

**AMHERST PLANNING BOARD**  
**August 15, 2007 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Aaron Hayden, Chair; Richard Howland, Jonathan O’Keeffe, Denise Barberet, Kathleen Anderson, Eduardo Suarez, Ludmilla Pavlova-Gillham, Jonathan Shefftz (7:30 PM)

**ABSENT:** Susan Pynchon

**STAFF:** Jonathan Tucker, Director; Sue Krzanowski, Management Assistant

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Mr. Hayden opened the meeting at 7:07 PM and welcomed new members, Jonathan O’Keeffe and Denise Barberet. Mr. Hayden then asked everyone to introduce themselves.

**I. MINUTES – Meeting of July 18, 2007**

Mr. Howland MOVED: to accept the Minutes of July 18, 2007 as submitted. Ms. Pavlova-Gillham seconded, and the vote was 4-0-3 (Barberet, O’Keeffe, Suarez abstained).

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

**SUB2007-00002, Meadow Street, 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) (continued from March 7, April 18, May 16, June 6, July 18, 2007)

The Board received a letter asking for a 60-day continuation of the hearing.

Ms. Pavlova-Gillham MOVED: to continue the public hearing to October 17, 2007. Mr. Howland seconded, and the Motion passed 7-0.

Mr. Hayden opted to move ahead on the agenda since people were present for a later item.

**IV. NEW BUSINESS**

**C. Review of Landscaping Plan – Judie’s Restaurant**

Mr. Tucker explained that one of the conditions of Site Plan Review approval for this project was that “a suitable landscaping plan be submitted for the Board’s approval before a Certificate of Occupancy is issued.” Therefore, representatives of Judie’s Restaurant had submitted a plan and were present to describe it.

Mr. David Williams, co-owner of Judie’s, gave an update on the work so far. Mr. Williams said they hope to have the new addition and interior renovations completed in a couple weeks. Mr. Williams introduced Ms. Judie Terapulsky, owner and Mr. Ben Goodale of Integrity Development. Mr. Williams said that they plan to work on the back

area of the property during the month of September. He described the proposed plantings and said that the idea for the raised planting beds was copied from the Town's garage plaza. Planters and mulch are proposed to be put on the edge of Town property and will be maintained by Judie's.

Mr. Tucker described the western edge of the parking garage site where the planters are proposed, and said that the applicant will maintain them so that the area doesn't become a dumping ground. The Monkey Bar has set a precedent for this, he said.

Mr. Suarez said that while he likes the effort, he wanted the Board to do a site visit before approving the plan. Mr. Suarez said that he was concerned that there was no one in Town to monitor the planters. He also said that he was concerned about truck deliveries.

Mr. Williams said that there was no vehicular access in the rear of the property and that deliveries were hand-trucked in and out from North Pleasant Street.

Ms. Barberet asked about access for fire trucks. Mr. Williams said that the building is fully sprinklered and fire-designed.

Mr. Howland commented that it would be unfair for the Board to go back over larger site plan issues after having approved the plan, in general. The applicant has demonstrated a good-faith effort, he said.

Mr. Tucker reminded the Board that this was a condition of the Site Plan Review application that had already been approved. He then explained the Site Plan Review process for the new members.

Ms. Pavlova-Gillham encouraged the applicant to use concrete paving instead of asphalt for the pedestrian walkway, noting that concrete would continue the look of the parking garage, would last longer, and would look nicer.

Mr. Goodale said that concrete requires control joints which can impede wheelchairs. They are planning to use recycled aggregate in the bituminous asphalt which will be a "green product", he said.

Ms. Pavlova-Gillham said that asphalt deteriorates more quickly and needs to be maintained more often and asked the applicant to consider concrete which is much stronger.

Mr. Suarez said that the Board is learning the development process. The applicant needs to provide the evidence for the Board to make its decision. We don't want to be obstructionist, he said.

Mr. Howland MOVED: to approve the landscaping plan as submitted in accordance with Condition #1 of SPR 2007-00002. Mr. O'Keeffe seconded.

There was considerable discussion about whether the walkway should be concrete or asphalt and accessibility and liability issues. Ms. Pavlova-Gillham said that she wanted

to encourage the applicant to use concrete. She suggested that the applicants could poll their customers to determine which paving would be preferable. Mr. Williams indicated that liability issues had been involved in the choice of pavement. Mr. Tucker gave the history of the changes in pavement design for the downtown sidewalks (which are concrete). He suggested that the Board could approve the landscaping plan and leave it up to the applicant to decide whether to use concrete or asphalt for the walkway.

Mr. Shefftz asked Mr. Howland to restate his motion.

