

Town of Amherst
Zoning Board of Appeals

PROJECT APPLICATION REPORT

Project Name: North Square at the Mill District

Applicant: BC North Square LLC, limited dividend affiliate of Beacon Communities Development, LLC (Project Sponsor)
Two Center Plaza, Suite 700
Boston, MA 02108

Representative: Darcy Jameson

Project Address: 134 Montague Road and 92 Montague Road

Nature of request: Comprehensive Permit under M.G.L. Chapter 40B, to create a mixed-use, mixed income development consisting of two new buildings containing 130 residential units, including 20% (26) affordable units, 22,000 square feet of non-residential space, approximately 299, and including site improvements, on an approximate 5.3 acre leased site on a 12 acre property

Map/Parcel: 5A-42 and 5A-139

Zoning: Commercial (COM) and Residential Neighborhood (R-N)

Legal notice: Published on Friday, November 11, 2016 and Wednesday, November 23, 2016, in the Daily Hampshire Gazette and sent to abutters on November 10, 2016.

Board members: Mark Parent, Yuri Friman, Thomas Simpson

Staff members: Nathaniel Malloy, Senior Planner, Christine Brestrup, Planning Director, Brandon Toponce, Senior Planner, Rob Morra, Building Commissioner

INTRODUCTION

This Project Application Report is the initial review by staff and is not meant to be completely comprehensive. As the review process continues, additional reports will be introduced that specifically cover topics described by the applicant and which are intended to be reviewed at each meeting by the Board.

BACKGROUND

The Beacon Communities Group proposes to develop the property located at 134 and 92 Montague Road in North Amherst. The desire is to create a mixed-use community that provides 130 rental apartments for mixed-income. The project will also include approximately 22,000 square feet of non-residential space. The applicant believes there is a need for this type of development in North Amherst and stated that by providing new housing opportunities and economic development opportunities, it will create a vibrant village center in North Amherst. The project will have a total of 26 affordable housing units for households making less than 50% of the area medium household

income (AMI) and three apartments will be set aside for households making less than 30% of the AMI. Beacon is proposing this project under a 40B Comprehensive permit application, which requires the Zoning Board of Appeals to review and make a determination.

Defining Chapter 40B, Comprehensive Permit

The Massachusetts General Law (M.G.L.) 40B process was enacted to help communities provide affordable housing to low and moderate income households. This law is meant to encourage developers to provide this housing by reducing obstacles that might be created by local Zoning Bylaws. This process allows the ZBA to approve a housing development with waivers of specific requirements when a minimum of 20-25% of the units are proposed to have affordable restrictions for the long term. The Goal of affordable housing for each community within the Commonwealth is 10% of year round housing. If a community does not meet this percentage it is obligated to review a project under the 40B criteria if a Comprehensive Permit application is submitted. However, if a community satisfies the 10% threshold, it can deny the Comprehensive Permit application, and instead review the project under the local Zoning Bylaw requirements only.

The Town of Amherst currently has around 11% of the housing stock dedicated to affordable housing. Affordable housing is affordable to those who make 80% or less than the medium income of a community. According to the US Department of Housing and Urban Development (HUD), 80% of the area medium income for Amherst is \$46,000 for an individual and 65,700 for a family of four.

An applicant who desires to receive a 40B, Comprehensive Permit, must first receive approval from the Subsidizing Agency and provide a Project Eligibility letter to the municipality. The Developer may also request a list of waivers from specific requirements. Both the developer, in the application process and the reviewing body, must follow all applicable guidelines as defined in the Code of Massachusetts Regulations (760 CMR 56). Beacon has already received its Project Eligibility letter and provided the document to Town staff. A copy of this letter may be found in the attachments of this report (**see attachment 1**).

PROJECT SCOPE

Existing conditions

The subject property is 5.3 acres of a larger 12 acre parcel near Montague Road and Cowsls road. The property was once used by WD Cowsls Building supply, for a lumber mill and a storage area for wood and other building material. Although the mill has not been used for some time, many of the buildings still remain, including the lumber mill and storage barn. The lot, which is industrial in nature, appears to be underutilized for its surrounding location.

