

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

**PRESENT:** Susan Pynchon, Acting Chair (until 7:20 PM), Jonathan Shefftz, Acting Chair, (after 7:20 PM); Aaron Hayden, Richard Howland, Denise Barberet, Ludmilla Pavlova-Gillham (7:10 PM), Eduardo Suarez (7:22 PM), Kathleen Anderson (7:22 PM)

**ABSENT:** Jonathan O’Keeffe

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

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Ms. Pynchon, Acting Chair, opened the meeting at 7:15 PM.

**I. MINUTES – Meeting of June 18, 2008**

Mr. Howland MOVED: to accept the Minutes of June 18, 2008 as corrected and amended. Mr. Hayden seconded.

Ms. Barberet noted the following corrections to the Minutes:

Page 3, Paragraph 4, line 6, add the word “in” after the word “interested”;

Paragraph 4, line 7, delete the word “in” after the word “using”;

Page 4, Paragraph 5, line 1, change the name “Connie” to “Tanya”;

Page 4, Paragraph 6, should read as follows:

“As the discussion continued, Mr. Suarez expressed concern about road contaminants from tire wear and other automotive traces. Ms. Barberet expressed concern about whether the 14-16 trips figure was accurate. She felt there were a lot of unknowns about the project, she said.”

Page 6, Paragraph 6, line 3, the words “and three” should not be in bold.

The Motion passed 5-0.

**II. PUBLIC HEARINGS – SITE PLAN REVIEW APPLICATIONS**

**SPR2008-00004 – Amherst Enterprise Park – Andrews & LaVerdiere**

Request to construct a 12,800 s.f., two-story wood frame construction office building with access drive and parking on 5.6 acres, Meadow Street. (Map 4D/ Parcel 8, LI and FPC zoning districts) [continued from 04/02, 05/20, 06/04/2008]

Ms. Pynchon noted that the Board had received a request from the applicant to continue the public hearing for sixty (60) days.

Mr. Hayden MOVED: to continue this public hearing to September 17, 2008 at 7:05 PM. Ms. Pavlova-Gillham seconded, and the Motion passed 5-0.

Mr. Shefftz arrived (7:20 PM) and assumed the Chair. Ms. Anderson and Mr. Suarez also arrived (7:22 PM).

### **III. APPEARANCE**

#### **Open Space and Recreation Plan – Dave Ziomek**

Mr. Tucker announced that there would be no presentation of the OSRP this evening.

### **IV. NEW BUSINESS**

Mr. Tucker introduced the new Planning Department staff member, Jeff Bagg, Senior Planner. The Board members introduced themselves to Mr. Bagg.

Mr. Hayden announced that he is transitioning off the Board but he is willing to stay until the cases he is working on are completed, if he is needed.

Mr. Tucker suggested that the Board skip ahead in their schedule and take up the application of Ms. Kim Wimbish for a sign approval.

#### **C. Newmarket Center – New sign request**

Ms. Wimbish presented the new signs for Golden Booty Tanning Resort. She explained that she and her daughter, Eden Carr, have recently taken over the tanning salon on University Drive. They needed to change the name because Southern Sun-sations Tanning [formerly in that location] had other establishments in the region and was already using that name. They chose a pirate theme which is represented in their proposed signs and in their new interior décor.

Ms. Wimbish presented the new sign designs which were slightly different from those that the Board had received in their packets. The revised main sign for the canopy over the door shows the individual letters slightly more spread apart from one another than the original design. Mr. Howland noted that the name of the business is a double entendre and Ms. Wimbish agreed that the name is a play on words. Ms. Wimbish explained that the sign for Carla's Creations shown in the photograph is no longer in place and will not be reinstalled. Ms. Wimbish also explained that the revised sign for the "pylon" or directory sign on University Drive would not have the pirate logo, but would just have the words "Golden Booty Tanning Resort".

The Board members questioned Ms. Wimbish about the exact size of the signs and she agreed that the dimensions given on the revised sign images were not correct. The size of the main sign will be 24 inches high by 251 inches long, as shown on the original images submitted to the Board. No lighting is planned for the main sign.

Mr. Howland MOVED: to approve the sign subject to the correction of the dimensions and subject to the Carla's Creations sign not being in place.

Ms. Wimbish stated that she would submit a corrected copy of the proposed sign drawing.

Mr. Tucker offered an amendment to the Motion, that a new sign plan shall be submitted with corrected dimensions and that the Carla's Creation sign shall be removed, prior to the issuance of a Building Permit for the new sign.

