warrant articles until after the Warrant article has been voted on by Town Meeting.

These applications are subject to the Inclusionary Zoning amendment because the decisions for these applications were not filed with the Town Clerk prior to the first publication of notice of the public hearing on the zoning amendment. The first publication will occur on Tuesday, September 30th.

19) Parking

This property is located in the Municipal Parking District. Section 7.43 of the Zoning Bylaw states that:

“Notwithstanding the other provisions of Section 7.0, off street parking spaces need not be provided for any principal or related accessory uses under the following categories of Section 3.3, Use Chart: Residential Use (Section 3.32) located within the Municipal Parking District as herein defined.”

The building is being proposed as a mixed-use building, under Section 3.325 of the Zoning Bylaw.

Issues to consider

If this building were not located in the Municipal Parking District, the applicant would be expected to provide 2 parking spaces for every dwelling unit on-site and an additional number of parking spaces for the retail/commercial uses on the first floor.

78 dwelling units x 2 spaces = 156 parking spaces

7,500 s.f of retail and other space at 3.3 spaces per 1,000 s.f = 7.5 x 3.3 = 24.75 parking spaces

Total parking spaces required if this property were not in the Municipal Parking District = 181 spaces.

The applicant is proposing to provide 36 parking spaces in the building for the use of the tenants.

Issues to consider

The building is located in the downtown Amherst, on a bus route and within walking distance of UMass and Amherst College. In addition the applicant is proposing to provide bicycle parking spaces in the garage area.

The Board may wish to inquire about where the tenants will park their cars if they are not able to obtain an on-site parking space.

Are there plans to provide the tenants with information about alternative parking locations, such as renting space from nearby landowners?

20) Cross walk

There is an existing crosswalk to Kendrick Park opposite the proposed driveway.

Issues to consider

The Board may wish to inquire about whether the applicant has talked to the Town Engineer about relocating this crosswalk.

21) Topography

The Existing Conditions Plan and the Site Plan do not include topographical information on the property to the north of the site.

Issues to consider

The Board may wish to require that the applicant provide information on how the proposed site improvements will coordinate with conditions to the north of the site.