

**AMHERST PLANNING BOARD**  
**Wednesday, November 5, 2008 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Susan Pynchon, Chair; Richard Howland, Denise Barberet, Bruce Carson, Jonathan O’Keeffe, Ludmilla Pavlova-Gillham, Jonathan Shefftz (7:09 PM)

**ABSENT:** Eduardo Suarez

**STAFF:** Christine Brestrup, Senior Planner; Jeffrey Bagg, Senior Planner, Sue Krzanowski, Administrative Assistant

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Ms. Pynchon opened the meeting at 7:05 PM.

**I. MINUTES – Meeting of October 15, 2008**

Ms. Barberet noted that she gave Ms. Krzanowski a couple of very minor corrections.

Ms. Barberet MOVED: to accept the Minutes of October 15, 2008 as corrected. Mr. Howland seconded, and the Motion passed 6-0.

**II. ADVISORY REVIEW - 284 North Pleasant Street – Howard Ewert**

Ms. Brestrup explained that the Board could choose to make a recommendation to Town Meeting on this article. She described the property and summarized the proposal in which the Ewerts are requesting a modification to the property covenant which would increase the allowed uses on the property by one use category. When the property was rezoned a couple years ago from General Residence to Limited Business the owners entered into an agreement to limit the uses on the property. The Ewerts are now requesting that non-profit educational or religious uses be allowed.

Howard Ewert, property owner, 284 North Pleasant Street, said that he agreed with Ms. Brestrup’s summary and asked the Planning Board to recommend that Town Meeting adopt the article. The intent is to get one non-profit use into the allowed uses. Under state law, non-profit educational and religious uses are allowed anywhere else in town and should have been included all along.

Marcy Sclove, 20 McClellan Street, spoke in support of the request.

Members of the Board also supported the request.

Ms. Pavlova-Gillham MOVED: that the Board support Article 1, authorizing the Select Board to accept a revised covenant at 284 North Pleasant Street. Mr. Carson seconded, and the Motion passed 7-0.

Depending on availability either Mr. Howland or Mr. O’Keeffe will speak to the article.

Since it was not yet time for the next agenda item, the Chair moved ahead on the agenda.

**IV. NEW BUSINESS**

**A. Chapter 61 Removal – Henry Street, Property of W.D. Cows, Inc.**

Ms. Brestrup noted that this was back before the Board because the paperwork was not in order the last time the Board discussed it.

Ms. Barberet said that these should not be brought before the Board until they are complete. Ms. Brestrup noted that a purchase and sale agreement hadn't been included last time.

Mr. Howland MOVED: that the Board make the same recommendation that they made last time. There was no second and no vote.

Ms. Barberet raised issues about affordability and suggested that maybe the Town should consider purchasing the land for \$1.00 and have Habitat build there.

Ms. Brestrup said that it is intended to be offered as work force housing and be offered to Town employees first at less than market rate but it will not meet state criteria for affordability. It's already a private/public partnership package deal that has already been agreed to, she said. It might not be appropriate for the Town to step in now.

Ms. Pavlova-Gillham said that while she doesn't really remember the affordable aspect she thinks it's an admirable project because of the passive solar design and green building.

Ms. Barberet asked about the purpose of the easement. Ms. Brestrup said that she thinks it is to allow Cows access to potentially developable land behind the parcels.

Ms. Pynchon said that she agrees with Ms. Barberet that the process needs improvement and that the whole package, including purchase and sale agreement, should come to the Board.

Mr. O'Keeffe MOVED: that the Board recommend that the Select Board not exercise the Town's right of first refusal to purchase the property. Ms. Pavlova-Gillham seconded and the Motion passed 6-0-1 (Barberet abstained).

**III. PRESENTATION – Draft Master Plan – Jim Wald, CPC Chair**

Jim Wald, former chair, and Aaron Hayden, of the Comprehensive Planning Committee (CPC), appeared before the Board to present the mostly final draft of the Master Plan.

Cities and towns are required by state law to adopt a master plan, Mr. Wald told the Board. Amherst hasn't had a master plan in over 40 years, he said. This process began back in 1997 and the final phase began in 2005. Mr. Wald described the process which he said included extensive public participation. The Town contracted with ACP Visioning & Planning to assist with the project. A first draft was completed in August 2007 which the CPC approved unanimously in December 2007. The consultants reworked and returned another draft in

and that was finished last month, he said. The CPC approved that draft and it's now ready to be turned over to the Planning Board for final revisions and editing, review and approval. While the plan is substantially complete there are some things missing, Mr. Wald told the Board. Blank spaces were left in the Implementation Matrix but actual steps are outlined. The Board should read the document and revise and change this as desired, he said.

Mr. Wald said the Planning Board should hold a public session after completing the editing and then meet with the Select Board.

