

AMHERST PLANNING BOARD
Wednesday, January 16, 2008 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Aaron Hayden, Chair; Kathleen Anderson, Ludmilla Pavlova-Gillham, Richard Howland, Denise Barberet, Jonathan O’Keeffe, Jonathan Shefftz (7:10 PM), Eduardo Suarez (8:20 PM)

ABSENT: Susan Pynchon

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

Mr. Hayden opened the meeting at 7:02 PM.

I. MINUTES – Meetings of November 6, 7, 14 and December 5, 2007

Ms. Barberet noted that the language in the third full paragraph on page 3 was unclear and suggested it be amended. She also noted that a “.” was missing at the end of the paragraph above.

Ms. Barberet MOVED: to approve the Minutes of November 6, 2007 as amended and corrected. Mr. Howland seconded, and the Motion passed 6-0.

Ms. Barberet noted that there were typos on pages 4 and 7.

Mr. Howland MOVED: to approve the Minutes of November 7, 2007 as corrected. Ms. Anderson seconded, and the Motion passed 6-0.

Ms. Barberet noted a typo on page 1 and that the person who had abstained from the Motion on page 3 was not included. Mr. O’Keeffe noted that the starting time of the meeting (on page 1) was incorrect.

Ms. Barberet MOVED: to approve the Minutes of November 14, 2007 as corrected. Mr. Howland seconded, and the Motion passed 5-0-2 (Shefftz and Hayden abstained).

Mr. Howland MOVED: to approve the Minutes of December 5, 2007 as submitted. Ms. Pavlova-Gillham seconded, and the Motion passed 7-0.

II. PUBLIC HEARING – SITE PLAN REVIEW APPLICATION

SPR2008-00002, The National Yiddish Book Center, 1021 West Street

Request to modify previously approved plan (SPR2007-00008) to include emergency access drive and pedestrian route along with associated site grading, as per requirement of Amherst Fire Department. (Map 25B/Parcel 63; ED zone)

Mr. Hayden read the preamble and opened the public hearing for this request.

Mr. Chris Wall, the Berkshire Design Group, presented the proposal to the Board. Mr. Wall pointed out the changes which he said were being made at the request of the Fire Department and Building Inspector in order to provide emergency access and egress, and an ambulance turn-around. The only lighting proposed will be emergency lighting, he said. Mr. Wall said that the drainage has also been changed at the request of the Town Engineer.

Mr. Wall distributed plans showing the latest revisions.

Mr. Michael Lessey, 10 Mountain View Circle, expressed concerns that the emergency access road would be used by visitors to the museum, and noted that cars travel at high speeds on Route 116 (main entrance).

Mr. Wall said that it is only intended for emergency vehicles and snow plowing. Bollards with chains will be used to block other vehicles.

Mr. Tucker suggested adding an "Emergency Vehicles only" sign.

In response to a request from Ms. Pavlova-Gillham, Mr. Wall described the drainage system.

Mr. Wall told the Board that pedestrian egress from the side of the building facing the emergency access drive is required by the Building Code.

Mr. Hayden noted the Site Visit Report which was included in the Board's packet and then reviewed the Development Application Report with the Board.

There was no additional public comment.

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

Ms. Pavlova-Gillham MOVED: to approve SPR2008-00002, National Yiddish Book Center, subject to the following conditions and waivers:

Conditions

- (1) All proposed plantings and species shall be listed on the site plan.
- (2) A sign shall be provided at Route 116 which reads "Emergency Vehicle Access Only – Do Not Enter".
- (3) The erosion measures approved by the Board for the previous Site Plan Review amendment shall be applied.
- (4) This proposal shall be approved by the Fire Department.
- (5) This proposal shall comply with Conservation Commission conditions regarding construction of the drive.
- (6) All landscaping shall be installed as proposed and continuously maintained.
- (7) Four (4) copies of the final revised plans shall be submitted to the Planning Department.
- (8) This proposal will expire in two (2) years if substantial construction has not begun.

Waivers

- (1) Lighting Plan
- (2) Traffic Impact Statement

Mr. Howland seconded, and the Motion passed 7-0.

III. APPEARANCE – Veridian Village

Mr. Larry Archey, Director of Campus Planning & Support Services for Hampshire College, officially submitted plot plans for the Veridian Village at Hampshire College, in compliance with the requirements of Section 3.21 of the Zoning Bylaw.

