

AMHERST PLANNING BOARD
Wednesday, July 18, 2007 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Aaron Hayden, Chair; Richard Howland, Kathleen Anderson, Jonathan Shefftz, Susan Pynchon, Ludmilla Pavlova-Gillham

ABSENT: Eduardo Suarez

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

Mr. Hayden opened the meeting at 7:00 PM.

I. MINUTES – Meeting of June 20, 2007

Mr. Howland MOVED: to accept the Minutes of June 20, 2007 as submitted. Ms. Anderson seconded, and the vote was 4-0-2 (Pynchon & Pavlova-Gillham abstained).

Ms. Pavlova-Gillham, a newly appointed Board member, introduced herself to the other Board members. She is originally from Bulgaria. Her mother was a PhD student here in Amherst and her family eventually moved to Amherst. Ms. Pavlova-Gillham attended Princeton University. She spent holidays here for many years and has been living in Amherst permanently for nine years.

Other members of the Planning Board introduced themselves to Ms. Pavlova-Gillham.

II. PUBLIC HEARING – DEFINITIVE SUBDIVISION APPLICATION

7:05 PM 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 and June 6, 2007) [The applicant has requested that the hearing be continued to a future date and that the review period be extended by 90 days]

Mr. Howland MOVED: to continue the hearing to August 15, 2007, and to extend the review period by 90 days.

Mr. Tucker noted that the extension would be in addition to previously-granted extensions of the review period. Mr. Tucker also noted that the continuance and the extension had been requested in writing.

Ms. Anderson seconded and the vote was 5-0-1 (Hayden abstained).

II. APPEARANCE

7:15 PM Veridian Village

Mr. Tucker stated that the proponents of Veridian Village (Hampshire College and The Beacon Companies) had requested that their appearance be postponed because they were not yet ready to present their proposal. Mr. Howland asked if the request had been made in writing. Mr. Tucker explained that this was an appearance and was not part of a permit process and that therefore no written request was needed. Mr. Hayden noted that the Planning Board was looking forward to hearing the presentation soon.

VI. NEW BUSINESS

A. Chapter 61A Withdrawal – 539 Market Hill Road

Mr. Tucker explained Chapter 61 designations for the benefit of the new Planning Board members. Landowners may apply for an abatement of their real estate taxes via a Chapter 61 designation. The landowner promises to use the land for one of the following uses in exchange for lowered real estate taxes:

- Chapter 61 – Forestry
- Chapter 61A – Farming
- Chapter 61B – Outdoor Recreation.

The property under consideration is designated under Chapter 61A. It is located on Market Hill Road close to the Shutesbury town line. The landowners wish to take a one (1) acre lot out of 61A to sell it as a building lot. The landowners are entitled to remove property from Chapter 61A designation if they pay the back taxes owed on the land. Municipalities have a “right of first refusal” meaning that they can choose to buy the property prior to its being put on the market. The decision to exercise this right is made by the Select Board, which places an article for purchase of the property on a subsequent Town Meeting warrant. The money for the purchase must then be appropriated by Town Meeting. The Planning Board and the Conservation Commission advise the Select Board and Town Meeting on the question of whether to purchase the land. In this case three-quarters of the land is mown lawn and one-quarter of the land is wooded. The lot being created will be a frontage lot. Mr. Tucker reported that there appears to be no over-riding natural resource value inherent in the lot. The property is downstream of or to the side of the watershed of Atkins Reservoir.

Mr. Tucker noted that David Ziomek, Director of Conservation and Planning, was present and that the Planning Board may wish to hear from him. Mr. Ziomek reported that the Conservation Commission has not yet take action on the request. The Commission will discuss it on July 25th at their regular meeting. Mr. Ziomek noted that Mike Olkin of the IT Department is looking at the topography of the area, to inform the Conservation Commission in its discussion. Mr. Ziomek also noted that water does not flow from this lot into Atkins Reservoir and that the property is not part of a larger corridor of interest for the Conservation Commission. He concluded by saying that the parcel does not appear to be a high priority.

Mr. Howland commented that he owned a house nearby in the past and he has no reason to call attention to the property.

Mr. Howland MOVED: that the Planning Board has no interest in advising the Select Board to acquire the land. Mr. Shefftz seconded.

Vincent O'Connor of Summer Street stated that there is no town water or sewer in this part of town. He recommended that a topographical map be presented to the Select Board for use during its deliberations. He stated that the land includes the same geologic fault that crosses the Haskins View subdivision. Mr. O'Connor suggested that the Planning Board focus the Select Board's review on the subsurface flow of water and whether it moves in the direction of Atkins Reservoir, despite the ridge that prevents overland flow from reaching the reservoir.

Mr. Hayden clarified that the Planning Board is not now reviewing a proposal to build on the property and is not being asked about a proposed development.

