

AMHERST PLANNING BOARD
March 19, 2008 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Aaron Hayden, Chair; Kathleen Anderson, Richard Howland, Denise Barberet, Eduardo Suarez, Jonathan O’Keeffe, Susan Pynchon, Jonathan Shefftz

ABSENT: Ludmilla Pavlova-Gillham

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

Mr. Hayden opened the meeting at 7:08 PM and immediately left to attend Candidate’s Night since he is running for a seat on the Redevelopment Authority. He said he would return to the Planning Board meeting in about an hour. Mr. Shefftz took over and opened the meeting at 7:09 PM.

I. MINUTES – Meeting of March 5, 2008

Mr. Howland MOVED: to approve the Minutes with Ms. Barberet’s anticipated amendments.

Ms. Barberet made a correction on Page 2, removing “it” from the first paragraph under “Mr. Howland WITHDREW his Motion”, adding “or other over-55 developments” to #3 in the same paragraph, and removing the “m” from “uses” in the paragraph below that. On Page 5, Ms. Barberet noted that the possessive apostrophe should come after the “s” in Browns’ (last word, third paragraph) because the proper noun was plural.

Mr. O’Keeffe noted that the word “not” should be deleted from the first paragraph on Page 6.

Mr. Howland MOVED: to accept the Minutes of March 5, 2008 with the above changes. Mr. O’Keeffe seconded, and the motion passed 5-0-2 (Suarez, Shefftz abstained).

II. PUBLIC HEARINGS – ZONING AMENDMENTS

A-12-08 Density Calculation Amendment

To see if the Town will add a new Section 4.12 and amend Sections 4.3231, 4.330, and 4.520 of the Zoning Bylaw to create a mechanism for dealing with fractional results in maximum density calculations for development methods. Mr. Shefftz noted that this hearing had been continued from the February 20th meeting.

Mr. Tucker said that the hearing was continued to address a couple of concerns which had been raised. He briefly summarized the background of the proposal for Mr. Suarez before presenting the changes. The major concern was that the minimum lot requirements would not apply, but they would, he said. A new section was added to the amendment to make sure that it’s clear, he told the Board. Mr. Tucker said that staff hadn’t had time to produce the illustrations that some members had requested, but he hoped that the new language would serve the purpose.

Mr. Howland said that good graphics would be helpful for Town Meeting. Mr. Tucker said that he would make every effort to provide them, but with ever-increasing demands on a reduced staff, could not promise he would be able to.

Ms. Brestrup clarified that the amendment only applies to clusters and OSCDs. The PURD calculation is done differently, she said.

There was no public comment.

Mr. Howland MOVED: to close the public hearing. Ms. Barberet seconded, and the Motion passed 7-0.

Mr. Howland MOVED: to recommend that Town Meeting adopt this amendment as presented. Ms. Anderson seconded, and the Motion passed 7-0.

A-15-08 Steep Slopes (Petition)

Mr. Shefftz read the preamble and opened the public hearing for this proposal to add a new definition under Section 12.32 for steep slopes which disallows the use of areas with a 15% slope or greater in meeting any dimensional requirement, and to renumber the remaining sections in Article 12 accordingly.

Mr. Vincent O'Connor, petitioner, presented the proposed amendment by outlining problems which have occurred with steep slopes, including examples on the west coast in coastal areas or areas subject to landslides.

He then cited three instances in Amherst: 1) an emergency access driveway off Sand Hill Road, 2) house lots created on a very steep slope off East Leverett Road, and 3) a 20-unit development off Pine Street, where steep slopes were able to be counted in the density calculations and as open space, but he believed should not have been. These and a number of other problems would be addressed by the petition article, Mr. O'Connor said.

The definition of a buildable lot includes the requirement for a minimum area of contiguous land that is 'upland'—i.e., not wetland, he said, and there should be some definition in the Bylaw which states that steep slopes cannot be considered as part of a buildable lot or for other development purposes.

