

AMHERST PLANNING BOARD
Wednesday, March 15, 2006 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Aaron Hayden, Chair; Carl Mailler, Adrian Fabos, Paul Bobrowski, Rod Francis, Chris Boyd, Mary Scipioni, Leandro Rivera (7:22 PM)

ABSENT: No One

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

Mr. Hayden opened the meeting at 7:02 PM. Noting that Mr. James Smith was attending the meeting with particular interest in one of the Form A applications, Mr. Hayden said he would begin with that item.

VI. FORM A (ANR) SUBDIVISION APPLICATIONS

The Chair endorsed the following:

ANR2006-00021, 450 Pine Street & 2 Bridge Street – Evelyn Rackliffe Trust

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

I. MINUTES – Meeting of February 15, 2006

Mr. Francis MOVED: to approve the Minutes of February 15, 2006 as submitted. Mr. Fabos seconded, and the Motion passed 5-0-2 (Hayden, Rivera abstained).

II. PUBLIC HEARINGS – ZONING AMENDMENTS

Mr. Hayden opened the public hearings.

A-17-06, B-G & B-VC Dimensions

To amend Table 3, Dimensional Regulations, and its accompanying Footnote b., to alter additional lot area per family requirements for the B-G and B-VC Districts, to create new requirements for upper floor residences in mixed use buildings, and to alter the building height requirement in the B-VC District.

Mr. Bobrowski said that the Zoning Subcommittee is proposing this amendment in response to a request from the Fair Housing Committee. It is similar to the change made last fall in relation to footnote “m”. Mr. Tucker added that the amendment would take away the minimum lot requirement for first floor dwelling units in mixed used development; it would decrease the additional lot area per unit; and, increase the height restriction in the B-VC District to match the R-G District.

There was no public comment.

Mr. Bobrowski MOVED: to close the public hearing. Mr. Fabos seconded, and the Motion passed 7-0-1 (Rivera abstained).

Mr. Bobrowski MOVED: to recommend that Town Meeting adopt the proposed zoning amendment. Mr. Francis seconded, and the Motion passed 7-0-1 (Rivera abstained).

A-18-06, Maximum Lot Coverage

To amend Section 6.18, Maximum Lot Coverage, to allow for differing lot coverage requirements for permeable paving.

Mr. Mailler noted that there was an updated version of the proposal (3/15/06) for the Board's review. The proposal would allow developers to get more coverage and encourage good environmental methods by encouraging the use of less permeable paving materials.

Mr. Tucker explained that the proposal would encourage recharge on the site which would be determined by using the Rational Method (which is what the state uses). Mr. Tucker said that other methods might also be available. Since this was unsettled, he said that the Board could decide to hold off on the proposed amendment or go forward with it as is and amend it in the fall.

Mr. Bobrowski said that the ZBA asked the Zoning Subcommittee to address this some time ago.

Ms. Scipioni said that while this is a great idea it would be dangerous to pass as is. She then went on to explain the Rational Method, which she felt was too general to be of use in this situation.

Ms. Scipioni said the amendment needs to be further refined. She suggested that it be altered to require applicants to provide information on net gain or loss in infiltration based on the varying surfaces covering the entire lot.

Mr. Francis said that porous paving systems are of limited value in New England if they are not carefully maintained. He said that green roofs were more effective at recharging precipitation on-site.

Mr. Rivera commented that even though the amendment might not be perfect, it would be a good starting point and could be improved over time.

Mr. Bobrowski said that the Subcommittee thought it was a good idea to address infiltration through lot coverage. He suggested that maybe tying it to a Special Permit might be a simpler process.

Mr. Fabos said that he supports the idea of net gain described by Ms. Scipioni. This adds to the creativity of the design process with better net gain, he said.

Mr. la Cour said that it's a good idea, particularly in areas experiencing redevelopment and infill.

There was no public comment.

Mr. Francis MOVED: to close the public hearing. Mr. Bobrowski seconded, and the Motion passed 8-0.

Mr. Mailler MOVED: to refer the proposed amendment back to the Zoning Subcommittee. Mr. Rivera seconded, and the Motion passed 8-0.

Ms. Scipioni offered to help draft a new proposal.

III. APPEARANCES

ZBA2006-00034, Town of Amherst

Advisory review of a request for a Special Permit under Sections 3.340.2, 3.373, 3.374 and 3.344 to use the Ruxton site to continue existing operations on site, to add storage to add a railroad spur (future) and to erect a tower for wireless communications and an accessory equipment shelter (as per Verizon application).

ZBA2006-00033, Bell Atlantic Mobile of MA (Verizon)

Advisory review of a request for a Special Permit to erect a 180 foot tall wireless communications tower and install cellular and PCS antennas and to construct an accessory equipment shelter on Town of Amherst property ("Ruxton Gravel Pit").

Town of Amherst

Mr. Jason Skeels, Mr. Paul Dethier, Town of Amherst Engineering, and Verizon representative Ellen Freyman, appeared before the Board to discuss the Special Permit applications for a use plan for the Ruxton property and a proposed wireless cell tower on the site.

Mr. Skeels began by describing the Ruxton site, giving the background of the property, and existing uses as well as proposed and conceptual uses for the site. The DPW has been working on restoring the Ruxton site since it was purchased by the Town in 1995. Mr. Skeels responded to Mr. Bobrowski's question about what the Special Permit was for by saying that the previous permit had expired.

