

**AMHERST PLANNING BOARD**  
**Wednesday, February 6, 2008 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Susan Pynchon, Clerk (Acting Chair), Kathleen Anderson (7:16), Richard Howland, Denise Barberet, Jonathan O’Keeffe, Eduardo Suarez

**ABSENT:** Aaron Hayden, Jonathan Shefftz, Ludmilla Pavlova-Gillham

**STAFF:** Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner

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Ms. Pynchon opened the meeting at 7:12 PM.

**I. MINUTES – Meeting of January 16, 2008**

Ms. Barberet noted corrections as follows:

- Page 3 Line 10, insert the words “Hampshire College” after the word “for”;  
Line 24, delete the word “that” after the word “although”;
- Page 4 Line 12, insert the words “She gave a figure of \$750,000” after the sentence  
“Ms. Goodman responded that it will generate tax revenue.”
- Page 5 Line 32, delete the word “seconded” and add the word “abstained” after the  
name “Pavlova-Gillham”
- Page 6 Line 24, the name “Ms. Suarez” should read “Mr. Suarez”.

Mr. Tucker suggested substituting the following language for the two sentences that Ms. Barberet was trying to clarify on Page 4: “Ms. Goodman responded that it would generate about \$750,000.” Ms. Barberet accepted the substituted language.

Mr. Howland MOVED: to approve the Minutes of January 16, 2008 as amended and corrected. Mr. Suarez seconded, and the Motion passed 5-0-1 (Pynchon abstained).

Ms. Barberet noted that these were the most professional minutes that she had ever seen.

**II. PUBLIC HEARING – DEFINITIVE SUBDIVISION PLAN APPLICATION**

**SUB2007-00002, Amherst Enterprise Park – Andrews & LaVerdiere**

Request for Definitive Subdivision approval for a 6-lot subdivision located on Meadow Street. (Map 4D/Parcel 8; LI & FPC zoning districts)

Mr. Tucker noted that the Board had received a letter, dated January 24, 2008, from the applicants’ consultants, Garrity & Tripp, requesting to withdraw the application without prejudice.

Mr. Howland MOVED: to approve the withdrawal without prejudice.

Ms. Barberet asked for an explanation of what “withdrawal without prejudice” meant. Mr. Tucker explained that it meant that the Board had taken no action, positive or negative, on the application and

so it would not “prejudice” (affect) future applications. Mr. Howland noted that, from a legal standpoint, the applicant can resubmit the plan as it was without waiting for a required length of time.

Ms. Barberet seconded the motion and the Motion passed 6-0.

### **III. PRESENTATION – Open Space & Recreation Plan – David Ziomek**

Mr. David Ziomek, Director of Conservation and Development for the Town of Amherst, gave a presentation on the status of the draft Open Space and Recreation Plan (OSRP) being developed by the Conservation Commission and Conservation Department. He handed out a document from the state’s Executive Office of Environmental Affairs, entitled “Open Space and Recreation Plan Requirements”. Mr. Ziomek referred Board members to the state’s Department of Conservation Services’ website for more information on OSRP plans. He also passed around sample copies of OSRP plans from communities around the state.

Mr. Ziomek stated that the Amherst current draft OSRP is an effort to create a 5-year update to the older draft OSRP plan. He noted that the last “official” plan was dated 1995 and that Amherst has been operating under a series of draft plans since then. He described the planning process and gave the status of the report. Mr. Ziomek stated that the report supports the master planning efforts currently being conducted by the Comprehensive Planning Committee. The OSRP organizes the priorities of the town with respect to open space and recreation and makes grant money from the state more accessible.

Mr. Ziomek gave a Power Point presentation explaining the OSRP in more detail. He explained that once the final OSRP is approved it will be good for 5 years. Mr. Ziomek also noted that the OSRP is not a static document but that it changes over time.

Ms. Anderson asked about funds for acquiring more conservation land. Mr. Ziomek stated that funds are available for conservation land, watershed protection, recreation land and urban self-help for improvements to recreation lands and that all of these funds are more accessible once a final OSRP has been approved by the state.

