

AMHERST PLANNING BOARD
Wednesday, March 1, 2006 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Aaron Hayden, Chair; Carl Mailler, Adrian Fabos, Leandro Rivera, Mary Scipioni, Rod Francis, Chris Boyd

ABSENT: Paul Bobrowski

STAFF: Jonathan Tucker, Director; Niels la Cour, Senior Planner; Sue Krzanowski, Management Assistant

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

Since it was not yet time for the scheduled public hearing, the Chair moved ahead on the agenda.

IV. NEW BUSINESS

- C. Decision Signing – SPR2006-00001 – Groff Park, Mill Lane – signed.**
- D. Planning Commissioners Journal – in packet.**
- E. Regional Reporter – PVPC Newsletter – in packet.**

VII. UPCOMING ZBA APPLICATIONS

The Board decided to review the following and ask the ZBA to continue its hearings:

ZBA2006-00033, 831 Pulpit Hill Road - Bell Atlantic Mobile (Verizon)
ZBA2006-00034, 831 Pulpit Hill Road -Town of Amherst

The Board decided not to review the following:

ZBA2006-00035, 30 North Hadley Road – Chabad House

I. PUBLIC HEARINGS – ZONING AMENDMENTS

A-14-06, Section 6.0

To amend Section 6.0 of the Zoning Bylaw to correct references to regulations for dimensional modifications.

Mr. Hayden opened the public hearing. Mr. Tucker explained this was a technical correction.

There was no public comment.

Mr. Francis MOVED: to close the public hearing. Mr. Rivera seconded, and the Motion passed 7-0.

Mr. Francis MOVED: to recommend that Town Meeting adopt the proposed amendment. Mr. Rivera seconded, and the Motion passed 7-0.

A-15-06, Drive-through Facilities

To establish regulations for drive-through facilities.

Mr. Hayden opened the public hearing. Mr. Tucker said that currently there are no specific regulations for drive-through facilities in the Bylaw. The proposed amendment would define drive-through facilities and provide for regulations. This was originally proposed by the Design Review Board in an attempt to reinforce the pedestrian aspect of downtown, he said.

The Board discussed which zoning districts this amendment would apply to and reasons why it would or would not be allowed.

There was no public comment.

Mr. Francis MOVED: to close the public hearing. Mr. Rivera seconded, and the Motion passed 7-0.

Mr. Francis MOVED: to recommend that Town Meeting adopt the proposed amendment as drafted. Mr. Rivera seconded, and the Motion passed 7-0.

IV. NEW BUSINESS (continued)

B. Lot Release Request – Lot 1, Moody Field Subdivision – Snell Street LLC

Mr. la Cour noted that it was okay to release the lot but that the Board should require escrow in the amount of \$8,666 for this and the remaining lots.

Mr. Boyd MOVED: to release Lot 1, Moody Field Subdivision, subject to the applicant submitting \$8,666 to the Town. Mr. Francis seconded, and the Motion passed 6-0-1 (Scipioni abstaining).

The Board signed the Certificate of Performance.

II. PUBLIC HEARING – COMBINED SUBDIVISION/SITE PLAN REVIEW

SUB2006-00006/SPR-C2006-00004, Simmons Cluster Subdivision, 447 Bay Road – Tofino Associates, Inc.

Combined public hearing to consider a cluster subdivision application for a single-family residential development consisting of eight dwelling units, including one affordable unit located on Bay Road. (Map 26A/ Parcels 45, 46 & 47, Map 26C/Parcel 142; R-O & R-LD districts) [continued from February 15, 2006]

Ms. Gloria McPherson, Tofino Associates, distributed new plans (dated 3/1/06) to the Board based on DPW recommendations. Ms. McPherson also distributed some copies of a letter from the Town Engineer with the applicant's responses to his comments noted. Mr. la Cour noted that he had been unable to prepare a Development Application Report but would do so for the next meeting. Staff had not been given the new plans before tonight, and had not had time to review them.

March 1, 2006

Mr. Doug Kohl, applicant, told the Board that he is now proposing a subdivision road rather than a common driveway. This will increase the open space and keep road grades below 15%. Mr. Kohl told the Board that instead of providing an affordable unit on-site, he would dedicate a duplex off-site—on Belchertown Road (Route 9) as affordable units, thereby providing two units instead of one.