The Master Plan is a vision of how things should be, he told the Board. It's a living document that sketches out the big picture and can be modified from time to time. It's a reference work to be used at all times and a product of great community effort. Mr. Wald said that he and Mr. Hayden were available to answer questions and said the Board should feel free to contact the CPC for assistance.

Ms. Pynchon thanked Mr. Wald for an excellent report.

Ms. Brestrup shared the Planning Director's suggestions for the remaining steps the Board should take to bring the plan to completion: 1) complete any needed revisions to the text; 2) select and refine associated maps and appendices; 3) conduct a final public process, including at least one open public session and one meeting with the Select Board; and 4) adopt the plan. Ms. Brestrup said that Mr. Tucker recommends that a subcommittee be established to facilitate the completion of the Plan.

Ms. Brestrup noted that the Master Plan should be adopted before next fall, before the phased growth bylaw becomes null and void.

Ms. Pavlova-Gillham said the maps and appendices are critical and the Board should at least see drafts as soon as possible.

Ms. Brestrup said that hard copies could be provided of everything that was ever created and suggested that members come into the office to tell staff what they want.

Mr. Wald described what maps would be available. He said that ACP had prepared appendices with images from other towns and that the Planning Board may wish to substitute images from Amherst. Also, some of the maps are not legible and will need to be revised.

Mr. Hayden said there are a number of reports which are resources that are referred to and incorporated into the plan. The reports and references are the background. Public input formed the plan in front of the Board, he said.

Mr. O'Keeffe suggested that the Board take the steps suggested and have an informed discussion at their next meeting, and then they can discuss the next steps, he said. Ms. Pynchon noted that the Board should discuss what structure it wants to use and the general timing.

Ms. Pavlova-Gillham said she will not be at the November 19 meeting but will provide written comments.

Mr. Hayden suggested that, at the very least, the Board should read Chapters 2 and 10 and then pick one more of interest in between. You'll see the structure, he said.

**IV. NEW BUSINESS (continued)**

**B. Correspondence, Special Permit Requirement – Town Counsel – in packet**

**C. Town Meeting**

Ms. Brestrup said that Mr. Tucker had suggested that the Board might want to review the Mover/Speaker assignments.

Mr. O'Keeffe noted that Article 6 has been moved to the end of the warrant to be taken up on November 17. This means that the zoning articles may be considered the first night, (November 10) he said. Mr. O'Keeffe said that he might not be available to speak to Article 7 if it comes up early in the evening. Ms. Pynchon noted that she might have a conflict and might not be available to speak to Article 8. It was noted that Ms. Barberet could move the articles if necessary and that Mr. Tucker would be available to answer questions. Ms. Barberet agreed to be back-up for Article 7 and Mr. O'Keeffe said that he would provide a written commentary for her. Ms. Pynchon said that it would be helpful if Mr. Tucker would provide written summaries for the Board members. Mr. O'Keeffe offered to speak to Article 8 if he is available and Ms. Pynchon is not.

Mr. O'Keeffe also noted that there may be a potential problem with Article 9 and the relation to other development methods. Mr. Tucker is pursuing clarification from Town Counsel on whether it would apply to all methods. So there is potential that the Board could ask that this be withdrawn or referred back. There was general agreement that the article be referred back if necessary.

**V. OLD BUSINESS – None**

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

The Chair endorsed the following:

ANR2009-00003 – 23 Potwine Lane, Jeremy D. Ober

Mr. O'Keeffe MOVED: that under the Phased Growth Bylaw, the development authorization date for the new lot will be December 2008. Mr. Carson seconded, and the Motion passed 7-0.

**VII. UPCOMING ZBA APPLICATIONS**

The Board decided not to review the following:

ZBA2009-00015, 1352 West Street - Pocket Communications

ZBA2009-00016, 290 West Street - You-Pan Tzang

ZBA2009-00017, 55-57 North Pleasant Street - Jardel Corp. DBA Delano's

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

**IX. PLANNING BOARD COMMITTEE REPORTS**

A. **Zoning** - Given under Town Meeting

**X. PLANNING BOARD COMMITTEE REPORTS**

A. **Pioneer Valley Planning Commission** – Mr. Howland said the topic of the last meeting was Master Plans.

B. **Community Preservation Act Committee** – Ms.Barberet said that the Committee did not meet and announced that the Town did not get the Self Help grant to help with the purchase of the Boys Club properties.

C. **Agricultural Commission** – No Report

**XI. REPORT OF THE CHAIR - No Report**

**XII. REPORT OF THE DIRECTOR – No Report**

**XIII. ADJOURNMENT**

Mr. Howland MOVED: to adjourn this meeting at 9:01 PM.

Ms. Gillham-Pavlova said that she will be attending a planning meeting in Boston and would bring back available materials.

There was no second, and the meeting adjourned at 9:05 PM.

Respectfully submitted,

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Sue Krzanowski, Administrative Assistant

Approved:

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Susan Pynchon, Chair

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