

AMHERST PLANNING BOARD
June 6, 2007 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Aaron Hayden, Chair; Richard Howland, Roderick Francis, Carl Mailler, Susan Pynchon, Eduardo Suarez, Jonathan Shefftz (7:20 PM), Kathleen Anderson (7:32 PM)

ABSENT: Ms. Pynchon & Ms. Anderson left at 8:00 PM to attend Town Meeting

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

Mr. Hayden opened the meeting at 7:05 PM.

I. MINUTES – May 2, 2007

Mr. Francis MOVED: to approve the Minutes of May 2, 2007 as submitted. Mr. Howland seconded, and the Motion passed 6-0.

Since the petitioner was not present for the zoning amendment public hearing, the Chair moved ahead on the agenda.

VI. APPEARANCE – Veridian Village

Mr. Tucker reported that Veridian Village representatives had requested that this item be postponed until the Board's July 18th meeting.

Mr. Howland MOVED: to postpone the Veridian Village presentation to July 18, 2007. Mr. Suarez seconded, and the Motion passed 6-0.

Since the petitioner for the public hearing had arrived, the Chair went back to the first scheduled public hearing.

II. PUBLIC HEARING – ZONING AMENDMENT

A-1-07 Inclusionary Zoning (Petition)

To amend Section 15.10 of the Amherst Zoning Bylaw to mandate that all affordable housing units provided under inclusionary zoning requirements be solely low-income units eligible for recognition on the Commonwealth's 40B Subsidized Housing Inventory (petition of V. O'Connor). (continued from April 4 & 18, May 2 & 16, 2007)

Mr. Francis summarized the Housing Partnership/Fair Housing Committee's (HP/FHC) vote at the request of the petitioner, Mr. Vincent O'Connor. Mr. Francis noted that the HP/FHC voted twice to not support the petition, and "a majority of the committee saw no need to amend the bylaw by changing the affordability to 80%". (Housing Partnership/Fair Housing Committee Recommendation on Article 11, submitted by Nancy Gregg, Chair)

Mr. O'Connor described the proposed amendment to the Board and said the current bylaw is inadequate because it doesn't set a level of affordability to guide the permitting boards implementing the inclusionary zoning provisions, but instead allows boards to approve both low and moderate income units. He felt the Bylaw needed standards.

Referring to his recent memo, which discussed previous staff analyses of the proposed amendment, Mr. O'Connor said his opinion had as much weight as anyone else's in the room in terms of initiating zoning and participation in housing projects in Amherst. He then offered the following opinions on issues related to his proposed amendment:

Most new affordable housing in the foreseeable future will be created through public projects, not the private market.

The difference in cost between a market rate unit and an affordable unit was not great—only about \$60,000, a figure he had heard provided by Roy Rosenblatt, Community Services Director.

Referring to concerns about the burden of transportation costs on low income families which might result from requiring low income units in distant location, Mr. O'Connor said that low income families needed a car for work and family purposes and would find a way to get one. He did not believe that was a disqualifying issue.

Mr. Tucker responded briefly to these issues, indicating that the purpose of the inclusionary zoning was to try to spur the development of some affordable housing through private market housing development, which was in addition to public projects. He said that Mr. Rosenblatt (Community Services Director) had reported that the \$60,000 cost difference figure had been misrepresented. The point of raising transportation costs was not about car ownership, but about trying to avoid creating obstacles to successful housing experiences for low income households. Additional transportation costs represented a marginal additional burden on household income.

Mr. O'Connor replied, saying again that low income families needed and would have cars. He said that the \$60,000 figure came directly from calculations related to the affordable units in the Palley Village project, and was not esoteric professional information.

Mr. Suarez asked how the proposal would impact the amount of affordable housing in Amherst.

Mr. O'Connor replied that it would require any private housing proposal affected by inclusionary zoning to include low income affordable units, if the developer thought it would be profitable. He did not believe it would have a negative impact on developers' bottom line, but would help the town stay above the 10% 40B threshold.

