

**AMHERST PLANNING BOARD**  
**Wednesday, April 02, 2008 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Aaron Hayden, Chair; Richard Howland, Susan Pynchon, Jonathan O’Keeffe, Eduardo Suarez, Denise Barberet, Jonathan Shefftz (7:10 PM)

**ABSENT:** Ludmilla Pavlova-Gillham, Kathleen Anderson

**STAFF:** Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner; Sue Krzanowski, Management Assistant

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Mr. Hayden opened the meeting at 7:07 PM.

**I. MINUTES – March 19, 2008**

Mr. Howland MOVED: to approve the Minutes after hearing Ms. Barberet’s comments.

Ms. Barberet said she only had two corrections. Quotes needed to be added on page 1, and on page 3, under “Steep Slopes” the word “grade” needed to be added after “15%”.

Mr. O’Keeffe seconded, and the Motion passed 7-0.

Mr. Howland announced that he was sick and left the Board at this time.

Mr. Hayden noted that the petitioner for the first public hearing would not be arriving for another twenty minutes, and moved ahead on the agenda.

**IV. NEW BUSINESS**

**A. Sign Approval – SPR94-08, North Amherst School, 1200 North Pleasant Street - Review of new and replacement signs for Survival Center and Head Start Program in accordance with Condition 1.B.**

Mr. Tucker explained that sign approval by the Planning Board was a condition of Site Plan Review approval granted in 1994. The signs are for the Survival Center and Head Start, he said, and the plan is an improvement. He expressed concern about the “welcome” sign at the south driveway exit, which might confuse drivers into trying to enter that way.

Ms. Brestrup added that the plans were reviewed by the Building Commissioner for compliance with the Zoning Bylaw and the proposed signs complied, except for #2, which needs to be reviewed by the Zoning Board of Appeals because a Special Permit is needed for two street frontage signs. Ms. Brestrup noted that the Design Review Board had reviewed the proposal and recommended approval. A copy of their recommendation was included in the packet.

Mr. O’Keeffe MOVED: to approve the sign proposal as submitted, except for #2 which needs to be reviewed by the ZBA. Mr. Suarez seconded, and the Motion passed 6-0.

**V. OLD BUSINESS**

**A. Joint Meeting with ZBA to Discuss Zoning Articles**

The Board was reminded that a joint meeting with the ZBA was scheduled for Thursday, April 3 at 6:00 PM. Mr. Hayden and Mr. Suarez said they would be unable to attend.

**B. Other – None**

**VI. FORM A (ANR) SUBDIVISION APPLICATIONS**

The Chair endorsed the following:

ANR2008-00008, Potwine Lane – Paul Brunelle

Mr. Tucker noted that since this is a revised version of an earlier plan, the Board should establish a new building authorization date for the new lot under the Phased Growth Bylaw.

Mr. O’Keeffe MOVED: that under the Phased Growth Bylaw, May 2008 is the date established when this lot will be eligible for a building permit. Mr. Suarez seconded, and the Motion passed, 6-0.

**VII. UPCOMING ZBA APPLICATIONS**

The Board decided not to review the following:

ZBA2008-00026, 497 East Pleasant Street, Village Park Associates, Inc.  
ZBA2008-00027, 740 Belchertown Road, Town of Amherst

Mr. Shefftz asked about the purpose of the Planning Board review of ZBA applications. Mr. Tucker explained that it is a courtesy review where the Planning Board makes recommendations to the ZBA in cases where the Board feels significant planning issues may be involved.

After further discussion, the Board decided to request that Omnipoint come in for an appearance. (ZBA2008-00028, 740 Belchertown Road – Omnipoint Communications (T-Mobile))

Mr. Suarez MOVED: that the Board request an appearance from Omnipoint, late on April 16, 2008. Ms. Barberet seconded, and the Motion passed 6-0.

Since the petitioner for the Inclusionary Zoning amendment had arrived, the Chair moved to the public hearings on the Agenda.