Proposed Development

The following is a description of the proposed development by the applicant from an introductory letter dated October 25, 2016:

The Beacon team drew its inspiration from the Town of Amherst's Master Plan (2010), Housing Production Plan (2013), Market Study (2015), and from conversation with Town leadership and planning staff, Town boards, and over 25 meetings with community business leaders and residents to gain a deeper understanding of community needs and interests. North Square is another substantial step in continuing to address the Town's housing community needs and generate long-term economic development and community benefits including:

- *New Housing: 130 new apartments, including 1, 2 and 3 bedrooms with parking and modern amenities.*
- *Affordable Housing: Of the 130 apartments, 26 affordable apartments for one of Amherst’s most underserved populations where the housing affordability gap is the greatest, households earning under 50% of AMI. (This would be \$41,600 for a family of 4. Three apartments will be further set aside for households earning under 30% of AMI, or \$24,950 for a family of 4).*
- *Residential Tax Revenue and CPA Funds: North Square will reuse an inactive industrial site that is currently vacant and generate valuable tax monies for other Amherst public priorities.*
- *Economic Development: The new retail space will offer different economic development opportunities in North Amherst, help keep spending local, and expand the commercial tax base.*
- *Sustainable community Development: North Square will be a well-designed, smoke free, sustainable, and transit-oriented community.*

See the attachments for a narrative of the project along with drawings of how the proposed site could be developed, and site plans of the proposed layout (**see attachment 2 and 3**). During the review process the site and scope of the project will be reviewed in full detail by the Zoning Board of Appeals.

REVIEW OF TENTATIVE ZBA SCHEDULE

Since the Board is aware of the complexity of the project and the need to review the applicant’s proposal in depth, along with hearing the concerns of citizens, much thought has been placed on the review schedule. At the November 3, 2016 ZBA meeting, Chair Mark Parent gave a few ideas of how he desired to run the meeting to keep each one as orderly and clear for the public and the developer as possible. The following is a brief summary of what the Board discussed.

- Each meeting will begin at 6:00 p.m. and end at approximately 8:30 p.m.
- Public comment will be taken at each meeting and last approximately 20 minutes with desiring to make comments being allowed 2-3 minutes each
- All meeting will be organized into topic so that each night the public, and the Board, will know the topic to be discussed in advance
- Town Counsel will be at the first meeting and then specific meetings thereafter
- Consultants will be brought in only on the nights they are requested to come
- All Meetings held for the Beacon project will be broadcast on Amherst Media

Tentative Schedule (More detail will be added after the December 1, meeting)	
Thursday, December 1, 2016	Introduction to the project
Thursday, December 8, 2016	Topic to be determined
Thursday, December 20, 2016	BEACON WILL NOT BE DISCUSSED This meeting is for other application reviews and additional ZBA business
Thursday, January 5, 2016	Topic to be determined
Thursday, January 19, 2016	BEACON WILL NOT BE DISCUSSED This meeting is for other application reviews and additional ZBA business
Additional dates will be added as needed	

WAIVER REQUESTS

The applicant has requested several waivers pertaining to applicable Bylaws and Regulations. The applicant will give an overview of these waivers at the December 1 meeting. The Board will not be deciding on the waivers at this meeting and will discuss each one specifically through the review process. The Board is not obligated to grant all the waivers and will look at each one in relation to the needs of the community and the needs of the project. These waivers will then receive careful consideration and be approved or denied through the review process. A revised list of requested waivers will be available prior to the public meeting.

ZONING BYLAW REVIEW

Allowed Uses

According to Section 3.325 a mixed use development with more than 10 dwelling units above the first floor is allowed within the Commercial (COM) Zone, with a Special Permit. Section 1.3 in the Zoning Board of Appeals Rules and Regulations state that a Comprehensive Permit must be reviewed by the Board in accordance to MGL Chapter 40B. Along with the overall use, the applicant has stated they desire to have a restaurant and other commercial uses.