Mr. Suarez asked how the Town would be affected if there was a landslide on Pine Street. Mr. O'Connor said that if the units had been built near the bottom of the slope rather than out in the middle of the parcel, the slope could have been compromised and there could be serious problems. There should be appropriate standards in place. It would be difficult for the Planning and Engineering departments to address these situations on an individual basis.

Ms. Anderson asked if some property could be considered "buildable" even if it's on a slope, if it is properly designed. She cited examples of successful and longstanding house construction on steep slopes that she had seen in other countries. Mr. Howland said that building can be done on a slope if there is stable bedrock or subsoil into which the building can be anchored. Unstable soils, however, made construction inadvisable.

Mr. Shefftz said that the proposed grade at which regulations would begin is only 15%. He did not think that was steep.

Mr. Doug Kohl, Northampton, said the number (the specific grade) used as a threshold for slope regulations is important. He gave examples of how he assesses the grades of building sites on the basis of how well they facilitate walk-out basements, and said he could support regulations that used a 25% slope as a threshold a lot more easily. It would be difficult to apply the slope regulation to ANRs, he told the Board. Mr. Tucker said it couldn't be applied to ANRs, which were governed by state law.

Mr. O'Connor agreed, saying that the regulation of slopes could not be applied to the ANR process, which just created legal building lots. Like the buildable lot 'upland' requirement, a slope requirement would instead be enforced when someone came in to apply for a building permit. He asked if the Building Commissioner could use the GIS to determine the slopes on a lot at the point of a building permit application. Mr. Tucker said he believed the current GIS mapping could only be used for a rough visual assessment—a site survey would be needed.

After more discussion, it was suggested that the Board also open the next hearing which was a Planning Board alternative proposal to the steep slopes petition amendment.

A-18-08 Steep Slopes (Planning Board)

Mr. Shefftz read the preamble and opened the public hearing for this proposal to amend the Zoning Bylaw by adding a new Section 3.14, amending Sections 6.10-6.12, inclusive, adding a new Section 6.7, and adding a new definition for steep slopes under Section 12.32, renumbering the remaining sections in Article 12 accordingly, in order to regulate development on steep slopes and disallow the use of areas with a grade of 15% or greater in meeting selected dimensional regulations in selected zoning districts.

Mr. O'Keeffe said that the Zoning Subcommittee discussed both proposals extensively for the first time tonight. It was the consensus of the Subcommittee that the petition article does not really address all of the issues it raises. The Subcommittee reviewed other communities' slope regulations, including some PVPC model bylaws, he said. The Subcommittee agreed that this needs more time, he said, and had voted 4-0 to recommend asking Town Meeting to refer the petition article back to the Board.

Ms. Anderson said that the Subcommittee had voted to recommend that the Planning Board's alternative article be withdrawn. Mr. Tucker noted that since the deadline for warrant articles is next Monday, the Board's article can be withdrawn before then.

There was no additional public comment.

Mr. Howland MOVED: to close the public hearings. Mr. Suarez seconded, and the Motion passed 7-0.

Mr. Howland MOVED: that A-18-08 be withdrawn for the purpose of improvement. Ms. Anderson seconded, and the Motion passed 7-0.

Mr. Howland MOVED: that the Board recommend the petition article (A-15-08) be referred back to the Planning Board for further review. Ms. Anderson seconded, and the Motion passed 7-0.

Mr. Howland stepped down from the Board at 8:18 PM.

Mr. Hayden returned to the Board at 8:18 PM.

III. NEW BUSINESS

A. Lot Release Request – Lawrence Circle

The Board received a request for the release of Lot 6. Mr. Tucker said that there are 3 remaining unreleased lots in the subdivision and the Town Engineer has estimated there is about \$20,000 more work to be done. The value of the final two unreleased lots would adequately cover the remaining work he noted. The Board should require surety in the amount of \$20,000 with the next lot release, Mr. Tucker said.