Mr. Howland MOVED: to approve the landscaping plan as submitted under Condition #1 of SPR 2007-00002, filed November 7, 2006 with the Town Clerk, and that the applicant be allowed to use either asphalt or concrete without further approval of the Planning Board. The Motion passed 7-0-1 (Suarez abstained).

### **III. ELECTION OF OFFICERS**

Mr. Hayden noted that Mr. Mailler's vacancy on the Board meant that there was no one to fill the role of Chair if Mr. Hayden was unavailable. Mr. Mailler had been the Vice Chair.

Mr. Tucker asked the Board to consider the election of a temporary Vice Chair to ensure that another member had signatory authority in the absence of the Chair.

Mr. Hayden nominated Mr. Howland for Vice Chair.

Mr. Suarez objected to the Chair making the nomination. Ms. Pavlova-Gillham nominated Mr. Howland, and Mr. Shefftz seconded. Mr. Howland accepted the nomination.

Mr. Suarez said that nominations should be based on criteria other than seniority.

Mr. Hayden noted that the office is only temporary and that the Board usually holds a full election in the Fall. Staff will review past minutes for established criteria and procedure. Ms. Krzanowski noted that traditionally the Chair and Vice Chair have signatory authority for the Board. Having a back-up in case Mr. Hayden was unavailable would ensure the timely processing of applications, she explained.

Mr. Howland's nomination passed 7-0-1 (Howland abstained).

### **IV. NEW BUSINESS (continued)**

#### **A. Lot Release Request – Lawrence Circle**

The Board received a request for the release of Lot #4, Lawrence Circle.

Mr. Tucker said that the Town Engineer is satisfied that the roadway and utility work is progressing smoothly with only minor details left. There are several unreleased lots remaining, he said, and staff recommend release of the lot in question.

Mr. Howland MOVED: that the Board release Lot #4, Lawrence Circle. Ms. Anderson seconded, and the Motion passed 8-0. The Board signed the Certificate of Performance.

**B. Review of Cul-de-sac Design – Moody Field Subdivision**

Mr. Shefftz disclosed that he lives in this subdivision, recused himself from consideration of this item, and stepped down from the Board.

Mr. Tucker noted that approval of the landscaping for the cul-de-sac was a condition of the subdivision approval. He said that the landscaping had been mostly installed and that staff recommend approval.

Mr. Howland MOVED: to approve the landscaping plan for the cul-de-sac for Moody Field Subdivision. Ms. Pavlova-Gillham seconded, and the Motion passed 7-0.

Mr. Shefftz rejoined the Board.

**E. Correspondence – PVPC – Valley Vision 2**

The Board discussed a letter from the Pioneer Valley Planning Commission asking the Select Board to support Valley Vision 2, which is a regional land use plan proposed by the PVPC.

Mr. Tucker summarized previous activity about the proposal for the benefit of those who had not had the opportunity to hear PVPC's presentation to the Planning and Select Boards last Fall. He noted that some members of the Select Board had expressed several concerns about the regional plan, including objections about some aspects of the regional-scale mapping that PVPC had developed for Amherst to accompany the plan.

Mr. Howland suggested that it would be beneficial to cooperate in the regional effort. It would not bind the Town to anything, he said. He suggested that new members review the plan and the Board could discuss it again at the next meeting.

Mr. Suarez agreed that it's important to be part of a regional planning effort, however, he said that it does not promote a sustainable future.

After further discussion, it was noted that PVPC had requested an answer from the Select Board by September 7 and since the Planning Board's next meeting is not until September 5, it would probably be too late to get a recommendation to the Select Board.

**D. Correspondence – Apple Brook Development**

The Board reviewed a letter from Mr. Seymour Epstein objecting to the fact that an earlier letter he had submitted to the Board regarding the potential effects of loud noise from the Norwottuck Fish and Game Association had—without notification to him—been forwarded by staff to the Association to obtain its responses to his comments, for the Board's consideration. Mr. Howland noted that the letter Mr. Epstein had submitted was a public record.

**F. Representative to Comprehensive Planning Committee – Appointment**

Mr. Howland said that his schedule will allow him to continue as the Board's representative and said that he thought it was important to maintain continuity in a very large group. He told the Board he would be willing to continue as its representative if the other members agreed.

Mr. Suarez said that he supported Mr. Howland's nomination but suggested that other members tag along, as well.

Mr. Howland noted that the meetings are open; anyone can attend. Mr. Tucker suggested that other Planning Board members notify staff first if they plan to attend the CPC meetings, to avoid inadvertent violations of the Open Meeting Law.