## II. PUBLIC HEARINGS – ZONING AMENDMENTS

Mr. Hayden read the preamble and opened the hearings for the following:

### **A-17-08 Inclusionary Zoning (Petition)**

To amend Section 15.0 and 15.10, and to add new Section 15.13 and 15.14 to require a percentage of the dwelling units required under inclusionary zoning to be eligible for MGL Ch. 40B SHI listing, and to add requirements for accessibility and recreation for residential developments of five or more units that require a Special Permit, and to provide for payments in lieu of providing recreation facilities.

### **A-19-08 Inclusionary Zoning (Planning Board)**

To amend Sections 3.32, 4.1, 10.323, 11.230 and Article 15 to require improved accessibility and increased recreation facilities for residential developments or land uses creating five or more new dwelling units, to provide for payments in lieu of providing recreation facilities, to improve permit coordination regarding recreation, and to require a percentage of the dwelling units required under inclusionary zoning to be eligible for MGL Ch. 40B SHI listing.

Mr. Vince O'Connor, petitioner, said that the Planning Board version is an improvement on the petition article and also some of the language in the Bylaw. He said he would support dismissal of the article and on that basis the Board could close the hearing on the petition article.

Mr. O'Keefe MOVED: to close the hearing on the petition article. Mr. Suarez seconded, and the Motion passed 6-0.

Mr. O'Connor said that he would move to dismiss the petition article at Town Meeting.

Ms. Pynchon MOVED: that the Planning Board recommend that Town Meeting dismiss the petition article. Mr. O'Keefe seconded and the Motion passed 5-0-1 (Hayden abstained).

Mr. Tucker summarized the Planning Board version which, he said, is an attempt to put the intentions of the petition into clear language in the Bylaw. Mr. Tucker said that he is waiting for a written opinion from Town Counsel confirming a verbal opinion that the accessibility aspects of the amendment conflicted with the building code. There are three elements to this version, he said: 1) recreational facilities, 2) visitability (accessibility), and 3) requiring that 50% of inclusionary affordable units be eligible for MGL Ch. 40B SHI listing.

Mr. O'Connor said that the recreational language should stay in the warrant so that Town Meeting would be informed of the intent, even if the motion did not include that language. He suggested that a Board recommendation on the accessibility portion be held off while awaiting Town Counsel's opinion. Mr. O'Connor commented that he would like to ask the Town Manager for permission to discuss this issue with Town Counsel. The proposed 50% requirement for inclusionary units is a reasonable compromise, he told the Board.

Mr. Hayden gave the report for the Zoning Subcommittee which he said had four pieces. The Subcommittee recommends continuing the hearing to April 16 so that the pieces can be worked on as follows: 1) The recreation piece should be withdrawn so that LSSE can be engaged more fully. 2) Seek Town Counsel's opinion on the accessibility issue. 3) The Board should hear from the HP/FHC first. 4) The technical fixes accompanying the policy issues in the amendment depend on what is finally recommended to go forward.

Mr. Tucker said that while confusion should be avoided, if the recreation issue is kept in the warrant at least Town Meeting will be aware of it.

Ms. Nancy Gregg, chair of the Housing Partnership/Fair Housing Committee said that the HP/FHC discussed the amendment but did not have enough information to vote. They will meet soon to discuss it again, she said, and hope to hear from Town Counsel and have more information.

Mr. O’Keeffe MOVED: to continue the public hearing to April 16, 2008 at 8:00 PM. Ms. Pynchon seconded, and the Motion passed 6-0.