- Issue to Consider:** Each use that is requested will need to be reviewed in light of the standards found in Section 3.3, Use Classification and Standards. The applicant has requested a waiver from Site Plan Review for the individual use and to only require future review when a change reflects an exterior modification. Yet, there may be some uses that may have more impact to the community, and the Board may still want to review these specifically.

Dimensional Regulations

Dimensional Regulation for the Commercial Zone				
Table 3, Zoning Bylaw				
Standard	Required	Provided	Comply	Waiver Requested
Minimum Lot Area	20,000 square feet	5.3 acres (leased)	Yes	
Additional Lot Area/family	4,000	1,645.95 square feet a unit	No	Yes
Minimum Frontage	125 feet	600 feet	Yes	No
Front Setback	20 feet	3 feet	No	Yes
Rear Setback	25	0-15 feet	No	Yes
Side Setback	25	0-15 feet	No	Yes
Maximum Building Coverage	35%	24.1%	Yes	No
Maximum Lot Coverage	70%	81.3%	No	Yes
Maximum Floors	3	4	No	Yes
Maximum Height	35	Buildings: A1 – 48.07 feet A2 – 61.65 feet B – 42.6 feet	No	Yes

Architecture

The architects for the proposed project have taken their inspiration for the buildings from traditional Zoning Board of Appeals

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New England village architecture. In order to accomplish this style they have looked at surrounding buildings and added mill elements to be consistent with the historic nature of the area. However, the developer wants the project to be unique and modern and has included styles more relevant for today. The materials being used include, brick, cement fiber board, glass, aluminum and vinyl windows. The muted paint colors have been selected from a historic palette that include, white, burgundy, gold and tan. The architect has also chosen to give the buildings more of a village presence by stepping the buildings horizontally and vertically to create the appearance of several buildings. These sections are architecturally defined with differing material, paint color, height and flat or gabled roofs. The attachments at the end of the report showcase one of the architectural styles that have been provided, however the applicant will be presenting new drawings matching the above description at the meeting. The attachment still reflects the general color and style of the architecture (see attachment 4).

Parking and Access

Parking Regulation for the Commercial Zone Section 7.0, Zoning Bylaw <small>Under Section 7.9 of the Zoning Bylaw waivers or modified regulations may be</small>		
Use Type	Standard	Required
Residential	2 spaces per dwelling unit	130 units = 260
Public Assembly (restaurant, entertainment, theaters, etc.)	<ul style="list-style-type: none"> ▪ 1 space per 4 seats, ▪ 1 space per 8 lineal feet of bench space ▪ 1 space per 80 square feet, when no seats or benches are available 	Undefined
Retail, office or similar	<ul style="list-style-type: none"> ▪ 3.3 Spaces per 1,000 square feet for the first 10,000 square feet of Gross floor area (GFA); plus ▪ 2.5 spaces per 1,000 square feet for GFA between 10,001 – 12,500 square feet; plus ▪ 2.0 spaces per 1,000 square feet for GFA over 12,500 square feet 	22,000 general retail= 54.5
All other permitted uses (veterinary, medical uses under 3.360, all other commercial uses etc.)	Adequate parking spaces to accommodate under normal conditions the cars of occupants, employees, members, customers, clients, and visitors to the premises.	Undefined
Total Required	314.5	
Total Provided	299 (93 commercial and 206 residential)	
Waiver Requested	Yes	

granted by the Board under the Special Permit Process, if the following conditions are met:

- Peak parking needs generated by on-site uses occur at different times
- A significant number of employees, tenants patrons, or other parking users of the site are common to and shared by more than one use on the site.
- A parking management plan approved by the Permit Granting Board or Special Permit Granting Authority is implemented with occupancy of the building or buildings.