Mr. Howland noted that there are at least eight (8) houses that are closer than this property is to the reservoir. Mr. Hayden again clarified that this type of discussion was not germane to the issue at hand.

In response to a question from Mr. Shefftz about the applicability of subdivision regulations, Mr. Tucker noted that in the previous case Mr. Shefftz had cited (the proposed creation of a subdivision with 27 new lots), the subdivision regulations relating to sewer and water were applied to the site and the proposal was denied. In this case there is only the potential for a single-family house. The Subdivision Rules and Regulations do not apply to the development of a single-family house lot.

Ms. Pavlova-Gillham asked if there were any reason for the Planning Board to advise the Select Board one way or the other with regard to its decision. Mr. Tucker reiterated that the question is whether or not the Town should exercise its "right of first refusal" and that the staff did not see that an over-riding interest of the Town was involved.

Mr. Hayden suggested that the Select Board may discover such an interest during its own deliberations.

Mr. Howland MOVED: to recommend to the Select Board that it not exercise its right of first refusal under Chapter 61A as described in the letter regarding land at 539 Market Hill Road. Mr. Shefftz seconded. The vote was 6-0.

B. Commonwealth Capital – 2008 Summary

Mr. Tucker described the Commonwealth Capital program. Amherst will be completing its Commonwealth Capital report over the next few months. Amherst tied for second place in the state last year in terms of points in the Commonwealth Capital program. The program is focused on the state's sustainability criteria outlined as the Ten Principals of Sustainable Growth. Mr. Tucker explained that the Commonwealth Capital system has changed from last year in that several programs have been dropped from the system. These programs include those related to the environment, land acquisition and affordable housing. This was

done to accommodate the needs of smaller towns that were not able to meet the deadline for filing their Commonwealth Capital reports.

There are also deadlines associated with the grant programs. The governor wanted these communities to be eligible for the grant programs even if they hadn't met the deadlines for filing the Commonwealth Capital report.

C. Correspondence – North Amherst Business Park – Request to Withdraw Preliminary Subdivision Plan

Mr. Hayden noted that the Board had received a request to withdraw without prejudice the Preliminary Subdivision Plan application for North Amherst Business Park.

Mr. Howland MOVED: to accept the request to withdraw without prejudice the Preliminary Subdivision Plan application for North Amherst Business Park. Ms. Pynchon seconded.

Mr. Tucker noted that the applicant had filed the application because of a concern about potential zoning changes. Filing of a Preliminary Subdivision Plan begins the process for freezing the zoning for a period of time. Town Meeting is over and there is a proposal under consideration for acquisition of an APR (Agricultural Protection Restriction) on the property. Mr. Tucker stated that the property is now zoned LI (Limited Industrial) and R-LD/FC (Low Density Residential with a Farmland Conservation Overlay). There is also Floodway and Floodplain on the property which would make it challenging to develop.

The vote was 6-0.

Mr. Howland noted that "no prejudice" would be attached to the vote in any event since it was not a Definitive Subdivision Plan application.

V. OLD BUSINESS

- A. Signing of Decisions: SUB2006-00009 – Haskins View;
SPR2007-00010/SPP2007-00002 – Bank of America

The Board signed the above decisions. Mr. O'Connor commented regarding the Haskins View decision that there was no mention in the decision of the issue of fire protection. He referred to Section V.J.2 of the Subdivision Rules and Regulations regarding fire hydrants and stated that the subdivision plan did not comply with the requirements and that this should have been mentioned in the decision. Mr. Hayden replied that the Planning Board did not need to get that far in its review because of the failure of the application to address other issues. He could not change the Planning Board's action at this point and would not change the Decision. Mr. O'Connor noted that it will be important in the future to pay attention to fire protection regulations in the review of subdivisions.

VII. FORM A SUBDIVISION APPLICATIONS – None

VIII. UPCOMING ZBA APPLICATIONS – The Board chose not to review the following:

ZBA2007-00041, 67 Amity Street – Amherst Historical Society

ZBA2007-00042, 236 Middle Street – Orca Giarrusso
ZBA2007-00043, 1147 North Pleasant Street – Michael J. Holden
ZBA2008-00001, 75 East Pleasant Street – Peter MacConnell for Bank of America
ZBA2008-00002, 79-85 Sunderland Road – Village Center North Amherst LLC

IX. UPCOMING SPP/SPR/SUB APPLICATIONS - None

X. PLANNING BOARD SUBCOMMITTEE REPORTS

Mr. Hayden began by encouraging new members to join the subcommittees.

