

January 5, 2017

Town of Amherst  
Zoning Board of Appeals  
Town Hall, 4 Boltwood Ave.  
Amherst, MA 01002

Dear Members of the Town of Amherst Zoning Board of Appeals,

We are abutters to the property at 134 Cows Road in North Amherst, and are writing regarding the North Square permit application and related zoning matters. We listed below relevant zoning bylaw provisions and conditions that we feel would help address our concerns as abutters, which were outlined in our more general letter of 1/2/17.

**10.382 The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features.**

Given likely high student occupancy, noise will be a nuisance to neighbors, based on noise complaints from similar developments as show in the map in figure 1 below.

**10.383 The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians.**

See our comments about 10.387 below.

**10.385 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.**

There do not seem to be any attempts at screening the development on the north eastern side or mitigating noise. See the note on 10.392 below for more on this.

**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.**

The peer reviewer of the traffic report said that there were likely problems with visibility under increased traffic with the intersection of Cows and Montague Roads, and it is already impassible by busses turning westward when there is eastbound traffic. Beacon did not address this in their plan. Either making that small section of Cows Rd. one-way west, or closing it off entirely, would address the problem, but would require modifications to their plan to accommodate turning traffic, as shown in figure 3 below.

**10.392 ...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...**

The proposed development, and current usage, establish an unbroken commercial zone from Montague Road all the way west to Sunderland Road along the south side of Cows Rd. This substantially undermines the residential character of the residentially zoned portion of Montague Rd north of the Mill River.

**10.393 ...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.**

We believe the current Atkins lighting is on all night, and is a nuisance. Since this is mixed use and the new lights are much taller, it implies that the light pollution will be increased by the development.

**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**

The scale of the taller buildings is not in keeping with existing architecture and use.

#### **Conditions**

**10.401 Screening of parking areas or other parts of the premises from adjoining premises or from the streets by specified walls, fences plantings, or other such devices;**

Requiring screening tree plantings between Atkins and the residential portion of 134 Montague as shown in Figure 2 would help address the issues related to 10.392 above. It would also help mitigate noise and lighting related to 10.393 and 10.385. Tall, dense trees along this strip would dramatically reduce the effects of noise, light pollution, and general residential versus commercial landscape characteristics.

**10.402 Limitation of size, number of occupants, method or time of operation or extent of facilities;**

Noise pollution could be reduced by limiting the number of units and reducing or placing hour restrictions on lighting.

**10.403 Modification of the exterior design or appearance of buildings, structures, signs, or landscape materials. If said notification requirements have been met to the satisfaction of the Permit Granting Authority, a circumstance where individual tenants or lessees fail to receive notification shall not serve to invalidate the public hearing.**

The current buildings are too tall, and too close to roads and other boundaries to preserve the overall character of the area, and should be required to be smaller, and within normal setbacks.

Figures

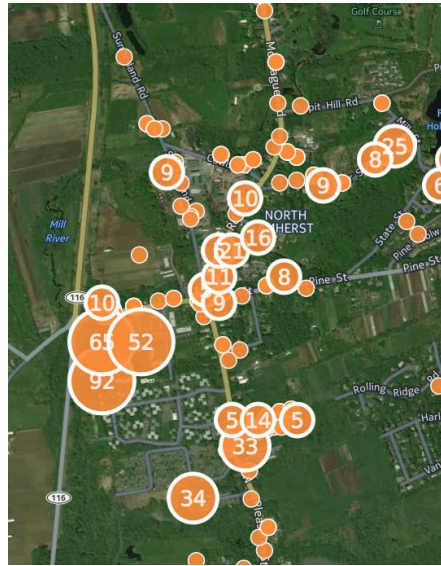


Figure 1 – noise complaints, downloaded from [http://maps.amherstma.opendata.arcgis.com/datasets/87ea9519a8ba43518855b860a495613f\\_0.geojson](http://maps.amherstma.opendata.arcgis.com/datasets/87ea9519a8ba43518855b860a495613f_0.geojson). The numbers indicate the number of noise complaints at the given location, with dates from 2014 through 2016. No number indicates a single complaint.

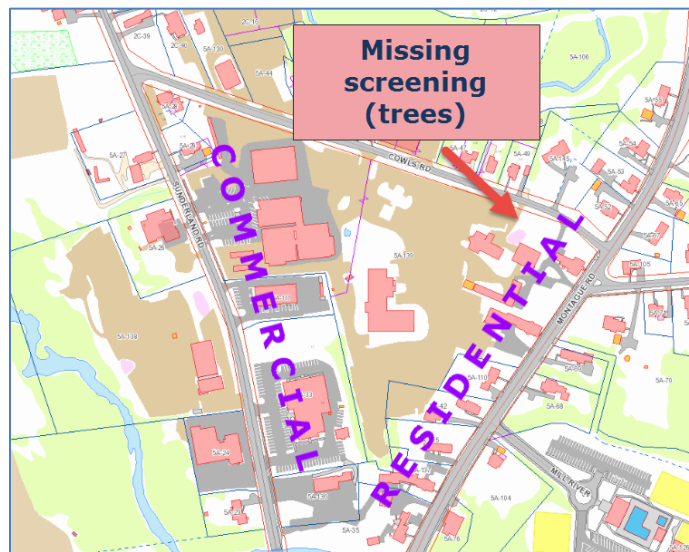
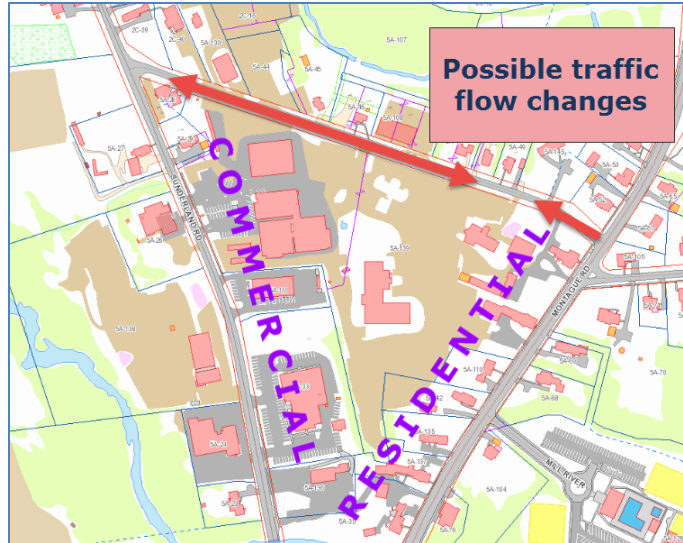


Figure2 – Commercial / residential boundary missing screening as required by 10.392.



*Figure 3 – traffic problems at intersection of Cows and Montague Rd., already impassable by two-way bus and car traffic, may need to be adjusted depending on the outcome of state review. Closing or making the strip one-way west would address the problem, but may require plan adjustments.*

Thank you very much for your work on this project and your attention to these considerations.

Sincerely,

Gordon M. Green and Astrid Schween  
150 Montague Rd.  
Amherst, MA 01002  
413-549-0729