The applicant has suggested that with the mixed use proposal that adequate parking has been addressed. They believe that additional parking would be incredibly difficult to achieve based on the space available. The entire commercial portion of the property has shared parking, including Atkins Market. A Site Plan Review application has been submitted for Atkins Market to reduce the original number of parking spaces from 50 to 29. The applicant has also suggested that they are promoting alternative transportation by being directly across from a main public transit stop (PVTB Bus System). They will allow the residence to utilize the commercial parking during the hours of 10:00 p.m. and 7:00 a.m.

- Issues to Consider:** The concern remains about adequate onsite parking. Although peak parking needs may differ during the day, night and weekend, parking lots may be congested for the restaurant and retail parking areas. Holidays, or individual family or friend gatherings at the apartments will also put a strain on the residential parking area, before 10:00 p.m. or after 7:00 a.m. Staff would request that more detail be provided in the form of a parking management plan, in order for the Board to have evidence that more stalls will not be required.

Traffic

A comprehensive traffic Study has been provided by the applicant which was conducted by Vanasse & Associates, Inc. The group has indicated the following summary from their report:

Vanasse & Associates, Inc. (VAI) has conducted a Transportation Impact Assessment (TIA) in order to determine the potential impacts on the transportation infrastructure associated with the proposed construction of 130 apartment units, 6,000 sf of restaurant/small café – food service, and 16,000 sf of retail to be located on Cows Road in Amherst, Massachusetts (hereafter referred to as the “Project”). This assessment was prepared in consultation with the Town of Amherst and the Massachusetts Department of Transportation (MassDOT); was performed in accordance with MassDOT’s *Transportation Impact Assessment (TIA) Guidelines*; and was conducted pursuant to the standards of the Traffic Engineering and Transportation Planning professions for the preparation of such reports. Based on this assessment, we have concluded the following with respect to the Project:

1. The project is expected to generate 2,384 new vehicle trips on an average weekday (1,192 entering and 1,192 exiting), with approximately 148 new vehicle trips (59 entering and 89 exiting) expected during the weekday morning peak hour and 208 new vehicle trips (119 entering and 89 exiting) during the weekday evening peak hour. During an average Saturday, the project is expected to generate 2,454 new vehicle trips (1,227 entering and 1,227 exiting), with approximately 174 new vehicle trips (91 entering and 83 exiting) during the Saturday midday peak hour.
2. The Project will not have a significant impact (increase) on motorist delays or vehicle queuing along the area roadways, including but not limited to Cows Road, Sunderland Road, Montague Road (Route 63) and North Pleasant Street.
3. No apparent safety deficiencies are expected at the study intersections.
4. The project will be primarily served by two full-access driveways on Cows Road, with the western drive providing access for the residential use and the central drive providing access for both the commercial and residential uses. In addition, there is a site drive at Atkins Farm (the east drive), which is not formerly part of the project.

With the completion of the traffic study, it appears the development does not make an enormous
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impact as to require major alterations to the adjacent roads. In addition, other infrastructure such as traffic signals are also not required. The traffic engineer did however suggest the following recommendations:

- The Cows Road, proposed West Side Drive, should be a minimum of 24 – feet in width and accommodate two-way traffic
- Vehicles exiting the project site should be placed under STOP – sign control with a marked STOP-line provided
- All signs and pavement markings to be installed within the project site shall conform to the applicable standards of the Manual on Uniform Traffic Control Devices (MUTCD).
- Wheelchair ramps should be provided for crossing the project site driveways where a sidewalk is present.
- Signs and landscaping to be installed along the project site driveways should be designed and maintained so as not to restrict lines of sight.

To view the full summary, see the attachments at the end of this report (**see attachment 5**).

- **Issues to Consider:** The Board has discussed the traffic be reviewed by a third party consultant, to ensure the information is accurate and relevant to the site. Throughout this process crosswalks and pedestrian circulation should be addressed.

Lighting

According to Section 7.105 of the Zoning Bylaw, lighting must be provided within a parking lot. This lighting must be downcast and shielded so as to not shine onto adjacent properties or streets. In addition, all other lighting must not be on outside of normal hours of use, except for security lighting which should be activated with sensors or another similar device.

