

AMHERST PLANNING BOARD
April 4, 2007 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Aaron Hayden, Chair; Carl Mailler, Kathleen Anderson, Richard Howland, Mary Scipioni, Roderick Francis, Susan Pynchon, Eduardo Suarez (7:10 PM)

ABSENT: No One

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

Mr. Hayden opened the meeting at 7:04 PM.

I. MINUTES – March 21, 2007

Mr. Francis MOVED: to submit the Minutes of March 21, 2007 as submitted. Ms. Anderson seconded, and the Motion passed 7-0.

II. PUBLIC HEARING – ZONING AMENDMENT

A-1-07 Inclusionary Zoning (Petition)

Mr. Hayden read the preamble and opened the public hearing for this proposal 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).

The Board discussed their role in reviewing zoning amendments for Town Meeting and how to proceed since the petitioner was not in attendance.

On behalf of the Zoning Subcommittee, Mr. Tucker briefly described the proposal and noted that the Housing Partnership/Fair Housing Committee has not met and, therefore, has not provided a recommendation. Mr. Tucker noted that the Board could choose to continue the hearing so that the HP/FHC could provide a recommendation. Issues discussed were the differences in the wording in the legal ad and the petition article; the interpretation of the wording, impacts of the proposed amendment, and the basis for Mr. Tucker's memo to the Zoning Subcommittee (March 2, 2007).

At this point, Mr. O'Connor arrived at 7:30 PM, and presented his proposal. Mr. O'Connor cited two examples which he felt illustrated the need for his amendment. Regulatory boards should have discretion in making judgments about affordability, he said. Article 15 doesn't define affordable and the state only recognizes low-income units for 40B. Mr. O'Connor said that he's concerned that if the Town falls under 10% affordable units, a developer can go right to the ZBA for a Comprehensive Permit and bypass the Select Board

who are the gatekeepers for the process for getting low income units approved by the state outside of 40B projects. The Town should be very concerned about not falling below 10%, he said, and is spending \$300,000 - \$500,000 on a comprehensive plan which will tell us where these units should go.

Mr. O'Connor said that he didn't find the Planning Director's 6-page memo relevant to his proposal.

There are very few programs that apply to families in the 80% and below (median) range. It's our job to do what we can for them, he said. There are lots of financing programs available for the 80-120% range, he said. There is no other way to provide low-income housing, he told the Board.

Ms. Scipioni pressed Mr. O'Connor to state whether or not he believed this amendment to restrict all housing units provided under inclusionary zoning to the lowest income range could have any financial impact on private housing projects. He said he did not believe it would.

After further discussion, the Board took public comment.

Ms. Carol Gray, South East Street, spoke in support of the amendment which, she said, makes sense for larger developments as they are able to absorb the costs. Ms. Gray expressed concerns about the Planning Director's memo being distributed at Town Meeting. She said its critique and characterizations of aspects of the petition article gave the impression that Planning staff were not in favor of affordable housing. Mr. Tucker responded that the Amherst Planning Department had received numerous awards from the state for its involvement in and support of affordable housing projects and that he had personally drafted the inclusionary zoning under discussion. He cautioned Ms. Gray against characterizing the intentions of staff without better information.

Mr. Frank Wells, 33 Kellogg Avenue, member of the Housing Partnership/Fair Housing Committee, read an excerpt from the Town's Affordable Housing Plan 2003 Update. Mr. Wells cited increasing housing costs over recent years and told the Board that he agrees with many of the observations about the housing market contained in the Planning Director's memo. He noted that he was not speaking for the HP/FHC. Mr. Wells said that the Town should be actively working on expiring uses as a priority.

Mr. Howland said that the amendment is premature given the timing of the comprehensive planning process. He said that the Planning Director's memo provided a pretty accurate characterization of the housing situation.

Mr. Mailler MOVED: to continue the hearing to April 19, 2007. Mr. Francis seconded, and the Motion passed 7-0-1 (Howland abstained).

III. NEW BUSINESS

A. Amendment to The Common School - Lighting Plan

Mr. Peter Wells, The Berkshire Design Group, told the Board that the bids were high for the project which had been approved, therefore, the applicant is requesting some changes to the previously approved plan. The applicant is proposing to change the lights, install a berm along the entrance drive instead of repaving the entire drive, and replacing the ten bollard lights with six light pole standards.

