

**AMHERST PLANNING BOARD**  
**April 18, 2007 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Aaron Hayden, Chair; Richard Howland, Carl Mailler, Roderick Francis, Susan Pynchon, Eduardo Suarez (7:07 PM)

**ABSENT:** Kathleen Anderson

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

---

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

**I. PUBLIC HEARINGS – ZONING AMENDMENTS**

**A-2-07 Farm Stands**

Mr. Hayden read the preamble and opened the hearing for this proposal to amend Section 3.312 of the Amherst Zoning Bylaw to bring existing regulations for two categories of principal use farm stands into conformance with revised provisions of MGL Ch. 40A, Sec. 3.

Mr. Mailler said that the State changed the regulations for farm stands, necessitating the revised language. The Zoning Subcommittee met several times with the Agricultural Commission to work on finalizing the language, he said.

Mr. Tucker explained why the current regulations were being changed and noted that, due to issues which had arisen since the warrant language was finalized, the language might need to be moved as an amended version on Town Meeting floor.

Mr. Suarez asked if the Agricultural Commission had any recommendations.

Ms. Ruth Hazzard, Chair of the Agricultural Commission, said that the purpose of the State regulations is to ensure that farm stands are protected if they meet criteria of farm acreage and the percentage of local produce sold. The Agricultural Commission had several meetings with the Zoning Subcommittee and helped to develop the language, she said, and the Commission supports the article.

Mr. Vince O'Connor, 179 Summer Street, said that the remarks by the Chair of the Agricultural Commission helped him to understand the purpose of the amendment. He cautioned the Board to make sure all the details are correct and it conforms to State law. He noted the difficulty in understanding the language. It takes a while to hear it, he said, and expressed concern about Town Meeting being able to understand it.

Mr. Tucker noted that if the Board was going to ask the Zoning Subcommittee for more information, it might want to continue the hearing.

Mr. Hayden commented that the State language in the amendment was very difficult to understand.

Mr. Howland said that the language has to mirror State law which, he said, it does and he suggested that the Board just proceed with it.

Mr. Tucker explained the potential corrections/changes to be made to the language.

Ms. Hazzard said that the Agricultural Commission would be willing to work with the Zoning Subcommittee on a presentation for Town Meeting.

In response to a question from Mr. Mailler, Mr. Tucker noted that since the warrant had been signed, any changes would mean that the article would have to be amended on Town Meeting floor.

There was no additional public comment.

Mr. Francis MOVED: to continue the hearing to May 2, 2007. Mr. Mailler seconded, and the Motion passed 6-0.

**A-3-07          Accessory Farm Stands**

Mr. Hayden read the preamble and opened the hearing for this proposal to amend Section 5.090 of the Amherst Zoning Bylaw to allow and regulate accessory farm stands on properties of 2 acres or more in R-N, R-O, and R-LD Districts and selected portions of the PRP District.

Mr. Mailler said this is a proposed new regulation for accessory farm stands.

Mr. Suarez noted an error in Section 5.0904 in the parking requirements. The requirement for a fifty-foot setback should be changed to twenty-feet, he said.

Mr. Howland asked for clarification on Section 5.0901. Mr. Tucker gave an explanation and said that the purpose of the amendment is to encourage additional agricultural uses.

Ms. Ruth Hazzard, Chair of the Agricultural Commission, said that the Agricultural Commission supports the amendment and helped with its development. However, it's not clear what triggers the application of the bylaw, she noted.

Mr. Tucker said that under the currently proposed language there is no specific threshold that determines when an accessory farm stand requires a permit and when it doesn't. It would have to be developed in practice, he said.

Ms. Hazzard asked if this would apply to the community gardens. Which regulation, if any, would apply to farm stands associated with those gardens would depend on the number of acres, Mr. Tucker said.

Mr. Vince O'Connor expressed concern about the vagueness of the intent of the bylaw, which may do more harm than good, he said. He cited some small seasonal family farm stands, including stands established on properties separate from the farm(s) where the produce sold was grown. Mr. O'Connor said this might be creating an unnecessary regulation. He said the Board should anticipate the inevitable question from Town Meeting and have ready a map of all the parcels this would affect.

Mr. Tucker said that any pre-existing stands covered by these regulations would be grandfathered..