Beacon has chosen a style of lighting unique but complimentary to the Atkins Market. The pole lights will be 14.25 feet tall and found in strategic locations around the parking area for safety. The plans identify the light atop the black light pole as being an LED, dark sky compliant, cutoff fixture. The buildings will also have lighting mounted on the structures, however this has not yet been identified.

- **Issues to Consider:** The applicant has provided a photometric plan showing the site as having a low light impact. Yet, more detail needs to be addressed on lighting. The plans indicate the height and detail of the light fixture that will be within the commercial parking lot, yet does not show the height of the pole within the residential parking. The plans identify the light fixture top as being a modern razor style, typical in other multifamily or commercial projects. In addition, the Board may want to ask for the location and style of lighting to be found on the buildings and how this impacts the surrounding neighborhood. Finally, the developer has identified the front monument sign as having in-ground lighting shining up on to the words of the sign. They are aware the Board prefers downcast lighting, and have assured staff the light will only be directed on to the words of the sign itself and not into the sky.

Landscaping

A comprehensive landscaping plan has been provided indicating the location and type of plantings throughout the leased area. Special attention has been paid to create a visually appealing area for those living within the community and for those visiting. Over 200 trees will be planted within the project of differing varieties, along with an abundance of shrubs, grasses, perennials and ground covers. The desire of the applicant is to enhance the landscaping with galvanized metal planters and artistic designs in order to add verity and enjoyment of patrons and residents.

According to the Landscaping Standards found in Section 7.11 of the Zoning Bylaw, parking lots with 25 or more spaces must have landscaping islands at least four feet in width with raised curbs. The purpose for this is to define parking lot entrances, parking aisles, internal drives, separating rows of parking. In addition, screening from the parking lot to adjacent streets and properties must also be provided. This screening must be no less than three feet high, yet must also be placed as to not be an obstruction for vehicular and pedestrian visual safety. The applicant has provided landscaping within the parking lot areas where they believe planters are visually needed. They have also provided sufficient plantings throughout the parking area. They will need to ensure the plantings meet the visual obstruction requirement as stated. To see the landscaping design and other amenities, see the attachments at the end of this report (**see attachment 6**).

- **Issues to Consider:** In reviewing the plans, it appears a few of the islands are less than four feet wide. In addition, there has been some concern that the residential parking does not have adequate parking islands, especially within the west bank of parking. The applicant is requesting a waiver from Section 7.10 and to allow the development as it is shown on the site plan. In addition, Section 7.9 of the Bylaw states that the Board may waive or modify any provisions found in Section 7.0 (see conditions under the parking review section). The Board may want to ask for clarity from the developer as to what specific areas of landscaping they would like waived. The applicant has stated that it may be difficult to reduce any space devoted to parking in order to accommodate additional landscaped islands. The board may also want to suggest high priority areas that need to have additional screening from adjacent properties such as the eastern lease and property adjacent to the Neighborhood Residential (R-N) zoning district.

Site Amenities

The developer believes the following may be considered as amenities:

- Village green
- Multi-use plaza
- Play area
- Dog run
- Courtyards
- Outdoor benches
- Bike racks
- Abundant landscaping
- Walkability
- Residential amenities: fitness center, Wi-Fi café and clubroom
- Retail and restaurant options

- Easy access to mass transit
- Sustainability in design and use

Other amenities that have been mentioned by the applicant are welcoming packets to new home owners to promote mass transit and recycling efforts. This concept may be expanded to also include the businesses and posted throughout the site.