Mr. Suarez asked why the current regulations were not adequate.

Mr. O'Connor said the current regulations gave the permitting boards discretion to deciding the affordability mix for any given project. He thought this was too important a public policy issue to be decided on a case-by-case basis, and that the permitting boards needed to be given guidelines. He then described his experience with and perspectives on the Mill Valley Comprehensive Permit process, which he believed had been unsuccessful for the Town, and

cited that as an example of what could happen if the community's affordable housing stock dropped below 10%.

The Board discussed the merits of the proposal, whether to support it or not, or ask to have it referred back, and for how long.

Mr. Suarez spoke in support of the amendment and said it could be very important for the Town. He said he regretted the opinions of staff and the Housing Partnership/Fair Housing Committee, and didn't have a good sense of where they based their opinions. He said he didn't see why there was so much opposition to something so good. He urged the Board to support the article.

There was no additional public comment.

Mr. Mailler MOVED: to close the public hearing. Mr. Francis seconded, and the Motion passed 6-0-1 (Sheftz abstained, Anderson not participating).

Mr. Howland MOVED: that the Board decline to support the Inclusionary Zoning article and adopt the HP/FHC's position. There has not been persuasive information to support it, he added. Mr. Francis seconded.

Ms. Pynchon said that she was very conflicted. While the goal of protecting the community's affordable unit count is real, as is the immediate need. The potential impact on developers was also real. She thought the spirit of the proposed amendment should be supported. There are valid concerns on both sides, she said. She said she preferred to refer the article back.

Mr. Tucker agreed, and said that is why staff had recommended that the Board ask Town Meeting to refer the article back to the Planning Board and Housing Partnership/Fair Housing Committee. The question was not whether or not a change was needed, but how to accomplish it. Town Meeting could ask the Planning Board to respond by the fall or next spring, he said, and the issue could also be considered as part of the master planning process.

Mr. Howland commented that he did not think this change should be adopted precipitously. The Town is in the midst of a Comprehensive Planning process which will at least speak to this, including the larger regional housing issues. It would be better not to amend the Zoning Bylaw in a way that would be very hard to undue later, he said.

Mr. Mailler said that sometimes there is too much context. The Board needs to focus on its role, which is to assess the impact(s) of a proposal. Boards already have discretion, he said, and the impacts of this proposal are unknown. Mr. Mailler said he didn't think the amendment would make a lot of difference, but he wanted to keep the permitting boards' flexibility, and he would not support it or support having it referred back. He said he appreciated Mr. Suarez's passionate support of the article.

Mr. Suarez said that facts are more important than emotion, and that it would be a myth to think that the Master Plan is a binding document. The town's housing needs to be diverse and sustainable.

Mr. Francis MOVED: to call the question. Mr. Howland seconded, and the Motion passed 5-2 (Suarez, Shefftz abstained).

The Motion passed 4-3 (Suarez, Hayden, Pynchon opposed).

Mr. Howland offered to write the Planning Board Report to Town Meeting and said he would try to summarize everyone's opinion. Mr. Hayden said that he had hoped to have the article referred back. .

Mr. Francis also offered to write the report because he will be speaking to the article. It was agreed that Mr. Francis would write the report. He indicated he would do so with assistance from staff.

III. 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, 2007)

Mr. Hayden noted that the Board received a request from the applicant for a 90-day extension of the review period. The Board agreed to the 90-day extension.

Mr. Howland MOVED: to grant the applicant's request and continue the hearing to July 18, 2007. Mr. Suarez seconded, and the Motion passed 6-0.

IV. PUBLIC HEARING – CLUSTER SUBDIVISION APPLICATION

SPR-C2007-00009/SUB2007-00006 – Apple Brook Cluster Subdivision, 1194 West Street (Route 116) – Paul Cole

Mr. Hayden noted that this hearing for Site Plan Review-Cluster and Definitive Subdivision approval for an eight (8) lot residential subdivision (Map 25B/Parcel 29; R-O, R-LD zoning districts) was continued from May 16, 2007.