- A. Zoning** – Mr. Hayden reported that the members of this subcommittee are Mr. Hayden, Ms. Anderson and Mr. Suarez. Mr. Hayden stated that the number of members is not limited to three and he encouraged other Planning Board members who are interested in participating to do so. This subcommittee meets at 5:00 p.m. before each Planning Board meeting.
- B. Atkins Working Group** – Mr. Hayden reported that there is currently no representative from the Planning Board in this group. Mr. Tucker reported that the roadway intersection improvements are currently being designed and this is a separate project from the Village Center plan, although the two are related. The Comprehensive Planning process may suggest an approach to rezoning in this area. Form-based zoning codes may come into play in the rezoning associated with the Atkins Corner Village Center.

Mr. Hayden reported that he had attended a useful presentation on form-based zoning codes this spring. He recommended that the Board follow up on this topic and that Student Intern Amy Lash's Power Point presentation be made available to Planning Board members. Mr. Howland asked if there was anything to read on form-based codes. Mr. Tucker stated that the Department of Landscape Architecture and Regional Planning and the Master Plan consultants would be focusing on a specific area of the downtown to show people the capabilities of form-based zoning codes. The area chosen for the LARP study is in the northern part of downtown, extending from the Carriage Shops to Triangle Street.

XI. PLANNING BOARD COMMITTEE REPORTS

- A. Pioneer Valley Planning Commission** – Mr. Hayden reported that he represents the Planning Board on the PVPC. Meetings are held on Thursday nights and include guest speakers and dinner. There is one meeting held per month. This is a good committee for anyone interested in transportation, smart growth and energy conservation. The meetings are held at the Clarion Inn in Northampton and at Kittredge Hall at Holyoke Community College. Mr. Tucker described for the new Planning Board members how the Regional Planning Authorities were formed and what it is that they do. Mr. Howland volunteered to participate on the PVPC.

Ms. Pavlova-Gillham MOVED: that Richard Howland be appointed to the Pioneer Valley Planning Commission as the Planning Board representative. Ms. Anderson seconded. The vote was 5-0-1 (Howland abstained).

- B. Community Preservation Act Committee** – Mr. Hayden reported that there is currently no representative from the Planning Board on this committee and that the CPAC is charged with deciding how to spend the money raised by the CPAC program. Mr. Tucker reported that the CPAC will meet every six weeks during August and September. He clarified that the CPAC acts as “gatekeeper”. It has to approve a project before it is considered by Town Meeting.
- C. Agricultural Commission** – Mr. Tucker recommended that the Board may wish to reappoint Susan Pynchon as the representative to the Agricultural Commission since the new fiscal year had just begun.

Mr. Howland MOVED: that Susan Pynchon be appointed to the Agricultural Commission as the Planning Board representative. Ms. Anderson seconded. The vote was 5-0-1. (Pynchon abstained.)

- D. Comprehensive Planning Committee** – Mr. Hayden reported that there is one vacancy on the CPC. The committee is nearing the end of the planning phase and looking forward to the implementation phase. The CPC is a steering committee for the Comprehensive Planning process. Planning Board members are not voting members. The CPC meets every other Tuesday at 4:30 p.m. When there are tasks to complete it meets every week. July 31st is the date of the next meeting. Mr. Howland suggested that the Planning Board members rotate through this committee. Mr. Howland volunteered to go to the meeting on July 31st.

Ms. Anderson MOVED: that Richard Howland be appointed to represent the Planning Board at the July 31st Comprehensive Planning Committee meeting. Ms. Pavlova-Gillham seconded. The vote was 5-0-1. (Howland abstained.)

- E. Flood Prone Conservancy Task Force** – Mr. Hayden reported that the FPC Task Force has been relatively inactive recently. Mr. Tucker reported that FEMA is working toward creating new flood maps. The capital budget will contain funds for mapping the town’s flood zones. Normally the FPC Task Force has two members from the Select Board, two members from the Planning Board and two members from the Conservation Commission.
- XII. REPORT OF THE CHAIR** – Mr. Hayden stated that he did not have a report but that he wanted to speak to the process of being sued as a member of the Planning Board. He referred to a letter that had been received by Planning Board members with regard to a recent law suit. Mr. Howland suggested that the Planning Board may wish to go into Executive Session to discuss the pending litigation. He cautioned that Board members should not discuss the lawsuit without Town Counsel’s advice and knowledge. Mr. Tucker agreed that the topic was best discussed in Executive Session.
- XIII. REPORT OF THE DIRECTOR** – Mr. Tucker reported that the Glasgow Lands Scottish Festival would be occurring on Saturday, July 21st, from 9:00 a.m. to 4:30 p.m. at Look Park. He invited the Board members to attend.

XIV. ADJOURNMENT

Mr. Howland MOVED: to adjourn this meeting at 8:20 PM. Mr. Hayden seconded. The vote was 6-0.

Ms. Pynchon announced that she would not be available for the August 1, 2007, meeting.

Respectfully submitted:

Christine M. Brestrup, Senior Planner

Approved:

Aaron A. Hayden, Chair

DATE: _____