Mr. Howland commented that although existing stands would be grandfathered, there are some dangerous parking situations. He cited the example of the Hawthorne family farm stand on East Pleasant Street, saying that as much as he supports it, if it were proposed to be established today, he would want to ensure that it was set back from the road and allowed room for cars to pull safely off the road.

Mr. Mailler said that he was troubled by the lack of a clear threshold. This regulation would build an insurance policy against out-of-control farm stands. For that to work, thresholds should be applied fairly, he said, under a friendly atmosphere.

Mr. Tucker said that a map of parcels these regulations could apply to could be prepared for the May 2 meeting and the Zoning Subcommittee could work with the Agricultural Commission to try to identify appropriate thresholds.

Mr. Howland MOVED: to continue the hearing to May 2, 2007. Ms. Pynchon seconded, and the Motion passed 6-0.

**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).

Mr. Hayden noted that this hearing had been continued from April 4, 2007. After discussion about the process, Ms. Nancy Gregg, Chair of the Housing Partnership/Fair Housing Committee spoke on behalf of the HP/FHC.

Ms. Gregg told the Board that after a lengthy meeting the HP/FHC voted 5-1 to not support this amendment. It was discussed fully, she said. The current regulations are more flexible and offer more support. Ms. Gregg said that a review of the Comprehensive Planning Committee comments highlighted a need for a range of affordable housing. The HP/FHC also discussed Chapter 40B and expiring uses, which will be addressed, she said. It was clear that flexibility is needed, she said.

Ms. Gregg said that the Affordable Housing Plan identified a need for a variety of levels of affordability in Amherst's housing supply. The Affordable Housing Plan is being updated, and will be completed very soon, she said. Mr. Tucker noted that a copy of the Affordable Housing Plan is available on the Town's website.

As the discussion continued, Ms. Gregg noted that the HP/FHC thinks that changing the inclusionary requirement to just the 80% threshold would be too narrow, and that a variety of affordable housing options is necessary.

Mr. Francis said that the real estate market will determine how developers respond and they may end up avoiding the requirement where possible, if this amendment is adopted. It's not a

unique problem, he said, but by shrinking the inclusionary affordability options too much, developers just won't play at all and it's important to keep them in play.

Mr. Tucker said that the Board might want to consider recommending that Town Meeting ask that the article be referred back so the Board and Zoning Subcommittee could work with the HP/FHC and petitioners to develop more flexible regulations that mandated a higher percentage of low income units.

Mr. Suarez said that the Town needs to sustain its diversity in income. The work force should be able to afford to buy a house and live in Town, he said.

Ms. Gregg said that when the inclusionary zoning amendment was first passed, the HP/FHC and Planning Board worked on it together. It was a joint effort and we were successful, she told the Board. The HP/FHC would like to work with the Board again very much, she said.

Mr. O'Connor said the inclusionary bylaw is defective as it exists now because there are no standards for determining the basis for decisions on affordability. The Town needs to act in its own self interest, he said, and will lose control when the 10% 40B threshold is no longer met. After much more discussion, he repeated that the bylaw should have standards and the Town should act in its own self interest, just as developers do.

Mr. Howland MOVED: to continue the hearing to May 2, 2007. Mr. Suarez seconded, and the Motion passed 5-0-1 (Francis opposed).

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

### **SUB 2007-00002, 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]

The Board received a request to continue the hearing.

Mr. Howland MOVED: to continue the public hearing to June 6, 2007. Mr. Suarez seconded, and the Motion passed 6-0.

## **III. OLD BUSINESS**

### **A. SPR2006-00007 – Knights of Columbus – Revised Landscaping Plan**

Mr. Richard Johnson, President of the Knights of Columbus Home Association, presented a revised final landscape plan for the Knights of Columbus building at 37 North Pleasant Street.

Mr. Tucker said that approval of the final landscaping plan by the Board was a condition of a Site Plan Application approved by the Board in August 2006. The proposed landscaping meets the zoning requirements for lot coverage, he said, and therefore eliminates the need for a waiver of that requirement under a Special Permit—an option the Board had previously suggested.

Mr. William Hutchinson described in detail the proposed plantings.

Mr. Howland MOVED: to approve the landscaping plan as presented. Mr. Francis seconded.

Mr. Mailler complimented the Knights of Columbus on creating a very nice building and public space.

The Motion passed 6-0.