Mr. Peter Wells, The Berkshire Design Group, introduced Mr. Paul Cole, developer and Mr. Russ Wilson, builder. Mr. Wells described the proposal for the Board and said that it had also been filed with the Conservation Commission. Mr. Wells said that the design has not changed much since the preliminary. A phasing plan has been submitted he told the Board, and the development will be built in concurrent phases.

Issues discussed by the Board with the developer and his representatives included the Fire Department's request for a wider roadway, the proximity of the Norwottuck Fish and Game Association and an abutter's concerns related to the noise, and DPW concerns about culverts.

Mr. Mailler asked Mr. Wells to review the list of waivers and explain the basis for them, which Mr. Wells did.

Mr. Ron Jacque, 1260 West Street, asked about the open space and expressed concern about traffic impacts, particularly the interactions between new residents' vehicles and heavy-duty trucks at the new intersection. Ms. Ashley Moriarty expressed concern about traffic and requested a Traffic Impact Study. Mr. Michael Moriarty, 1240 West Street, said he was concerned about water displacement and was feeling boxed in and the area would be losing its rural character.

The Board discussed traffic issues and what measures might be taken to alleviate problems. Ms. Christine Brestrup, Senior Planner, informed the Board that traffic-calming devices (traffic islands designed to separate lanes) will be in place in a few years along West Street in the vicinity of the new subdivision road intersection.

Mr. Howland MOVED: to close the public hearing. Mr. Francis seconded, and the Motion passed 6-0.

V. Judie's Restaurant – Request for Modification to Site Plan Approval

Mr. Dave Williams represented Judie's Restaurant and described the proposed changes. Mr. Williams said that the ramp which was originally proposed was not accessible for everyone. In replacement of the approved ramp, the applicant is proposing an accessible lift, which will be ADA compliant, a covered stair and a rear entrance deck. Mr. Williams told the Board that Judie's appreciated that the Town Manager had given the okay to leave the existing curb cut on North Pleasant Street as is, because it makes it easier for older or physically-challenged customers to gain access to the restaurant.

Mr. Francis MOVED: to accept the proposed amendment as submitted. Mr. Howland seconded, and the Motion passed 5-0-1 (Hayden abstained).

**SPR-C2007-00009/SUB2007-00006 – Apple Brook Cluster Subdivision, 1194 West Street
(Route 116) – Paul Cole**

The Board returned to consideration of the decision(s) for the Apple Brook Cluster Subdivision.

Mr. Francis MOVED: that the Board approve SUB2007-00006, subject to the following waivers and conditions:

Waivers

1. Front setbacks for Lots 4, 5 and 6
2. Side setbacks for Lots 4, 5 and 6
3. Street Trees
4. Lighting Plan - Except that one street light shall be installed at the intersection of the private statutory way and West Street/Route 116 and a revised plan shall be submitted showing this street light. The placement of the light is subject to the approval of the Town Engineer.
5. Sign Plan - However, the information required by E911 should be adequately provided. (See conditions below.)
6. Traffic Impact Statement
7. Sketch Plan for conventional subdivision

Conditions

1. The applicant shall work with abutters on appropriate plantings for screening.
2. One street light shall be installed at the intersection of the private statutory way and West Street/Route 116 and shall be shown on revised plans. The location of the street light shall be subject to the approval of the Town Engineer.
3. Sign information related to Emergency 911 shall be adequately provided.
4. The developer shall provide written notice to future buyers regarding the adjacent Norwottuck Fish and Game Association. The developer shall submit a copy of the document intended to give such notice for the Planning Board's review and approval.

Mr. Howland seconded, and the Motion passed 6-0.

MR. Francis MOVED: to approve SPR-C-2007-00009, subject to the following conditions:

Conditions

1. Trash and recycling shall be picked up at individual units and not at the intersection of the private statutory way and West Street/Route 116.
2. Trees that are to be protected and preserved shall be maintained and replaced with street trees of similar species if the trees are damaged prior to occupancy of the units.
3. The proposed landscaping shall be installed and continuously maintained.
4. Four (4) copies of the final revised plans shall be submitted to the Planning Department.
5. This permit will expire in two (2) years if substantial construction is not begun.