Ms. Pavlova-Gillham offered an amendment that the new sign reflect the larger spacing between the letters.

Mr. Shefftz noted that the pirate style of lettering was not conducive to creating a readable sign.

Ms. Pynchon seconded and the motion passed 8-0.

The Board turned to the public hearing scheduled for 7:30 PM.

## **II. PUBLIC HEARINGS – SITE PLAN REVIEW APPLICATIONS**

### **SPR2008-00007 – Storage Shed, 125 West Bay Road – Eric Carle Museum**

Request Site Plan Review approval to amend SPR2001-00004 to construct a 16' x 16' shed for storage of equipment and outdoor furniture. (Map 25A/Parcel 22; Educational Zone)  
[continued from June 18, 2008)

John Stark, Facilities Manager for the Eric Carle Museum, presented the application. He stated that the Museum would like to install a 16' x 16' shed in the back of the main building for storage of outdoor furniture and a lawn mower. He presented a revised plan of the building, showing that the door for people's access would be relocated to the same side of the shed as the garage door. He noted that there would be no windows in the building. The roof will be a relatively flat, slightly sloping rubber roof and the siding will be gray metal corrugated siding. The new shed will be set on the concrete slab that now contains the dumpsters. The dumpsters will be moved to a spot on the asphalt pavement, just north of the new shed. A row of arborvitaes will be planted to block the view of the dumpsters and the shed from the main museum building. The new shed will be 11 feet high and will be placed 22 feet from the eastern property line.

Mr. Suarez asked why approval of the shed is necessary. Mr. Tucker explained that it is an amendment to a previously-approved site plan. Although the property is zoned ED the use is not a use normally conducted by a college or university and thus is subject to Site Plan Review.

Mr. Stark stated that there will be no plumbing or electrical connections in the new shed. The shed will not be open to the public.

Mr. Howland MOVED: to close the public hearing. Mr. Hayden seconded and the motion passed 8-0.

Ms. Pavlova-Gillham asked about the placement of the dumpsters on a surface other than concrete. Mr. Stark stated that the owners of the dumpsters did not request that it be placed on a pad. There was discussion about whether the dumpsters needed to be placed on a concrete

pad. Mr. Hayden, who had attended the site visit, noted that the dumpsters are only one-yard dumpsters, not four-yard dumpsters which can make holes on the asphalt.

Mr. Howland MOVED: to approve the application as an amendment to Site Plan Approval SPR 2001-00004, and to waive the landscape plan, the lighting plan, the soil erosion plan, the sign plan, the site management plan and the traffic impact statement, and that if the dumpster creates a problem then a concrete pad will be added to support the dumpsters and to add the standard conditions, including all previous conditions shall still apply. Mr. Hayden seconded.

Ms. Pavlova-Gillham asked how the shed is entered. There was discussion about what would be stored in the shed and where the doors would be located. Mr. Stark stated that the doors will be on the east side of the shed and that the entry will be from the grass. Since the equipment stored in the shed is used for yard work and the furniture is lawn furniture, this was thought to be appropriate.

Mr. Suarez asked for clarification, that the shed would be used only for the lawnmower and lawn furniture and not for waste management. Ms. Pavlova-Gillham asked about storage of fertilizers.

Mr. Stark stated that waste will be stored in the dumpsters and that he doesn't store fertilizers, but orders them as they are needed. Ms. Anderson clarified that the shed would be used to store outdoor furniture in addition to the lawnmower. Mr. Stark stated that the furniture is metal café furniture.

The motion passed 8-0.

The Board returned to New Business.

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

##### **A. Lot Release Request – Lot 49, Amherst Hills Subdivision**

Mr. Tucker stated that staff recommends the release of this lot. Fewer than half of the lots in the subdivision have been released to date and the Superintendent of Public Works has stated that there are no problems with this lot release.

Mr. Howland MOVED: to grant the lot release for Lot 49 in the Amherst Hills Subdivision. Mr. Hayden seconded and the motion passed 8-0.

The Board then signed the Certificate of Performance for the Lot Release.

##### **B. Ch. 61A Release Request – Henry Street**

Mr. Tucker presented the request to release a lot on Henry Street from the provisions of Chapter 61A. Mr. Tucker explained what Chapter 61 designation means.