Mr. Ziomek showed some of the maps that will be included in the OSRP along with the text sections. He noted that the plan will be available for public review and comment on the Town of Amherst website within the next few weeks. The plan will become final in mid-to-late-March.

Mr. Suarez asked what Mr. Ziomek needed from the Planning Board. Mr. Ziomek explained that the Conservation Department was looking for input from individual Board members on the draft map and text as well as a letter of support from the Planning Board.

Mr. Suarez noted that he was excited to be able to have input on the plan. He had recently attended a meeting in Boston and had viewed maps from 1982 when there had been approximately 800 farms in the state. He stated that now there are only 170 farms left in the state. He stated that as a Planning Board member he doesn’t like to approve the development of tillable land.

Mr. Ziomek commented that Amherst is doing well with respect to preserving farmland. In addition to all of the APR's there are also three CSA (Community Sustaining Agriculture) farms in Amherst.

Mr. Ziomek also noted that the current draft OSRP is different from earlier plans in that it places more importance on recreational lands than previous drafts had done. He further noted that the state DCS (Department of Conservation Services) will review the plan and if it has the required sections and the required letters of support from town boards and committees it is likely to be approved. If the town's Master Plan is available by the time that the final draft of the OSRP is being put together the writers will make links to the Master Plan. The staff has been working with LSSE to look at an inventory of recreational lands and determine if the lands available are sufficient for recreational needs.

Ms. Barberet asked if the OSRP would consider traffic, which was a major sticking point for the Plum Brook soccer fields. Mr. Tucker stated that, compared to past OSRPs, the new OSRP would involve the most comprehensive look at all the different aspects of conservation and recreation lands.

Mr. Ziomek stated that he will communicate with the Planning Board with regard to when comments will be required. He offered to bring Linda Chalfant, Director of LSSE, to speak with the Planning Board, if they thought it would be useful.

#### **IV. NEW BUSINESS**

A. Planning Commissioners Journal – Mr. Tucker noted that the latest copy of the Planning Commissioners Journal had been included in the Planning Board's packets. The current issue focuses on downtowns, economic development and parking. He encouraged the Board members to read the Journal and to keep past copies for reference.

B. Other – Mr. Howland stated that the Pioneer Valley Planning Commission will be meeting soon and that he plans to attend the meeting.

#### **V. OLD BUSINESS**

##### **A. Appointment to Water Supply Protection Committee**

Mr. Tucker explained that the new Water Supply Protection Committee replaces the old Aquifer Protection Committee. Members are to be appointed by the Town Manager. The Committee's membership is to include one Planning Board member, who should be nominated by the Planning Board. Mr. Tucker asked if there were any volunteers. Mr. Suarez asked how often the Committee meets. Mr. Tucker stated that so far the Committee meets once a month. Mr. Suarez volunteered to be the Planning Board's representative on the Committee and stated that he is very interested in the topic of water supply protection.

Mr. Howland MOVED: to nominate Mr. Suarez as the Planning Board's representative on the Water Supply Protection Committee. Ms. Pynchon seconded the motion and the Motion passed 6-0.

B. Signing of Decision – SPR2008-00002, National Yiddish Book Center

Mr. Howland MOVED: to approve and sign the decision for the National Yiddish Book Center. Mr. Suarez seconded and the Motion passed 5-0-1 (Pynchon abstained).

C. Master Plan

Mr. Tucker gave an update on the status of the Master Plan. The draft chapters, edited by the Master Plan Review Subcommittee, were sent to the consultant in early January for re-writing. A task force of the Subcommittee is currently working on goals and objectives. Mr. Tucker encouraged the Planning Board to consider what kind of process it wishes to go through to approve the Master Plan once the draft Plan is received. One suggestion is that the Planning Board would hold two or three public meetings to solicit public reaction to the draft plan.

Mr. O’Keeffe asked if the CPC is planning to bring the Master Plan before Town Meeting. Mr. Tucker stated that the CPC is undecided.