Mr. Archey noted that representatives of the project development firm, Beacon Communities LLC, were also present. Hampshire College is developing Veridian Village in collaboration with Beacon Communities. Mr. Archey distributed a handout to provide documentation showing how the proposal complies with the zoning regulations.

Mr. Tucker confirmed Mr. Archey's statements, noting that Gary S. Brackett, Interim Town Counsel, had submitted an opinion on this project's compliance with the zoning regulation, a copy of which was included in the Board's packet.

Ms. Anderson asked how the proposal addresses the Town's affordable housing needs.

Mr. Archey said that this project does not, but it is a component of a larger village center plan for Atkins Corner Village Center which will include affordable units.

Ms. Pavlova-Gillham asked Mr. Archey to describe the proposed roundabout at the entrance.

Mr. Archey said that it addresses traffic impacts and will reduce speed and increase pedestrian safety.

Mr. Tucker noted that two bus stops will be added.

Ms. Barberet asked if the development would be limited to ages 55+.

Mr. Archey said that although an age limitation was considered in the early planning stage, study showed more of a need to allow a range of ages.

Mr. Howland said that he was very concerned that this would not be taxable. Mr. Tucker said that the Town Assessor has stated that this project will be taxable.

The impact on Town services was discussed and Mr. Archey said that the development will attract an older population with little impact. The units will not be rentals. The tax revenues should outweigh the impacts, he said.

Mr. Archey said that the 129 condominium development will be managed by Beacon Community under Hampshire College control. Hampshire College doesn't have the capacity to manage it themselves, he noted.

Mr. Tucker noted that the Town will hold conservation restrictions on the majority of land area for the project.

Mr. Archey said that homeowners will be members of the Hampshire College community. The educational program for the project will be developed over the next few months, he said.

Ms. Pavlova-Gillham asked about a sustainable campus plan. Mr. Archey said that homes will achieve a silver rating on the NAHB Green Home Building Guidelines. It will be as green as possible, he said, and meet LEEDS certification standards.

Ms. Pam Goodman, President of Beacon Community Development, said that this model is gaining steam across the country. It will be “age-targeted”, not “age-restricted”, she said, but will be designed to be attractive to older owners who are interested in downsizing.

Mr. Suarez asked about benefits to the Town.

Ms. Goodman responded that it would generate about \$750,000. There will be 129 households with purchasing power. It is a successful, cutting edge development, she said, with a silver rating from the NAHB and compliant with LEED standards.

Mr. Tucker reminded the Board that this project was allowed by right and they had a busy agenda to cover.

Newmarket Center –Sign Approval – DePalma Salon

Mr. Tucker explained that it was a condition of the original Plan Approval for Newmarket Center that new business signs be approved by the Planning Board.

Mr. Derrick Mason of Sign-Grafx described the proposed signs for the storefront and directory panel.

Ms. Anderson commented that the directory sign was somewhat difficult to see. Mr. Tucker suggested using a black pinline to outline the lettering and make it visually distinct from its background.

Mr. Howland MOVED: to approve the sign designs as presented. Mr. Suarez seconded, and the Motion passed 8-0.

Mr. Shefftz stepped down from the Board at 9:00 PM.

V. NEW BUSINESS

A. Chapter 61A Removals – 1) Bay Road – David & Phyllis Smith; 2) 539 Market Hill Road – Elizabeth Riley & James Thornton

After a basic primer on Chapter 61, Chapter 61A and Chapter 61B, Mr. Tucker presented the first proposal (Bay Road). Mr. Tucker said that this release was a private part of a larger project which has resulted in town and state acquisition of conservation land.

Mr. Howland MOVED: that the Board urge the Select Board to decline the option to exercise the Town's right of first refusal. Ms. Pavlova-Gillham seconded, and the Motion passed 6-0-1.

Mr. Suarez commented that he abstained because he didn't have the facts which he believed should be provided by Mr. Ziomek.

Mr. Kenneth Lieberman, representing 539 Market Hill Road, said that although this proposal had been through the process once before and the Select Board had voted to not exercise the option to purchase, the earlier deal fell through and the applicants were required to go through the process again. He asked the Board to make the same recommendation as last time.

Mr. Howland MOVED: that the Board recommend that the Select Board decline to exercise the Town's right of first refusal to purchase the property. Ms. Pavlova-Gillham seconded, and the Motion passed 7-0.

B. Chapter 61 Removal – Henry Street – W.D. Cows

Mr. Tucker explained that this is part of a much larger parcel. The lot is being donated for a moderately affordable duplex, thanks to Christine Brestrup's efforts, he said.