- **Issues to Consider:** The Board may want to address the size of the play area and request a description of the type of equipment to be used. Staff believes that if the goal is to promote an active play area, the site will need to be large enough to accommodate enjoyable equipment and have room for parents to also participate with their kids or sit on a bench in close proximity. In addition, the Board should also request more detail on pedestrian circulation. Staff would highly recommend a connection from Montague Road to Atkins Market and into the other portions of the development. The applicant has provided crosswalks within the project, including concrete paving adjacent to the commercial and the village green, however the other crossing locations have not been identified as to material, or striping. All pathways should connect so as to draw pedestrians out of the traffic areas and into the landscaping and common areas. On the south west wall of Building B, the pathway ends and pushes the pedestrian into the parking stalls, this should be readdressed to continue the path to the south west door of the building.

Signage

The project will have at least an entry sign at the main entrance adjacent to Cows Road, with the possibility of another on site freestanding sign. The sign will be located 35 feet from the main entrance and three feet from the street. The sign background will be 8 feet in height with a width of 4.5 feet. The actual sign would be located in the center and be approximately 16 square feet. According to Section 8.231, the applicant is allowed a 12 foot high sign along the front entrance with a total allowable area of 80 square feet. Therefore, it appears the monument sign will meet the requirements found in the Zoning Bylaw.

The site plan also identifies other signage that will be found within the development which identify the leasing office and resident parking. These sign frames will be 3.5 feet high and approximately 2.6 feet wide, with the sign itself being 4 square feet. Both the monument sign and the identification signage as stated will be designed to have an industrial mill appearance, as to keep with the theme of the development.

Signage for the commercial businesses will be placed on the building walls, just above the first floor. In Section 8.20, the Bylaw allows 10% of the wall to be covered in signage. Although the building elevations show the general location of wall signs, no detail on wall coverage size is given. In addition, it appears the developer would like all signage to remain consistent with black, block letters. Yet, it is unclear if this is the case.

- **Issues to Consider:** The applicant is asking for a waiver from the sign provision, yet it is unclear as to what exactly they would like waived. The Board should request specific detail of the waiver in relation to location, size or other parameters. Staff would suggest requesting a more

complete sign package to include answers to the wall signage, directional signage and provide a site plan showing the location of all signs, not just the entry monument sign.

Engineering: drainage, utilities, other public improvements

Plans have been provided indicating the engineering aspects of the development. The site will be serviced by Town sewer and water that is already stubbed to the area. The water will be looped from Cows Road through the project and then connect to Montague Road via the emergency fire lane. Propane will also be used on site with the tanks being found underground in two locations, adjacent to Building A and Building B. These tanks will be properly posted and protected to meet all safety standards. All proper easements for services will be placed on site and detail of these easements should be identified on the site plan.

The fire department has been speaking with the developer on fire safety for the facility. All buildings will be fire sprinkled and fire hydrants are located throughout the project. A fire lane and emergency access lane have been located on the south east corner of the property, connecting to Montague Road. This lane is not for access by other vehicles. It is proposed be gated and locked with only Emergency personal having access. This access will be kept clear of all obstructions, including debris and snow.

The development will need to meet all standards pertaining to driveway width and access from Cows Road as per the Town Engineer. Parking lot isles and parking stalls will also be required to meet all engineering standards. All other improvements or repairs to the driveway or sidewalk will need to be reviewed by the Town Engineer and completed by the developer.

Storm water will be handled on site with the use of rain gardens and underground storm water detention. The site will have seven of the underground detention basins which will collect storm water and then slowly allow the water to percolate into the ground. The developers engineer has stated the underground detention will have adequate capacity to cover the entire site. However, as with all engineering issues on site, the Town engineer will need to review and approve the storm water management system.

- **Issues to Consider:** Engineering is an important component to this project. The Board will most likely want to ask the Fire Marshal, the Town Engineer and the Public Works Director to draft a formal document with detail of their review and conclusion. They may also want to consider inviting them to a meeting in order for the Board and applicant to hear their recommendations. This is also an area the Board has desired a third party review which may be helpful in determining if the engineering that has been addressed is adequate for the site. The applicant has also requested waivers to engineering, yet it appears to mainly be logistical matters, such as how and when items are reviewed and not waiving of engineering regulations. Environmental issues should also be addressed by the applicant, including soils testing that has taken place, any drainage issues, or other environmental concerns on the property.