Mr. Suarez stated that it was his understanding that the Planning Board had been presented with a “map” or protocol as to how to approve the Master Plan, including a public hearing to obtain input from the public, and including obtaining input from Town Meeting and the Select Board. After that process the Planning Board would approve the plan.

Mr. Howland noted that the Master Plan is being developed under the auspices of the Planning Board.

Mr. Tucker suggested that the Board may wish to review a draft of the Master Plan before it determines what kind of public process to conduct prior to approval of the Plan.

Ms. Pynchon asked about the timeline for approving the Master Plan. Mr. Tucker stated that the revised chapters are due back from the consultant by the end of February, the Goals and Objectives will also be completed at the end of February. The maps are being prepared and the Implementation Section needs some more work.

Ms. Pynchon noted that there had been some discussion about concluding the Master Plan process in spring 2009. Mr. Tucker explained how the Master Plan process came about, and its relationship to the need to replace the Phased Growth Bylaw. He noted that the Phased Growth Bylaw is due to expire in November 2009 and that this date is, to some degree, driving the completion date for the Master Plan.

Ms. Barberet asked about what the public reaction has been to the Master Plan. Mr. Howland stated that the reaction has been mixed. Mr. Tucker stated that many of the comments focused on the fact that there were missing pieces. He cited the Transportation Section and the issue of parking as missing pieces.

Mr. Howland stated that a frequent comment had been that the Master Plan is too big and needs to be pared down. Mr. Tucker stated that the Master Plan review subcommittee worked on this, that a lot of the material was repetitive and that the review subcommittee was working on cross-referencing the material and “boiling it down”.

Ms. Pynchon stated that she would like to wait to read the Master Plan and then make a determination about how to proceed.

Mr. Suarez recommended that the Board members read the Plan and be proactive in making suggestions for improving it.

Ms. Barberet recommended that Board members check the Northampton website and look at Northampton's experience in preparing what she considers to be a good plan.

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

There were no Form A applications.

## **VII. UPCOMING ZBA APPLICATIONS**

Mr. Tucker stated that The Levi-Nielsen Company had submitted a new application for a 17-unit PURD development on South East Street. In the past the Planning Board had asked to have a presentation on the larger 24-unit proposed PURD development proposed by Levi-Nielsen. Ms. Brestrup noted that the Planning Board had previously supported the larger 24-unit development and that the current proposal was a reduction from the previous proposal in terms of the number of buildings. She also noted that the new proposal showed the buildings and other development located farther from the wetlands. Ms. Anderson asked if there would be a public hearing on the application. Mr. Tucker stated that the Zoning Board of Appeals would be holding public hearings on the application. Mr. Tucker also noted that the Planning Board may choose to make recommendations to the ZBA on this application. The Planning Board's role is to advise, but not to make a decision in this case.

Mr. Suarez asked Mr. Tucker to explain the history of the project. Mr. Tucker did so. Ms. Barberet stated that it is a controversial project and that she felt that it was incumbent upon the Planning Board to hear more fully about the project.

Mr. Howland suggested that individual members could look at the plans in the Planning Department, but that the Planning Board as a whole had enough work of their own to attend to. Ms. Anderson stated that, if the project was essentially similar to the previous project, it does not warrant a second viewing by the Board and that the public will have an opportunity to comment at the public hearings. Mr. O'Keeffe stated that he did not wish to "step on the ZBA's toes" with regard to their area of jurisdiction.

Ms. Pynchon asked if it was a consensus that the Planning Board would not ask for a presentation at this time, and there was general agreement or acquiescence. It was suggested that Board members were free to come to the Planning Department to review the plans and that they could decide at a future date to have a presentation by the applicant if the Board decided it was worthwhile to do so.

The Board chose not to review the upcoming ZBA applications at this time.

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

Mr. Tucker noted that a Site Plan Review application had been filed for the property on Meadow Street known as Amherst Enterprise Park. The proposal is to construct a building on one of the frontage lots that was created by an ANR plan. The proposal is for a multi-story storage building which may eventually become offices or research space. The public hearing is scheduled for April 2, 2008. A site visit will need to be scheduled. The Board will schedule a site visit as the hearing date approaches.