Mr. Suarez MOVED: to recommend that the Select Board decline to exercise the Town's right of first refusal to purchase the property. Mr. Howland seconded.

Ms. Barberet noted that no purchase and sale agreement had been submitted as part of the withdrawal notice. Mr. Tucker thanked her for pointing that out, and agreed.

Mr. Suarez MOVED: to postpone this issue until the next meeting on January 30. Ms. Anderson seconded, and the Motion passed 7-0.

C. South Middle Street Subdivision

- 1) **Certificate Revision** - Mr. Tucker explained that language required by M.G.L. Chapter 41, Section 81X needed to be added to the Amended Definitive Subdivision Approval for the South Middle Street Cluster Subdivision. This was something which had just fallen through the cracks and was discovered when the applicant went to file the approval with the Registry of Deeds. Mr. Tucker noted that Town Counsel said that it could be amended at a business meeting of the Board.

Mr. Howland MOVED: to approve the revised Certificate of Amherst Planning Board Decision for the Amended Definitive Subdivision Plan with the language added. Mr. O'Keefe seconded, and the Motion passed 5-0-2 (Barberet and Pavlova-Gillham abstained).

- 2) **Request to amend Condition #1 of previously approved permit**

Mr. Tucker explained that the developer had offered to provide two affordable units by constructing a duplex on property he owns on Old Belchertown Road. The affordable units were not required, but the applicant's offer was included

as a condition of the Site Plan Review Approval, and the Development Schedule was based on two units. However, it was later learned that the lot on Belchertown Road was located in the Aquifer Recharge Protection (ARP) Overlay District and duplexes were not allowed in that district. Mr. Tucker noted that Mr. Kohl has asked to be allowed to amend the condition to one unit, noting again that it was not a requirement.

Mr. O’Keeffe said that he was uncomfortable with changing the condition without more information.

Ms. Gloria McPherson, representing Kohl Development, said that the two affordable units had been required as part of the design for the Preliminary Plan but were not required for the Definitive Plan, which had a different layout and lot count. The units were offered in good faith because they had been part of the Preliminary, she said. Habitat for Humanity has closed on the Belchertown Road property involved, Ms. McPherson told the Board.

Mr. Suarez MOVED: to amend Condition #1 to require one affordable unit instead of two. Ms. Pavlova-Gillham seconded.

Ms. Anderson expressed concerns about Habitat’s ability to offer the unit to people of color.

The Motion passed 7-0.

VI. OLD BUSINESS

A. Amherst Enterprise Park Subdivision – Request for Continuation

The Board reviewed a request to continue the public hearing schedule and extend the review period for the above Definitive Subdivision.

Ms. Pavlova-Gillham MOVED: to continue the public hearing to January 30, 2008. Mr. Suarez seconded, and the Motion passed 7-0.

Mr. Howland stepped down from the Board at 9:40 PM.

B. Other

Ms. Anderson MOVED: that the Board authorize the Chair to draft a letter to Pioneer Valley Habitat for Humanity expressing concern about incidents/complaints related to access to Habitat units for people of color.

Mr. Suarez offered a friendly amendment to recommend that people of color who live in Amherst be approached, and then he seconded the main Motion.

Mr. O’Keeffe said that he was not comfortable with the implication of assertions concerning Habitat’s policies, but was not comfortable with making accusations without evidence.

Ms. Pavlova-Gillham said that while she respected Ms. Anderson's and Mr. Suarez's efforts, she suggested that the focus be on asking Habitat to make the unit available to Amherst residents, particularly people of color.

After discussion, the Motion to ask the Chair to draft a letter on the Board's behalf, but to first present it to the Board, passed 6-0.

VII. FORM A (ANR) SUBDIVISION APPLICATIONS

The Chair endorsed the following:

ANR2008-00006, 539 Market Hill Road – Elizabeth Riley & James Thornton

Mr. O'Keeffe MOVED: that the Board assign February 2008 as the development authorization date for the new lots which are subject to the Phased Growth Bylaw. Ms. Pavlova-Gillham seconded, and the Motion passed 6-0.

Mr. Suarez stepped down from the Board at 9:58 PM.

ANR2008-00007, East Leverett Road – Haskins View LLC

ANR2008-00005, Belchertown Road – Sabrina Realty Partnership

XIV. ADJOURNMENT

Mr. O'Keeffe MOVED: to adjourn this meeting at 9:59 PM. Ms. Anderson seconded, and the Motion passed 5-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Aaron A. Hayden, Chair

DATE: _____