

**AMHERST PLANNING BOARD**  
**Wednesday, March 5, 2008 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Aaron Hayden, Chair; Richard Howland, Jonathan O’Keeffe, Denise Barberet, Susan Pynchon (7:27 PM)

**ABSENT:** Jonathan Shefftz, Kathleen Anderson, Ludmilla Pavlova-Gillham, Eduardo Suarez

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

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Mr. Hayden opened the meeting at 7:28 PM, and because it was late, moved right to the public hearings.

**II. PUBLIC HEARINGS – ZONING AMENDMENTS**

**7:05 PM      A-11-08      500-502 Sunderland Road Rezoning (Bergstrom)**

Mr. Hayden read the preamble and opened the public hearing for this proposal to amend Official Zoning Map to change the designation of Assessor’s Map 2A, Parcels 51 and 52 from Outlying Residence (R-O) and Low Density Residence/Farmland Conservation overlay (R-LD/FC) to Village Center Residence (R-VC).

Mr. Ken Bergstrom, petitioner, told the Board that the former Bioshelter structure is deteriorating and would be difficult to re-use. The property had been used for agricultural/industrial uses in the past and he now wishes to redevelop the site to include other uses. While there are several options for development of the property which would not require rezoning, the site has good potential for mixed use which would benefit the Town’s tax base, he said. The site could also be divided and developed as residential, he said. Mr. Bergstrom distributed a handout (3/5/08). Mr. Bergstrom said that Village Center Residence (R-VC) would be appropriate for the property which is on the bus line. He would like to create a mix of condos for senior housing and office space. The aquaculture would continue, he said.

Mr. Tucker presented the history of the site and explained the maps that were included in the packet and which showed the nearby uses. The area is increasingly becoming a village center, he said. Mr. Tucker said that there are fairly substantial wetlands on the site and nearby. R-VC is the only zoning that will accommodate Mr. Bergstrom’s proposal.

Mr. O’Keeffe said that the Zoning Subcommittee considered the proposal on a number of occasions but did not vote on it at tonight’s meeting due to lack of a quorum. Issues raised by abutters at the meetings included traffic and speeding because of the site’s location (on Route 116).

Mr. Tucker said that the Agricultural Commission had been invited to tonight’s meeting. No one from the Agricultural Commission was present so he summarized concerns which had been expressed by the Commission at earlier meetings. Their major concern is loss of

agricultural use of the property, he said. Another issue is the potential for connections to abutting properties, and removal of the Farmland Conservation overlay.

Mr. Howland asked how the aquaculture would be maintained in the future.

Mr. Bergstrom said that there are people interested, and while there are no guarantees, it would be likely. The ponds are protected by environmental regulations and are an amenity value for the site, he said.

Mr. Howland said that given the surrounding uses and the extensive wetlands impacting the property, it would be appropriate to develop for village center uses.

Speaking in support of the proposal were Paul DiBenedetto, Aubinwood Road; Dave Moriarty, South Amherst; Brian Walker, 33 Pine Street. Comments were that it was a good proposal, good use of the site, and environmentally and economically desirable.

Mr. Howland said that the proposal is consistent with the goals of the draft master plan.

There was no additional public comment.

Mr. Howland MOVED: to close the public hearing. Mr. O’Keeffe seconded, and the Motion passed 5-0.

Mr. O’Keeffe asked about the permitting process. Mr. Tucker said all the proposed uses would be by Special Permit.

Mr. Howland MOVED: to recommend that Town Meeting adopt this proposal.

Ms. Barberet said that while the proposal has merit, she had some concerns.

Mr. Howland WITHDREW his Motion.

Ms. Barberet listed three concerns: (1) Trying to create a new village center on a 55 mph highway that did not have the development pattern or pedestrian accessibility associated with village centers; (2) Potential conflicts between the aquaculture operation and new residential uses; (3) Competition from Veridian Village or other over-55 developments.

Mr. Howland said Ms. Barberet’s concerns were not insurmountable hurdles. He cited the incremental development of the West Street/Pomeroy Lane village center prior to its rezoning, and the near-village center including a full mix of residential and business uses along Route 9 at the Amherst/Hadley border.

Mr. Tucker read the definition for Residential Village Center (R-VC) from the Zoning Bylaw, and noted that there was no conflict between that language and the proposed rezoning.

Mr. O’Keeffe commented that Ms. Barberet’s concerns have merit but it’s important to weigh the concerns against what could be developed by right. The impacts of by-right residential subdivision development on the property would be greater.

Mr. O’Keeffe MOVED: to recommend that Town Meeting adopt this article. Mr. Howland seconded, and the Motion passed 3-2-0 (Barberet and Hayden opposed).

**A-13-08      Municipal Parking District**

Mr. Hayden read the preamble and opened the hearing for this proposal to amend the Official Zoning Map and Sections 2.04, 3.2 and 7.4 of the Zoning Bylaw to amend existing parking regulations in a discrete area of the downtown and to create a corresponding Municipal Parking (MP) overlay district.