**IX. PLANNING BOARD SUBCOMMITTEE REPORTS**

**A. Zoning Subcommittee**

Ms. Anderson gave the Zoning Subcommittee report. She described the discussions on the proposed zone changes of the Bergstrom property on Sunderland Road (from R-O and R-LD/FC to R-VC). The owner is seeking to expand the use of the property to provide a benefit to himself and to the town. A public hearing for this proposal will be scheduled soon.

Ms. Anderson went on to describe the proposal to refine the language and identification of several zoning districts in the town center. The districts being discussed are the proposed DR (Design Review) District, the proposed TCDR (Town Common Design Review) District and the proposed MP (Municipal Parking) District. The DR, TCDR and MP Districts are proposed to become Overlay Districts in the town center.

Mr. Tucker explained that these districts currently exist in the Bylaw and are defined by language, but that they don't exist on the Official Zoning Map. The Design Review Board's jurisdiction occurs in two different districts. The Municipal Parking Zone also occurs in the downtown area and is only described by language. The proposal is intended to clarify where these districts are. The current function of the districts will change very little if at all.

Mr. O'Keeffe noted that these new districts would be essentially the same as other overlay districts. He also noted that three citizens' petition articles had just been received.

Mr. Tucker stated that some of the zoning articles being considered for spring Town Meeting are technical changes. The density calculations for Cluster Developments, affordable clusters and Open Space Community Developments do not currently have a provision for dealing with fractions in the calculation of maximum density, although there are such provisions for other calculations elsewhere in the Bylaw. The proposed change would allow rounding up or rounding down. It would appear in one section of Article 4 of the Bylaw and then be referred to in other sections.

Ms. Barberet asked about other articles that would be going before Town Meeting.

Mr. Tucker stated that there is also a potential article proposing to make changes in the lodging category. A proposed change to the motels and hotels section had led to a Zoning Subcommittee discussion about lodging in general and a proposal to broaden the Bylaw with respect to Bed & Breakfasts is now being considered. He stated that there will be at least seven (7) proposed zoning amendments this spring and possibly more as a result of the three citizens' petitions which might generate Planning Board alternative proposals.

B. Atkins Working Group

Mr. Tucker reported that the Atkins Working Group has not met lately.

**X. PLANNING BOARD COMMITTEE REPORTS**

A. Pioneer Valley Planning Commission

Mr. Howland reported that the PVPC will meet soon and that he plans to attend the meeting.

B. Community Preservation Act Committee

Ms. Barberet reported on the January 22, 2008, meeting of the CPAC. There will be an 80% state match for CPAC funds for FY2009. A total of \$609,000 is likely, made up of \$346,000 in taxation and \$272,000 in state matching funds. Of the total, some of the money has already been encumbered, leaving about \$450,000 for FY2009 for projects.

C. Agricultural Commission

Ms. Pynchon reported that the Farmers' Forum will be held in March. She also noted that the Agricultural Commission is working on a draft for a "Right-to-Farm" Bylaw.

D. Comprehensive Planning Committee

Mr. Howland and Mr. Tucker reported that the full CPC has not met recently. Mr. Tucker noted that former Chairman, Eric Nakajima, had left to work for the state and was therefore no longer involved in the CPC. The current Acting Chair is James Wald. Mr. Howland stated that the CPC is now waiting for the revisions to the Master Plan to come back from the consultants.

**XI. REPORT OF THE CHAIR**

There was no report from the Chair.

**XII. REPORT OF THE DIRECTOR**

The Planning Director had already given his report, regarding the CPC and Zoning Subcommittee.

**XIII. ADJOURNMENT**

Mr. Howland MOVED: to adjourn at 9:54 PM. Ms. Anderson seconded and the Motion passed 6-0.

Respectfully submitted:

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Christine M. Brestrup, Senior Planner

Approved:

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Susan Pynchon, Acting Chair (Clerk)

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