Mr. Hayden MOVED: to release Lot 6, Lawrence Circle. Ms. Pynchon seconded, and the Motion passed 7-0.

The Board signed the Certificate of Performance.

B. Meeting with ZBA to Discuss Zoning Articles – April 3

A joint meeting of the Planning Board and Zoning Board of Appeals to discuss zoning articles is scheduled for Thursday, April 3, 2008 at 6:00 PM in the Town Room, Town Hall. The following Planning Board members indicated that they would attend: Denise Barberet, Jonathan Shefftz, Aaron Hayden, Susan Pynchon, Eduardo Suarez.

C. Other – None

IV. OLD BUSINESS

A. Signing of Decision – Amendment to Moody Field Subdivision – Mr. Hayden signed the decision.

B. Other – Mr. Hayden asked if the Official Zoning Map was going to be converted to the GIS version soon. Mr. Tucker said it may be ready for the Fall Town Meeting. Ms. Brestrup noted that one reason why this conversion needs to be made is because the FPC line is inaccurate on the current Official Zoning Map. This led to a discussion about a recent problem with an ANR filing and the subsequent permit process and what could or should be done about the creation of ANR plans that result in lots that are not always buildable. Mr. Suarez recommended that the Town advise people to do their own due diligence at several points when going through the process.

V. FORM A (ANR) SUBDIVISION APPLICATIONS – None

VI. UPCOMING ZBA APPLICATIONS

The Board decided not to review the following:

ZBA2008-00025, 40 Snell Street – Billy T. and Delphine McBride

Mr. Suarez MOVED: that the ZBA allow this Special Permit. Ms. Anderson seconded. There was no vote.

VII. UPCOMING SPP/SPR/SUB APPLICATIONS

Mr. Tucker noted that two Site Plan Review Applications for commercial buildings off Meadow Street have been filed. The public hearings will be scheduled for April 2 and April 16. The Board scheduled a site visit for Tuesday, March 25th at 9:00 AM.

VIII. PLANNING BOARD SUBCOMMITTEE REPORTS

- A. **Zoning** – given under “Public Hearings”
- B. **Atkins Working Group** – No Report

IX. PLANNING BOARD COMMITTEE REPORTS

- A. **Pioneer Valley Planning Commission** – No Report
- B. **Community Preservation Act Committee** – No Report
- C. **Agricultural Commission** – Ms. Pynchon said that she had been out of town and so was unable to attend the last meeting. Mr. Shefftz said that he attended the Farmers Forum, which he found interesting and entertaining. The meal was from locally-produced products. Based on his enjoyable experience, Mr. Shefftz said he would recommend future forums.
- D. **Comprehensive Planning Committee** – Mr. Hayden said that the Master Plan Review Subcommittee’s Task Force had met and is getting the final draft ready to go to the whole subcommittee in a couple of weeks. They may bring it to the Planning Board in June or July, he said. The Board should plan on addressing the process by which it would review and adopt the master plan once Town Meeting is over, he noted.

Mr. Shefftz added a note to his report above, to the effect that the Agricultural Commission is always looking for new members.

Ms. Brestrup noted that Mr. Ziomek, who is the staff liaison to the Agricultural Commission, held a meeting with farmers to discuss the Meadow Street project.

- E. **Water Supply Protection Committee** – Mr. Suarez said that the Committee has not met. Mr. O’Connor said there was some ongoing discussion of adding funds to the water department budget in order to test the Town’s water supply for trace amounts of pharmaceuticals.

X. REPORT OF THE CHAIR - No Report

XI. REPORT OF THE DIRECTOR – No Report

XII. ADJOURNMENT

Mr. Hayden MOVED: to adjourn this meeting at 8:55 PM. Ms. Anderson seconded, and the Motion passed 7-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Jonathan Shefftz, Acting Chair