### **III. PUBLIC HEARING – SITE PLAN REVIEW APPLICATION**

#### **SPR2008-00003, Amherst Enterprise Park – Andrews & LaVerdiere**

Mr. Hayden read the preamble and opened the public hearing for this request to construct a 24,700 s.f., three-story, masonry construction, climate-controlled storage facility with access drive and parking on 5.6 acres on Meadow Street. (Map 4D/Parcel 8, LI and FPC zoning districts)

Representing Amherst Enterprise Park were Bill Garrity, landscape architect with Garrity and Tripp, and Ron LaVerdiere. Mr. Garrity said that they didn’t expect closure on the application tonight but wanted to begin providing information to the Board. Mr. Garrity gave an introduction to the site and described its history. Mr. Garrity said that the property is zoned Light Industrial (LI) and Flood Prone Conservancy (FPC). It is the only FPC boundary in Town that is not surveyable because it is not mathematically defined – only graphic. Mr. Garrity read from a letter from DEP to the Conservation Commission.

Mr. Garrity described the characteristics of the plan which include a private driveway with access onto Meadow Street. The proposed building and parking fit to the site. Part of the lot is in the 100-year floodplain. The building will be significantly screened by trees along the river. The bulk of activity will be on the east. The gated-access will be card-operated. Security lights will be installed for the parking area.

Mr. Garrity said that two waivers are being requested. One to allow the parking in the FPC District, and another for the Traffic Impact Statement. Putting the parking in the adjoining lot will help preserve the meadows, he said. A small caretaker’s apartment is proposed which will be for a resident manager. Mr. Garrity said that he had met earlier today with Town staff and others to discuss new stormwater management regulations and there are issues that need to be dealt with. There is an agricultural drainage swale which needs to be cleaned and is a very difficult issue. It’s not part of this application, he said, but they are trying to address it for the neighbors.

The applicant is requesting a waiver for the Traffic Impact Statement because they expect low traffic and visitation to the site, he said. An estimated 14-16 trips per day are estimated, and a traffic study is not warranted, Mr. Garrity said.

Ms. Brestrup then went through the issues and recommendations in the Development Application Report. Ms. Brestrup noted that they are still working with the Town Engineer on issues, including stormwater management. Members of the Board had questions about the caretaker apartment, lighting, the anticipated typical client, marketability and number of units, whether or not a traffic study will be needed, and safety issues.

Mr. John Devine, Devine Farms, Inc., Hadley, expressed concern that the facility will be operating on a 24/7 basis, noting that there is a pasture for dairy cattle next to it, and the cattle will be affected. Mr. Devine also said that a clogged drainage ditch on the northern edge of the adjacent property (of the applicant) affects 50 to 100 acres upstream. The Chair and Planning Director indicated that the ditch is not a relevant part of this application, but its proximity to the site kept it a major part of the discussion. Mr. Tucker said that DPW, the applicants, neighbors, DEP and Town staff have been working to resolve the drainage ditch issues. The issues seem to be that the ditch needs to be cleaned but State environmental regulations prevent that because the land has not been actively farmed in several years, and so has lost any exemption it had from those regulations—the ditch is now considered a wetland. Because the ditch has not been cleaned, nearby farms upstream have been flooded. Mr. Tucker noted that the Planning Board could address the drainage ditch issues separately but it was not part of this application. After more discussion about the ditch, Mr. Suarez said that he wanted to hear from Mr. David Ziomek, the Director of Conservation and Development.

Mr. Ziomek agreed with Mr. Tucker's summary of the issues. Mr. Ziomek said that the "wetland resource area", which he said is the proper term, is really under Conservation Commission jurisdiction, but there are many complex issues and he doesn't have easy answers. Mr. Ziomek said that he is willing to meet with the applicants, farmers and others to work out a solution.

Mr. Joe Waskiewicz, said that he wanted to commend the applicant for trying to do something with the drainage ditch. The area was last farmed in 1986, he said. Mr. Waskiewicz said he was concerned about the "maybes" proposed for the use, and how the nearby cattle might be affected. The whole scope of the project should be considered, he said.