Mr. Suarez MOVED: to accept Mr. Howland as the permanent representative to the Comprehensive Planning Committee. Ms. Anderson seconded, and the Motion passed 8-0.

Ms. Pavlova-Gillham said she would likely attend, as well.

**V. OLD BUSINESS – None**

**VI. FORM A (ANR) SUBDIVISION APPLICATIONS – None**

**VII. UPCOMING ZBA APPLICATIONS**

The Board decided not to review the following:

ZBA2008-00003, 55 University Drive – Peter L. DeRose  
ZBA2008-00004, 352 Northampton Road – Amherst Associates, Inc.  
ZBA2008-00005, 650 Main Street – Jeffrey I. Eiseman  
ZBA2008-00006, 170 Pine Street – Cecile Gayzik

**VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – None**

**IX. PLANNING BOARD SUBCOMMITTEE REPORTS**

**A. Zoning -** Ms. Anderson said that the Subcommittee is preparing for Town Meeting. Mr. Tucker added that the Select Board has requested that proposed zoning amendments be substantially complete by August 31, so the Zoning Subcommittee will probably need to meet on August 29. Mr. Tucker said that the Town Manager had submitted a list of zoning articles related to economic development for the Subcommittee to work on for Fall Town Meeting. They include: technical/professional offices, research & development, and Map rezoning to expand the downtown General Business (B-G) District and South East Street rezoning. A petition article has been submitted for a rezoning on Sunderland Road, he added. Mr. Tucker then described each article.

Mr. Suarez said that he wanted a presentation from Amherst College on the proposed Lord Jeffery Inn expansion.

- B. **Atkins Working Group** – Mr. Suarez said that they have not met. Mr. Tucker noted that copies of the Atkins Corner village center plan are available in the Planning Department.

**X. PLANNING BOARD COMMITTEE REPORTS**

- A. **Pioneer Valley Planning Commission** – No Report. Mr. Howland said that the next meeting will be about transportation.
- B. **Community Preservation Act Committee** - No Report.
- C. **Agricultural Commission** – No Report
- E. **Flood Prone Conservancy Task Force** – No Report
- D. **Comprehensive Planning Committee** – Mr. Hayden said the master plan is in the final stages of being drafted. The Planning Board’s role is to adopt the plan. Mr. Hayden said that he wanted to discuss the process of how the plan would be presented to the Planning Board for adoption and report back to the Comprehensive Planning Committee on how this would be accomplished. There is a proposal to bring the draft master plan to Town Meeting and have Town Meeting accept the seven elements of the plan. The Board discussed the appropriateness of Town Meeting modifying or revising the plan. It was noted that there was extensive public participation in the process and the plan is a product of public input from that process. Mr. Howland reported that the CPC Chair, Mr. Nakajima, had argued that if Town Meeting is allowed to significantly alter the draft master plan, that could open the door to the Planning Board also making significant revisions in the plan.

Mr. Howland said that the Master Plan is a “road map” for the Town which Town Meeting will have to implement. While it would be appropriate for Town Meeting to comment on the plan, it should not get into redrafting or rewriting it at that point, since it will have so much control over implementation.

Mr. Suarez commented that it was a waste of money to have paid \$200,000 instead of using the landscape/architecture department at UMass.

Ms. Barberet expressed concerns about the survey. She said she didn’t think that it was edited very well and wondered how it could be put in logical order.

Mr. Hayden noted that the draft will be available on the website on or around August 21<sup>st</sup>.

Ms. Pavlova-Gillham noted that she was planning on attending the next CPC meeting, which again brought up the issue of the Open Meeting Law. Mr. Hayden noted that the Board has had training sessions in the past from Town Counsel. Mr. Tucker said that the new Town Counsel had suggested that there be two joint sessions with the Planning and Zoning Boards, and maybe other boards as well.

Mr. Hayden noted that the consultant (ACP) recommends that the Planning and Select Boards work together on the Implementation chapter.

Mr. Rob Kusner, Select Board, explained that the Master Plan Implementation Committee created earlier by the Select Board could work on the implementation chapter.

Mr. Hayden said there are three parts of the process: 1) Adoption, 2) Chapter Implementation, 3) Implementation of the Plan.

Mr. Howland recommended that the Board review the draft before making recommendations on how to proceed.

Mr. Kusner suggested that the Implementation chapter could be sketched by the Planning & Select Boards.

### **XIII. ADJOURNMENT**

Mr. Howland MOVED: to adjourn this meeting at 9:59 PM. Ms. Anderson seconded, and the Motion passed 8-0.

Respectfully submitted:

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Sue Krzanowski, Management Assistant

Approved:

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Aaron A. Hayden, Chair

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