Mr. Suarez left. (8:00 PM)

Ms. Barberet asked questions about the lot to be released, including whether it was connected to town sewer and water. She also stated that she would like to see the full packet of information on the release and to discuss the tax implications of the release. She asked how much the property is worth and asked to see the appraisal. Mr. Tucker explained the appraisal procedure and stated that he had the complete file in the Planning Department office and offered to retrieve it.

Mr. Hayden noted that the Planning Board's role in a Chapter 61 release was to evaluate the property for planning purposes and that money matters should be left up to the Select Board and the Town Manager.

Ms. Anderson asked if the homes to be built on the property would be offered for ownership or rental.

Ms. Brestrup stated that the dwelling units would be served by a septic system on site. She retrieved plans for the dwelling units and made them available for the Board's review. She stated that the homes would be offered for purchase.

Ms. Barberet questioned whether the location was suitable for this type of development. She noted that the street is not walkable since there are no sidewalks.

Mr. Howland noted that these concerns were not Planning Board issues in this case and that the release of the lot would bring it back to the tax rolls.

Mr. Shefftz stated that the Board's role is to determine if there were any planning concerns that would merit town purchase of the property.

Mr. Howland MOVED: to recommend to the Select Board that they not exercise the Town's right of first refusal since there is no planning interest in the Town's acquisition of this lot. Mr. Hayden seconded and the motion passed 5-1-1. (Barberet opposed; Pavlova-Gillham abstained).

Mr. Tucker noted that the site plan for this project had been reviewed by the Zoning Board of Appeals. Ms. Brestrup noted that the ZBA had held a public hearing on the project and had granted a Special Permit to build the units.

The Board returned to public hearings.

## **II. PUBLIC HEARINGS – SITE PLAN REVIEW APPLICATIONS**

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

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) [continued from April 2, May 20, June 4, June 18, 2008]

Mr. Howland stated that he had already recused himself from this case at a previous session of the public hearing.

Mr. Tucker explained that there had been a request from the applicant to continue the public hearing to September 3, 2008. He recommended that the hearing be continued to 7:05 PM that evening.

Mr. Garrity of Garrity and Tripp, consultant for the applicant, stated that the reason for the request for a continuance was that the Town Engineer had not had an opportunity to review the latest plans for the project since they had just recently been submitted to him and he had been on vacation.

Mr. Hayden stated that he supported the request to continue. He noted that his status on the Planning Board was not clear since Mr. Carson had recently been appointed to the Board. The Planning staff members were not able to tell the Board whether Mr. Carson had been sworn in. Ms. Brestrup explained who is eligible to vote on this application: Ms. Pynchon, Mr. O’Keeffe, Mr. Suarez, Ms. Barberet, Mr. Shefftz and possibly Mr. Hayden.

Mr. Tucker stated that the petitioner may choose to withdraw his application and re-file.

Mr. Hayden stated that he was concerned with exercising this option since it would place a burden on the public to return and make their statements to the Board again at a new public hearing.

Mr. Tucker explained that a new filing would require that the case be advertised again and that there be a new mailing to abutters.

Ms. Pynchon MOVED: to continue the public hearing to September 3, 2008, at 7:05 PM. Mr. Hayden seconded.

Ms. Pavlova-Gillham recapped the preceding discussion. She noted that it appears that only 6 people are eligible to vote and that one of them might not really be eligible [Mr. Hayden]. If only 5 people are eligible to vote and one voted to deny the application, it would be denied. If the petitioner chooses to withdraw and resubmit the application, the new panel can listen to the entire proceeding and the amended plans can be presented. Mr. Hayden noted that one “Nay” vote would trigger a requirement that all of the Board members work together to state how the application does not meet the criteria of Article 11 of the Zoning Bylaw.

Ms. Pynchon noted that the members of the public who have given testimony will need to come back and present their testimony again. She expressed concern about losing the public’s feedback.

Mr. Shefftz suggested that the Planning staff take a poll via email to find out which Planning Board members will be available to attend the public hearing on September 3<sup>rd</sup>.

Mr. Garrity asked how many Board members needed to be in attendance. He noted that the first presentation was made to seven (7) Board members. He asked if the seven Board members needed to attend all of the presentations.

Mr. Tucker explained that the Town of Amherst has not yet accepted the Mullin Rule and that only members who have heard all of the testimony are eligible to vote. He also noted

that this only applies to meetings at which evidence has been taken, not to meetings where the hearing has merely been continued to a future date.

Ms. Anderson noted that six (6) of the Board members had been present for all of the testimony.