Mr. Howland seconded, and the Motion passed 6-0.

Phased Growth

The Board completed the Tally Sheets for assigning points for the modification schedule.

Mr. Howland MOVED: to assign 30 points for Form B. Mr. Francis seconded and the Motion passed 6-0.

Mr. Mailler MOVED: that the Board assign 85 points total to the modification schedule. Mr. Francis seconded, and the Motion passed 6-0.

Mr. Francis MOVED: that based on the points awarded under the Phased Growth Bylaw, 100% of the units may be built in 12 months, commencing July 2007. Mr. Howland seconded, and the Motion passed 6-0.

VII. NEW BUSINESS

- A. Regional Reporter Newsletter** – in packet
- B. Working With Chapter 40B Conference** – in packet
- C. Planning Briefs – Spring 2007** – in packet
- D. Other** – None

VIII. OLD BUSINESS – None

IX. FORM A (ANR) SUBDIVISION APPLICATIONS – None

X. UPCOMING ZBA APPLICATIONS

The Board decided not to review the following:

ZBA2007-00034, 280 North East Street – Carol Albano
ZBA2007-00035, 62 Kellogg Avenue – Sandra Weisman
ZBA2007-00036, 101 University Drive – Stephen Rogers/SunEthanol
ZBA2007-00037, 269 Leverett Road - Paul R. Higgins
ZBA2007-00038, 96 North Pleasant Street - David Dal
ZBA2007-00039, 1467 South East Street – Sonya R. Sofield

XI. UPCOMING SPP/SPR/SUB APPLICATIONS

Mr. Tucker said that a repetitive petition application has been filed for a ZBA Special Permit on Meadow Street. The public hearing is scheduled for the Board's next meeting, June 20th.

XII. PLANNING BOARD SUBCOMMITTEE REPORTS

A. Zoning – Mr. Tucker said that the Town Manager has several proposals for the Subcommittee to consider. The next meeting will be June 20th. Issues that the Subcommittee is expected to take up include the professional/technical office amendment and rezoning a section of South East Street.

Mr. Mailler noted that his term is ending which will leave a vacancy on the Zoning Subcommittee as well as the Board. Mr. Mailler said that his replacement should be willing to make a long-term commitment to serve on the Subcommittee.

Mr. Howland stepped down from the Board at 10:30 PM.

B. Atkins Working Group – No Report

XIII. PLANNING BOARD COMMITTEE REPORTS

A. Pioneer Valley Planning Commission – No Report

B. Community Preservation Act Committee – Mr. Hayden expressed appreciation to Mr. Francis for serving as the Board's representative.

C. Agricultural Commission – No Report

D. Comprehensive Planning Committee – Mr. Hayden said that a survey has been sent out and the Committee will spend the summer analyzing the data.

E. Flood Prone Conservancy Task Force – No Report

June 6, 2007

XIV. REPORT OF THE CHAIR – On behalf of the Planning Board, Mr. Hayden thanked Mr. Mailler and Mr. Francis for their numerous efforts and contributions while serving on the Board.

XV. REPORT OF THE DIRECTOR – Mr. Tucker announced that a public meeting to discuss an update to the Town’s Open Space & Recreation Plan would be advertised soon and members should watch for it. The Plan would reflect some of the related master plan issues identified to date, but its purpose was to serve as an expression of the open space and recreation priorities for the community. For that reason, it would not include some of the coordination with other Town priorities that would be present in the master plan.

XVI. ADJOURNMENT

Mr. Francis MOVED: to adjourn this meeting at 10:35 PM. Mr. Shefftz seconded, and the Motion passed 6-0.

Respectfully submitted:

Jonathan Tucker, Planning Director

Sue Krzanowski, Management Assistant

Approved:

Aaron H. Hayden, Chair

DATE: _____