**B. SUB2006-00009 – Haskins View Definitive Subdivision – Decision**

Mr. Hayden noted that the Board received a request from the applicant to postpone a final decision on the subdivision application so the applicant can continue researching information and alternative solutions to the Board's concerns.

Attorney Peter MacConnell, representing the applicant, told the Board that they are accumulating information and researching groundwater information which would allow the subdivision, which is a much better plan (than the ANR) for the developer and the Town. There's no need to rush to judgment, he said, and the applicant respectfully requests more time to continue to gather relevant information.

Mr. Howland said there was no reason not to continue.

Mr. Tucker noted that the public hearing will need to be re-opened and advertised if new evidence is presented.

Mr. Howland MOVED: to postpone the decision until June 20, 2007.

Mr. Suarez said that the Board does have cause for its concerns but that he appreciates the developer's willingness and interest.

Mr. Howland MOVED: to postpone the decision until June 20, 2007. Mr. Suarez seconded, and the Motion passed 6-0.

Ms. Scipioni stepped down from the Board.

**C. Special Municipal Employee Status – Letter**

Mr. Francis MOVED: to accept the letter as drafted and send it on to the Select Board. Mr. Howland seconded, and the Motion passed 5-0.

**D. Other – No**

**IV. NEW BUSINESS**

**A. Town Meeting – Movers/Speakers**

<u>Article</u>		<u>Mover</u>	<u>Speaker</u>
#8	Zoning Bylaw – Farm stand Amendment	S. Pynchon	C. Mailler
#9	Zoning Bylaw – Accessory Farm stands	S. Pynchon	C. Mailler
#10	Zoning Bylaw – Flood Prone Conservancy (FPC) Amendments	S. Pynchon	R. Francis
#11	Zoning Bylaw – Subsidized Housing Inventory	Petitioner	R. Francis

**B. Other** – Mr. Howland asked if the Board could have a written report from the HP/FHC for the next meeting. Mr. Suarez said he would like a copy of the minutes. Mr. Tucker said that he would ask Mr. Rosenblatt.

**V. FORM A (ANR) SUBDIVISION APPLICATIONS - None**

**VI. UPCOMING ZBA APPLICATIONS**

The Board decided not to review the following:

ZBA2007-00028, 321 Main Street, Wheatberry, LLC  
ZBA2007-00029, 291 Potwine Lane, Stephen & Jennifer Page  
ZBA2007-00030, 51 Spaulding Street, Carol S. Albano  
ZBA2007-00031, 30 Boltwood Walk, Mauro Aniello

**VII. UPCOMING SPP/SPR/SUB APPLICATIONS – No Discussion**

**VIII. PLANNING BOARD SUBCOMMITTEE REPORTS**

**A. Zoning** – given under “Public Hearings”

**B. Atkins Working Group** – No Report

**IX. PLANNING BOARD COMMITTEE REPORTS**

**A. Pioneer Valley Planning Commission** – Mr. Hayden gave a report on a recent PVPC meeting.

**X. REPORT OF THE CHAIR** – No Report

**XI. REPORT OF THE DIRECTOR** – Mr. Tucker said that he and the Health Director recently attended a conference on health/fitness issues and walkability. Few of the participants represented rural areas, and there was a strong emphasis on school nutrition, indoor recreation, team sports, and walkable design, he said. He noted that health/fitness were an important master plan issue. Unlike many built-up suburban and urban communities, Amherst also has

extensive conservation lands which represent an under-utilized opportunity for citizens to sustain an active lifestyle through various forms of outdoor recreation.

**IX. PLANNING BOARD COMMITTEE REPORTS (continued)**

**B. Community Preservation Act Committee – No Report**

**C. Agricultural Commission – No Report**

**D. Comprehensive Planning Committee – Mr. Hayden encouraged everyone to attend the forum on Tuesday, April 24<sup>th</sup>.**

**E. Flood Prone Conservancy Task Force – No Report**

Mr. Francis stepped down from the Board at 9:25 PM.

**XII. ADJOURNMENT**

Mr. Howland MOVED: to adjourn this meeting at 9:28 PM. Ms. Pynchon seconded, and the Motion passed 4-0.

Respectfully submitted:

\_\_\_\_\_  
Sue Krzanowski, Management Assistant

Approved:

\_\_\_\_\_  
Aaron H. Hayden, Chair

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