Ms. Brestrup explained that the applicant has already paid a fee of over \$4,000 and that if he were to withdraw and resubmit he would probably ask for a waiver of the fee for the new application.

The motion passed 6-1 (Howland abstained).

Mr. Hayden left.

The Board returned to New Business.

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

##### **C. Other**

The Board members noted that they had received a copy of a letter to the Amherst Zoning Board of Appeals from the Agricultural Commission, dated June 25, 2008. Ms. Barberet stated that the letter of the Conservation Commission, referred to in the letter, had not been included in the Planning Board's packet and therefore it was hard to make sense of the letter from the Agricultural Commission. She asked that both letters be included in the Board's packet for its next meeting.

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

##### **A. SPR2008-00006, 101 S. Pleasant Street, Amherst College – Signing of Decision**

Four Board members signed the decision. Mr. Suarez and Mr. O'Keeffe were not present to sign.

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

There were no Form A (ANR) Subdivision Applications.

#### **VII. UPCOMING ZBA APPLICATIONS**

The Board reviewed the list of Upcoming ZBA Applications and chose not to review any of the applications.

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

Ms. Brestrup noted that the Board had received two new Site Plan Review Applications which were scheduled for public hearings on August 6<sup>th</sup>. The two new applications were from New England Environmental for a project on Research Drive and Larkspur Drive and from Amherst College for expansion and renovation of The Lord Jeffery Inn. Mr. Shefftz

asked the Board members who would be available on August 6<sup>th</sup>. The Board members responded as follows:

Mr. Howland – yes	Ms. Anderson – did not know
Mr. Shefftz – yes	Ms. Pynchon – yes
Ms. Barberet – yes	Ms. Pavlova-Gillham – no

### VIII. PLANNING BOARD SUBCOMMITTEE REPORTS

- A. **Zoning** – Mr. Tucker reported that the Zoning Subcommittee did not meet this evening. Notice of the meeting was given at a late date and no members were available to meet. He noted that there are six (6) meetings scheduled between now and Fall Town meeting. Ms. Anderson stated that she may not be able to attend the upcoming Zoning Subcommittee Meetings.
- B. **Atkins Working Group** – Mr. Tucker reported that the Atkins Working Group has not met but should be meeting again soon. There are some meetings occurring between the principal parties involved in the Atkins Corner Village Center and as soon as there is some information available the Atkins Working Group will start meeting again.

### X. PLANNING BOARD COMMITTEE REPORTS

- A. Pioneer Valley Planning Commission – Mr. Howland reported that there was nothing to report.
- B. Community Preservation Act Committee – Ms. Barberet reported that the Committee hadn't met in quite a while. However, Ms. Barberet commented on the Hills House lots with respect to the discrepancy between the amount of money that the owners are asking for the lots (\$400,000) and the amount for which the lots were appraised. The amount of the appraisal equals the amount appropriated by Town Meeting (\$270,000). Ms. Barberet noted that Town Meeting members were not clear on the fact that there was such a large gap between the amount that the owners still were asking and the amount appropriated. She quoted a gap figure of \$90,000 that would need to come from private donations.
- C. Agricultural Commission – Ms. Pynchon reported that the Agricultural Commission had not met recently due to the fact that the members had not been available to meet.
- D. Comprehensive Planning Committee – Mr. Tucker reported that the tenure of the Comprehensive Planning Committee had lapsed, but that the Review Subcommittee that has been working on re-drafting the various chapters had met this afternoon. The Select Board is going to be considering the Committee's charge and deciding whether the CPC will continue as a standing committee. The Review Subcommittee will be continuing to meet to re-draft a few more chapters, before they hand it off to the Planning Board. Mr. Tucker noted that the Committee is waiting to see what happens with regard to the Select Board's review of the CPC's charge.



Mr. Tucker explained the Select Board's involvement in the creation of the CPC as a standing committee.

- E. Water Supply Protection Committee – There was no report, as Mr. Suarez was not present.

**XI. REPORT OF THE CHAIR**

The Acting Chair had nothing to report.

**XII. REPORT OF THE DIRECTOR**

Mr. Tucker announced the upcoming Glasgow Lands Scottish Festival on July 19<sup>th</sup>, at Look Park.

**XII. ADJOURNMENT**

Ms. Pynchon MOVED: to adjourn this meeting at 8:53 PM. Mr. Shefftz 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

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

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Jonathan Shefftz, Acting Chair

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