Ms. Elisa Campbell, 27 Pine Grove, told the Board that she is “heartbroken” that the land wasn’t conserved prior to this development proposal. She commented that while Mr. Kohl is one of our best developers, she had some concerns about the proposal. The development will be very visible, she said and impact views, especially from public trails in the state parklands above this property on the Holyoke Range, and from Mount Pollux. Ms. Campbell also had concerns that drainage problems experienced by properties along Bay Road will be worsened.

Mr. Hayden asked about drainage. Mr. Kohl said that the proposed drainage system will improve the drainage on Bay Road. Mr. Kohl said that the proposed new road meets engineering standards for subdivision roads and DEP standards.

Mr. la Cour noted that the Town Engineer had concerns about getting an accurate assessment of the underground utilities—including storm drains—in Bay Road.

Ms. Mary Cushing, Middle Street/Bay Road, showed pictures of water crossing Bay Road and going into her yard. She said that she doesn’t think the catch basin works.

Mr. Kohl, with Ms. McPherson’s assistance, presented a slide show demonstrating the various views of the property from different vantage points nearby.

Ms. Ann Harrison, Middle Street, asked about tree cutting, was concerned about the impact on the neighborhood, and asked about animal studies and traffic studies.

Ms. Scipioni asked staff to explain about tree cutting on private property. Mr. Tucker did so, and also explained that a cluster development under Site Plan Review was allowed by right. The Planning Board doesn’t have the discretion to deny the request outright unless it violates the Bylaw.

Ms. Campbell noted that she doesn’t see Bruce Brown’s house at all from public trails above the site on the Holyoke Range. She urged Mr. Kohl to minimize the visual impact of the development as much as possible.

Mr. Kohl said that he will work with the Board to minimize tree cutting, and will try to tuck things into the landscape by using colors, aesthetics, etc.

Mr. Francis MOVED: to continue the hearing to April 5, 2006.

Mr. Boyd asked if there are any other private roads in Amherst. Mr. Tucker noted that Swallow Farm is a private road.

Ms. Anne Awad, 188 Pine Street, asked if newly constructed roads had to meet Town standards. Mr. Kohl noted that she was not at the meeting when he explained that the homeowners will not be able to request that the Town take over the road.

Ms. Cushing said that she has safety concerns concerning the alignment where the two roads meet. This will make a bad situation worse, she said.

Mr. Fabos seconded the Motion and it passed unanimously, 7-0.

IV. NEW BUSINESS (continued)

A. CDBG Community Development Strategy – East Amherst Revitalization Zone

Mr. Roy Rosenblatt, Community Services Coordinator, described the FY'07 proposals and said that the "Community Development Strategy" section is a new component which needs to be included in the application. A copy of the CDS was included in the Board's packet. Mr. Rosenblatt said that he was looking for the Board's approval of the strategy and a recommendation to the Select Board.

Mr. Francis MOVED: to recommend that the Select Board approve the Community Development Strategy, including the statutory language. Mr. Rivera seconded, and the Motion passed unanimously, 7-0.

III. APPEARANCE

ZBA2006-00024, South East Street – Scott Nielsen

Advisory review of a request for a Special Permit for 24 dwelling units in a PURD on South East Street.

Mr. Hayden noted that this was a continuation of an appearance which began at the last meeting two weeks ago. Mr. Nielsen gave a brief recap of the proposal and noted that reference to wetlands is not a definitive statement at this time. The 50 foot setback will be from wherever the wetland delineation is determined to be, he said.

Mr. Nielsen said that he was looking for Planning Board input on three particular issues: (Memo to Amherst Planning Board, March 1, 2006)

- 1) Does the Planning Board support compact development as the preferred housing method?
- 2) Given the history of support for this kind of development on this site, does the Planning Board still support it?
- 3) Noting that the ZBA has asked for an alternative plan, which of the two plans does the Planning Board support?

Noting that there had been considerable discussion at the last meeting, Mr. Hayden said that he would only take new comments from the public at tonight's meeting.