Mr. Tucker summarized the proposal and said that the Municipal Parking District is in the Bylaw but does not appear on the official Zoning Map, as required by state law. It should be consistent, he said. The initial impetus for the proposal was concern about legality and the need to update the decades-old language to correspond to more recent changes in the Bylaw, he said. He pointed out some minor changes in the outside boundaries of the district were being proposed to remove inconsistencies and problems like running the zone line through buildings.

Mr. O’Keeffe said that while some more significant changes which involved policy issues were discussed at the Zoning Subcommittee meeting, they raised more complicated questions and there was consensus on the Subcommittee to make only the simpler technical changes now.

Mr. Howland asked why more of the downtown to the north wasn’t included.

Mr. O’Keeffe said that was debated at the Zoning Subcommittee because it was proposed by a member of the ZBA. But after consideration, it was decided to stick to the technical change and address the legal problem. The policy issues can be addressed later, he said.

There was no additional public comment.

Mr. Howland MOVED: to close the public hearing. Ms. Pynchon seconded, and the Motion passed 5-0.

Mr. Howland MOVED: to recommend that Town Meeting adopt this proposal. Mr. O’Keeffe seconded, and the Motion passed 5-0.

**A-14-08      Design Review Board**

Mr. Hayden read the preamble and opened the public hearing for this proposal to amend the Official Zoning Map and Sections 2.04 and 3.2 of the Zoning Bylaw to amend existing design review regulations in given areas of the downtown and create two corresponding overlay districts—the Design Review (DR) District and Town Common Design Review (TCDR) District..

Mr. Tucker said that this is being proposed for reasons very similar to the previous amendment in that these zoning districts are described only in language in the Zoning Bylaw but are not included on the Zoning Map. This will create two overlay districts, he said.

There would not be any policy shifts or changes in regulations as a consequence of this being adopted, he noted.

Mr. O’Keeffe said that his comments on the previous amendment apply here as well.

Mr. Howland noted that one of the districts splits Amherst College buildings surrounding the Town Common. Mr. Tucker replied that that was the existing condition, and intentional. It is common for aesthetic or historic preservation zoning regulations to address only those aspects of a property visible to the public from adjacent roads, he said.

Ms. Barberet asked how many residences would be affected. Mr. Tucker said only those that are currently in B-G or B-L.

There was no public comment.

Mr. Howland MOVED: to close the public hearing. Mr. O’Keeffe seconded, and the Motion passed 5-0.

Mr. O’Keeffe MOVED: to recommend that Town Meeting adopt this. Mr. Howland seconded, and the Motion passed 5-0.

### **III. PUBLIC HEARING – DEFINITIVE SUBDIVISION AMENDMENT**

#### **SUB2008-00001, Moody Field Definitive Subdivision, Snell Street, LLC**

Mr. Hayden read the preamble and opened the public hearing for this request to amend SUB2004-00004 by amending Condition #2 to reflect that no street light is required, and waive Section VI.N. “Street Lights” of the Subdivision Regulations. (Map 14C/Parcels 95-101; R-N zoning district)

Ms. Gloria McPherson, representing the applicant, told the Board that when the subdivision was approved in 2004, one of the conditions was that a streetlight be installed at the end of the cul-de-sac. As the subdivision was built, it was decided that a streetlight was not necessary, she said, and a majority of the new property owners agreed.

Mr. Tucker distributed copies of the Town’s streetlight policy adopted in 2001. The policy states that streetlights will generally be required at the end of cul-de-sacs, creating a standard, but leaving room for interpretation, he noted.

Mr. Howland noted that the Fire and Police departments and the Town Engineer provided opinions that a streetlight isn’t necessary at this location.

Mr. Dean Brown, 18 Moody Field Road, said they don’t want the light. It will infringe on enjoyment of the night sky, he said, and is unnecessary.

Ms. Van Treese, 17 Moody Field Road, said that she was in agreement with Mr. Brown.

Mr. Tucker noted that Mr. Shefftz, a Planning Board member acting as a private citizen and resident of the street in question, had submitted a letter in support of having a streetlight. Mr. Tucker reviewed the contents of the letter for the Board.

Ms. Pynchon said that she lives on a similar cul-de-sac where there is a light and finds that it's helpful. There is a safety benefit for children and pets, she said.

Ms. Van Treese said that there is a lot of ambient light in the neighborhood at night from other nearby development and the stores in Hadley. Lights are on all the time, she said. Ms. Van Treese said that a street light would make this worse and definitely impact her house and the Browns'.

Ms. McPherson said that she visited the site with the Town Engineer, and there is enough light from Hadley and UMass so that "you can read out there."

Ms. Barberet said that a streetlight would not address safety issues raised by Mr. Shefftz, which are more the result of the topography of the island.

There was no additional public comment.

Mr. Howland MOVED: to close the public hearing. Ms. Barberet seconded, and the Motion passed 5-0.