Mr. Vincent O'Connor, Summer Street, said that he has seen photographs as well as actual flooding of the property, especially over the last twenty years. Mr. O'Connor said that the property has been the subject of many proposals in the past but this is the first time for this one. Mr. O'Connor advised the Board to carefully review the criteria for Site Plan Review, stating that the Bylaw requires protection of adjacent properties. Mr. O'Connor suggested that the part of the building that faces Meadow Street shouldn't have windows, the facility should not be open 24/7 and/or the building should be downsized or moved away from the adjacent dairy farm. The site could be grazed or planted with fruit trees, he told the Board. It was interesting to hear how difficult it is to get a ditch cleaned, he said, and advised the Board to seek the advice of Town Counsel in writing.

Mr. Waskiewicz said that all the other new building occurring in Hadley along Route 9 will affect traffic in this location.

Mr. O'Connor suggested that the Board review other zoning districts where this use is allowed and that the Board require the applicant to submit 3-D elevations which, he said, would facilitate their deliberations.

Mr. Hayden noted that the hearing would need to be continued. The applicant said they would need about six weeks to prepare. Mr. Tucker suggested the Board meet on Tuesday, May 20<sup>th</sup>, so as not to conflict with Town Meeting.

Ms. Pynchon MOVED: to continue the hearing to May 20, 2008 at 7:05 PM. Ms. Barberet seconded.

Mr. O'Keeffe said that having the elevations would be very important.

The Motion passed 6-0.

Mr. Shefftz stepped down from the Board and left the meeting at 9:40 PM.

## **IX. PLANNING BOARD SUBCOMMITTEE REPORTS**

A. **Zoning Subcommittee** – Mr. Hayden noted that there will be one more public hearing for zoning amendments, a petition article on Main/Dickinson/High Street rezoning.

B. **Atkins Working Group** – No Report

**X. PLANNING BOARD COMMITTEE REPORTS**

A. **Pioneer Valley Planning Commission** – No Report

B. **Community Preservation Act Committee** – Ms. Barberet said that the majority of requests were funded. The stained-glass window at the Unitarian Church was dropped. The Plum Brook debt repayment was not recommended because of legal questions, she said. A vote was taken on a recommendation to purchase lots in front of the former Boys & Girls Club. The vote (2-2) failed because a majority had not been reached. It will be re-voted at the next meeting, she said.

C. **Agricultural Commission** – No Report

D. **Comprehensive Planning Committee** – Mr. Hayden said that they are meeting next Tuesday. The Board needs to have another discussion on how the process should proceed.

E. **Water Supply Protection Committee** – No Report

**IV. NEW BUSINESS (continued)**

**B Town Meeting – Warrant Review; Movers/Speakers**

The Board began reviewing the warrant and made the following assignments:

<u>Article</u>		<u>Mover</u>	<u>Speaker</u>
25	Zoning Amendment – Density Calculation	O’Keeffe	O’Keeffe
26	Zoning Amendment - 500-502 Sunderland Road	Barberet	Anderson/Hayden
27	Zoning Amendment – Municipal Parking District	O’Keeffe	O’Keeffe
28	Zoning Amendment – Design Review Districts	O’Keeffe	O’Keeffe
29	Zoning Bylaw – Steep Slopes	Petitioner	Anderson/Hayden
30	Zoning Bylaw – Inclusionary Zoning	Petitioner	Hayden
31	Zoning Bylaw – Inclusionary Zoning (Alternative)	Hayden	Hayden
32	Zoning Bylaw – Main/Dickinson/High Rezoning	Petitioner	Hayden

**XI. REPORT OF THE CHAIR** – No Report

**XII. REPORT OF THE PLANNING DIRECTOR** – No Report

**XIII. ADJOURNMENT**

Ms. Pynchon MOVED: to adjourn this meeting at 10:00 PM. Mr. O'Keeffe seconded, and the Motion passed unanimously.

Respectfully submitted:

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Sue Krzanowski, Management Assistant

Approved:

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Aaron A. Hayden, Chair

DATE: \_\_\_\_\_