Ms. Jill Sherman, 20 Jeffrey Lane, asked if the neighbor affected by the drainage was notified of the change and if the lighting plan near her house had changed.

Mr. Wells noted that the drainage was just being done differently and that the lighting near her house had not changed.

Mr. Francis MOVED: to accept the minor amendments to the site plan for The Common School as presented. Ms. Pynchon seconded, and the Motion passed 8-0.

B. Correspondence – EBI Consulting – in packet

C. Other – Since everyone except Ms. Scipioni will be available for the April 18th meeting, it was decided to stay with the regular schedule and meet that night. A representative from the Board will likely attend the Warrant Review Meeting scheduled for April 18, also.

Mr. Suarez asked to have the Haskins View decision on the agenda for April 18th. Staff will check to see if the applicant is available.

IV. OLD BUSINESS

A. Discussion – Master Plan Approval Process

The Board discussed its role in the Master Plan approval and how it would participate in the process and at what point that participation should happen. Ideas and suggestions (public input, joint meetings with the CPC and/or Select Board, Town Meeting, role of the Board) were discussed. A flowchart provided by ACP was referred to. Mr. Howland suggested that the Planning Board meet with the Select Board during its review of the draft master plan. Mr. Hayden suggested focusing that discussion on the adequacy of the process, and meeting separately with the CPC to discuss the substance of the Plan.

Mr. Hayden said that he would summarize the Board's discussion for the Comprehensive Planning Committee.

C. Mullin Rule – Discussion – Tabled.

D. Town Meeting – No Discussion

B. Special Municipal Employee Status – Letter – The Board will review the draft provided by Mr. Hayden and vote on it at the next meeting.

E. Planning Board Membership –

Ms. Scipioni announced that tonight was her last Planning Board meeting because she has accepted a new position in upstate New York and will be leaving Amherst.

That leaves two vacancies on the Board. Two terms will be end on June 30th. Mr. Hayden said he would speak with those members. At Mr. O'Connor's suggestion, Mr. Tucker explained how interested citizens could apply online.

IX. PLANNING BOARD COMMITTEE REPORTS

B. Community Preservation Act Committee - Mr. Francis said that the Committee reviewed the available funds and prioritized requests. They decided to accept the first and second priorities of each group. \$50,000 will be allotted for Plum Brook debt service. The remainder will be put in reserves. Mr. Francis said that he had met as the CPAC's representative with the Joint Capital Planning Committee and that he will be attending the Finance Committee meeting tomorrow night.

IV. OLD BUSINESS (Continued)

F. Signing of Decision, SPR2007-00008, NYBC – Signed as submitted.

V. FORM A (ANR) SUBDIVISION APPLICATIONS

The Chair endorsed the following:

ANR2007-00022, North East Street – Roger Cherewatti

ANR2007-00023, Old Farm/Belchertown Roads – Gordon Hall III

ANR2007-00024, 979 & 1011 Bay Road – David & Phyllis Smith

Mr. Francis stepped down from the Board at 9:30 PM.

VI. UPCOMING ZBA APPLICATIONS

The Board decided not to review the following:

ZBA2007-00026, 324 Northampton Road – George Spence

ZBA2007-00027, 62 Kellogg Avenue – Sandra Weisman

IX. PLANNING BOARD COMMITTEE REPORTS (Continued)

A. Pioneer Valley Planning Commission – The annual meeting will be upcoming.

C. Agricultural Commission – Ms. Pynchon said that there will be a Farmers Forum, on Tuesday, April 10 at 6:30 PM in the Red Barn at Hampshire College. The Commission is trying to compile a data base of farmers, Ms. Pynchon said.

- E. Flood Prone Conservancy Task Force** – Mr. Mailler said that the Task Force is awaiting legal interpretation of some of the zoning changes.

XII. ADJOURNMENT

Mr. Howland MOVED: to adjourn this meeting at 9:39 PM. Ms. Anderson seconded, and the Motion passed 7-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Aaron H. Hayden, Chair

DATE: _____