March 1, 2006

Mr. Boyd asked about housing styles and building footprints. Ms. Scipioni asked if the Conservation Commission had expressed opinions about drainage, wetlands or run off. Mr. Nielsen responded to the questions.

The following members of the public spoke in opposition to the proposal: Ms. Carol Gray, South East Street; Ms. Jocelyn Johnson, 603 South East Street; Ms. Joanne Jones, 611 South East Street; Mr. Bob Wellman, Valley View Circle; Ms. Kathleen Auble, 651 South East Street.

The following concerns were raised:

- The Planning Board should wait to offer a recommendation until there is more information.
- The Conservation Commission will not rule until the wetland delineation is official, which may mean a totally different plan.
- There is a public easement over the property which has legal ramifications.
- The applicant is/was given more time to speak/present than abutters.
- The site is not appropriate for compact development because there is no public transportation, and no stores or services nearby.
- Preserving views and the rural environment is very important.
- This type of development is different in its layout and architecture from neighboring residential development and is not appropriate for the neighborhood.
- The development will have a negative impact on the conservation value of the property and on the wildlife which use the property.
- Increased traffic from the development will worsen an already dangerous road.
- The density of the proposed development is too great for the site.
- Specific provisions of the PURD requirements are not being met by the development.

Abutters were asked at different times by Board members what would satisfy their concerns. Decreased density and less loss of views were the most common responses. Board members noted that the current zoning had been in place for years, and a series of PURD developments had been proposed, reviewed, and approved on this property since the mid 1960s. The neighbors were asked if they had not had a fair opportunity to be heard during this time, and, if not, which of their concerns had not been addressed or met. Neighbors responded that not everybody was aware of the property's zoning or the series of permit reviews, and that some found zoning and the permit process confusing and intimidating. Some people were offended by the Board's questions.

Mr. Hayden explained that the role of the Planning Board in this case is to make a recommendation to the ZBA. Without a Master Plan to provide guidance, the Board(s) need to work within the existing rules and regulations. Personally, Mr. Hayden said that he was in favor of recommending that the ZBA approve the PURD because it could be controlled/regulated better than other types of development which would be by right. Mr. Tucker explained what the other options would be. Mr. Nielsen could develop frontage and flag lots, or propose a standard subdivision or a cluster subdivision—all of which would be less controllable than the PURD.

Ms. Christine Brestrup, Associate Planner, said that the ZBA will not make a decision until the Conservation Commission's work is complete and that will probably not be for a couple months.

Mr. Mailler commented that he wanted to hear from Planning Board members who had not spoken yet and that the Board needed to discuss the proposal among themselves before forming a recommendation to the ZBA. It was getting too late to come to a decision tonight, he said, and suggested that the Board discuss Mr. Nielsen's three questions at a subsequent meeting.

Mr. Mailler MOVED: That the Board postpone further discussion until the next meeting. Mr. Rivera seconded, and the Motion passed 6-0-1 (Scipioni abstained).

VI. FORM A SUBDIVISION APPLICATIONS

The Chair endorsed the following:

ANR2006-00019, 207 Leverett Road – Amherst Building Co., LLC

Mr. Fabos MOVED: to establish March 2006 as the date that the new lot will be eligible for a building permit under the Phased Growth Bylaw. Mr. Francis seconded, and the Motion passed 7-0.

ANR2006-00017, 1089 North Pleasant Street – NACF

Mr. Fabos MOVED: to establish March 2006 as the date that the new lot will be eligible for a building permit under the Phased Growth Bylaw. Mr. Francis seconded, and the Motion passed 7-0.

ANR2006-00018, 1089 North Pleasant Street – NACF

XII. REPORT OF THE DIRECTOR

Mr. Hayden noted that the Special Municipal Employee Status issue was on the Select Board's agenda for this coming Monday. He urged the Board members to attend the meeting. Ms. Scipioni noted that she attended the last meeting and presented her own example. She may have to resign from the Board unless the status is changed, she said.

XIII. ADJOURNMENT

Mr. Francis MOVED: to adjourn this meeting at 10:25 PM. Mr. Fabos seconded, and the Motion passed 7-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Aaron A. Hayden, Chair

DATE: _____