Management Plan

Much of the Management Plan has been addressed in the above review concerning parking, lighting, signage and landscaping. The applicant has also provided detail on trash and snow

removal for the project. Trash and recycling for the residential units will be managed by trash and recycling chutes in each building. The trash and recycling will be collected by a local company once or twice a week as needed. The commercial trash and recycling will consist of dumpsters and bins for Building A and Building B. This trash and recycling will also be collected by a local company and pickups are based on the type of uses. All dumpsters will be fully concealed by metal panels with wood posts or galvanized corrugated sheet metal panels with metal posts. Throughout the entire project trash and recycling bins will be located and the contents picked up on a regular basis by Beacon Residential Management.

Snow removal of all sidewalks and driveways will be completed by the Beacon Management Group. Snow storage areas have been designed into the landscaped areas and snow banks will be maintained as to not pose a hazard for vehicles and pedestrians. The emergency fire access lane will be a top priority after each storm to ensure it is clear. Furthermore, the management group will clear the snow within 24 hours of the storm. If the accumulation is significant and cannot be addressed on site the management group will truck snow to an off-site location.

OTHER REQUIRED BOARD REVIEWS

Through this process, other boards within the community may wish to review this project, or may have a desire to share their remarks. Although these groups do not have the formal approval jurisdiction in a Comprehensive Permit process, the Board may still take their ideas or feedback into consideration. The Board may also wish to ask these groups for their opinions.

These groups may include:

- Planning Board
- Select Board
- Historical Commission
- Design Review Board
- Transportation Advisory Committee
- Disability Access Advisory Committee
- Housing and Sheltering Committee

SECTION 10.38 CRITERIA

As part of the review process, the Board may wish to refer to the Special Permit criteria listed in Section 10.38 of the Zoning Bylaw. Staff believes it may be too early in the process for the Board to review this criteria at this time. This review would be more beneficial after the applicant has had a chance to present the project, the public has had an opportunity to speak, and the Board has addressed all the concerns they may have. It is useful for all involved in this process to be aware of these criteria as a guide for the discussion.

The following are the specific criteria as typically reviewed by the Board for the approval of a Special Permit and will act as a helpful guide in the Comprehensive Permit Process:

***10.380 & 10.381** - 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 proposal is compatible with existing Uses and other Uses permitted by right in the same District.*

***10.382, 10.383 & 10.385 & 10.387** - 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 proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; The proposal provides convenient and safe vehicular pedestrian movement within the site, and in relation to adjacent streets, property or improvements.

10.384 - *Adequate and appropriate facilities would be provided for the proper operation of the proposed use.*

10.386 - *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.*

10.387 - *The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw.*

10.388 - *The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use.*

10.389 - *The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water.*

10.390 - *The proposal ensures protection from flood hazards as stated in Section 3.228, considering such factors as: elevation of buildings; drainage; adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow; storage of chemicals and other hazardous substances.*

10.391 - *The proposal protects, to the extent feasible, unique or important natural, historic or scenic features.*

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. 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 boundaries. Where natural, undisturbed vegetation already exists on-site 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.*

10.393 - *The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaires, 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.

10.394 - *The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes, and wetlands.*

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. 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 Special 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.*

10.396 - *The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.*

10.397 - *The proposal provides adequate recreational facilities, open space and amenities for the proposed use.*

10.398 - *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.*

CONCLUSION

In conclusion staff believes the applicant has clearly shown how the property may be developed and how the major issues pertaining to the site and within the Zoning Bylaw have been addressed. However, it is still early in the process to make a decision on the project. Staff recommends the Board review the above report and consider what items need to be addressed in more detail by the applicant and staff. Each public hearing will include a staff report highlighting the last meeting and include additional in-depth detail of what topics will be covered for that specific meeting. As the review process continues, Section 10.38 will be consulted in more detail and possible conditions of approval will be suggested.