Mr. Howland MOVED: that the Board approve the amendment to SUB2008,00001, Moody Field Definitive Subdivision, to eliminate the streetlight based on the opinions of Town staff and wishes of the neighborhood, and belief that it wouldn't address safety issues raised by Mr. Shefftz, and waive Section VI.N, Street Lights, of the Subdivision Regulation under the provisions of Section VIII.B of those regulations. Ms. Pynchon seconded, and the Motion passed 5-0.

#### **IV. APPEARANCE – Open Space & Recreation Plan – Postponed to March 19, 2008**

##### **I. MINUTES – February 20, 2008**

Ms. Barberet noted that on Page 3 under B., Atkins Working Group, the proper noun "notch" should be capitalized as "Notch".

Ms. Barberet MOVED: to accept the Minutes of February 20, 2008, with the correction noted. Ms. Pynchon seconded, and the Motion passed 5-0.

#### **V. NEW BUSINESS**

##### **A. Chapter 61A Withdrawal - 539 Market Hill Road (Lot 2), Elizabeth F. Riley and James P. Thornton**

Mr. Tucker noted that the Board had recently acted on Lot 1 and this was a new notice for removal of Chapter 61A status in association with the intended sale for Lot 2. He reviewed the issues previously discussed with regard to Lot 1. The Conservation Commission had no compelling interest in the property and from a

planning viewpoint there is no reason to recommend that the Select Board exercise the right of first refusal.

Mr. O’Keeffe MOVED: to recommend that the Select Board not exercise the right of first refusal to purchase the property. Mr. Howland seconded, and the Motion passed 5-0.

- B. Other** - Mr. Tucker noted that a citizen petition had been filed asking Town Meeting to direct the Planning Board to develop an amendment to the Zoning Bylaw to require certain building projects to meet LEED standards.

Mr. Tucker noted that the Board is already dealing with a heavy workload. Because the proposal deals so significantly with building code issues, zoning may not be the appropriate vehicle for this, he said. There is also some money proposed for the FY09 capital budget to revise the Zoning Bylaw and Subdivision Regulations, so this issue could be addressed then, he said.

Mr. Howland MOVED: that the Board take no position.

There was no second and no vote.

**VI. OLD BUSINESS** - None

**VII. UPCOMING FORM A(ANR) SUBDIVISION APPLICATIONS** – None

**VIII. UPCOMING ZBA APPLICATIONS**

The Board decided not to review the following:

ZBA2008-00024, 346 Lincoln Avenue – Derek Alfama

**IX. UPCOMING SPP/SPR/SUB APPLICATIONS**

Mr. Tucker said that two Site Plan Review applications have been submitted for office buildings in Amherst Enterprise Park on Meadow Street. The public hearings are scheduled for April 2 and April 16. He said the Board may want to schedule site visits.

**X. PLANNING BOARD SUBCOMMITTEE REPORTS**

- A. Zoning** – Mr. Hayden said that the Subcommittee is reviewing three petitions, which may become six if alternatives are worked out.

Mr. Tucker said there are now eleven zoning amendment proposals for Spring Town Meeting. Petition articles create a lot of work, he noted, and there is a fairly short time frame within which to respond to them.

For the record, Mr. Tucker appealed to citizens to come in and talk to staff first about a rezoning idea. The Planning Board and staff are willing to discuss zoning with anyone, anytime, he said, and having an initial conversation with planners and the

Zoning Subcommittee would be much more effective and less wasteful of everybody's time than going through the petition process, he urged.

Ms. Pynchon asked if the Planning Board would be scheduling a meeting with the Zoning Board of Appeals to discuss the articles. Mr. Tucker noted that the ZBA has a representative who has been attending the Zoning Subcommittee meetings. However, a joint meeting could be scheduled if the boards are interested in one.

#### **XI. PLANNING BOARD COMMITTEE REPORTS**

- A. Pioneer Valley Planning Commission** – Mr. Howland said the meeting had been postponed, so there was no report.
- B. Community Preservation Act Committee** – Ms. Barberet said that the Committee heard from four groups: 1) LSSE, 2) Conservation Commission, 3) Historical Commission, and (4) Housing Partnership. There was some discussion, but no decisions were made, she said. The requests exceed the money available, Ms. Barberet told the Board.
- D. Comprehensive Planning Committee** – Mr. Tucker said that the task force continues to work on the goals and objectives. The revised document from the consultants is expected at the end of the week, he said.
- E. Agricultural Commission** - Ms. Pynchon said that the Farmers' Forum will take place next Thursday at the Hitchcock Center. All are invited. The purpose is to do "PR" with the Ag Commission, she said, and support local farmers.

**XII. REPORT OF THE CHAIR** – Mr. Hayden noted that he will be about an hour late to the next Planning Board meeting (March 19) because he will be attending the League of Women Voters Candidate Night.

**XIII. REPORT OF THE DIRECTOR** – No Report

#### **XIV. ADJOURNMENT**

Mr. Howland MOVED: to adjourn this meeting at 9:28 PM. Mr. O'Keefe seconded, and the Motion passed 5-0.

Respectfully submitted:

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Sue Krzanowski, Management Assistant

Approved:

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Aaron A. Hayden, Chair

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