Bell Atlantic Mobile of MA (Verizon)

Ms. Freyman told the Board that Bell Atlantic was the winning bidder to the Town's "Request for Bids" for the lease of land for a "Telecommunications Tower and Associated Facilities". Bell Atlantic (Verizon) will use this site to increase capacity and improve overall coverage in and around Amherst and the surrounding community. Bell Atlantic (dba Verizon Wireless) is proposing to build the tower and install Verizon Wireless equipment at the 150 foot level. Town of Amherst departments will use the thirty foot extension of the upper portion of the tower also. It's a win/win situation for everyone, said Ms. Freyman.

The Board discussed both proposals together, including fencing in the storage area, maintenance, a proposed (future) railroad spur, the sluiceway, site reclamation, leachates, and vandalism.

After discussion, Mr. Bobrowski MOVED: to recommend approval of both Special Permits and asked the Zoning Board of Appeals to consider the following:

- That attention be focused on security for the site. In particular, the Planning Board recommended the installation of additional fencing around the existing and proposed storage areas.
- That further exploration of the concept of a railroad spur and an accompanying salt and sand storage facility be supported, with assurances that leachate would be controlled.
- That cleanup and reclamation of the site to allow for a wide range of as-yet-undetermined future uses be encouraged to continue.
- That DPW develop and submit a basic maintenance plan and schedule for structures on the site, to help keep the buildings and trailers “undecorated” and free from vandalism.
- That DPW consider ways to block the upper end of the existing sluiceway at the western edge of the site and otherwise ensure that runoff of sediment or hazardous materials does not make its way into adjacent water resources.

IV. OLD BUSINESS

A. ZBA2006-00024, South East Street, Levi-Nielsen PURD – Recommendation to ZBA

Mr. Hayden said that review of this item had begun a month ago and over the course of two meetings considerable information and testimony had been discussed, and the Board heard a lot of concerns from the community. It was time for the Board to deliberate among themselves, he said, and recommend that the ZBA either approve, deny or take a middle course.

There was general agreement on the Board that the ZBA could exercise more control over the PURD than the other options available to Mr. Nielsen, and that this process allows opportunity for revision. The Board also generally agreed that they preferred Option B of the two plans.

Mr. Tucker again explained what the alternative options to the PURD would be. Mr. Tucker noted that all three options would be “by right” and, therefore, would be less controllable than the PURD.

Ms. Scipioni consolidated the discussion: 1) ethical issues, 2) density, 3) visual views, traffic impact, and 4) hydrology. The fair thing would be to compromise, she said, perhaps reducing the number of units but still being economically feasible for the developer.

Mr. Francis said that he walked the site and thought that improvements could be made with the orientation of the buildings and aesthetics. He suggested that the developer try to minimize the horizontal massing of the buildings by altering the roof

lines. Also, he said, that designing for universal access contributes to this sense of excessive massing and he suggested that some units could have one-car, rather than two-car, garages which could be built under the units, rather than at the same level.

As the discussion continued, the major themes that emerged were that although the Board supports the original intent of the 1992 agreement which traded increased residential density on this site for preserving open space between the tracks, the impacts of this proposal could be reduced by altering the layout, including a wider mix of unit types (including units with smaller footprints), and considering some small reduction in unit count. Of the two proposals Mr. Nielsen had presented, Option B was preferred.

Following the discussion Mr. Hayden summarized the following points:

- The number of houses that can be built under a PURD on the parcel of land that is being considered for the Strawberry Field PURD seems very high. It is discomfoting to know that the number of possible housing units would not shrink very much under a traditional subdivision development that would not require Special Permit review and oversight.
- From a technical legal standpoint, it appears that the past agreement involving the exchange of land for zoning changes and permits has been fully discharged, and the Town is no longer legally obligated to honor that agreement. However, Town Counsel also stated that the objectives of the parties included not only the issuance of a PURD Special Permit, but the construction of a PURD on the site.
- Past Town Meeting discussions and votes that affected this parcel endorsed this type of compact development, both in general and for this property.
- It is evident from driving down South East Street in what direction the real estate market and existing zoning are driving development in this area. The developments nearby which are a few years' old, those that are new, and those under construction illustrate what will happen if development on this property proceeds by-right, simply following the Town bylaws.
- The exact location of wetland edges within this parcel of land is as yet unknown.
- Creating a pleasant streetscape and maintaining view sheds are important features that any final approved plan for this property needs to incorporate.
- There will be an impact on traffic along South East Street from this development, as there is from each new development.

In ensuing discussion, a majority of the Board concurred. Subsequently, Mr. Hayden MOVED:

That the Planning Board offer the following recommendations to the Zoning Board of Appeals concerning ZBA 2006-00024:

1. The ZBA should support approval of a PURD on this property. Only under a PURD Special Permit does the community have the opportunity to keep the greatest amount of control over this development in the public's hands. Other by-right development options are available and offer significantly less control.
2. The ZBA should use its discretion to honor the broader intent of the past agreement and zoning amendments made by Town Meeting—to exchange the preservation of

extensive open land for some increase in density under a PURD on this property. The alternative was the residential density possible under a subdivision or cluster development, plus whatever could have been built on the now preserved open space. It is important to encourage—and to not discourage—similar exchanges in the future, as a less expensive means for acquiring open space than buying it outright.

3. That the ZBA, Conservation Commission, DPW, and other Town boards and agents with responsibility over this development be particularly vigilant in imposing the various regulations under their jurisdictions that control this development.
4. That the Planning Board encourages inclusion and use of the Rock parcel in this proposed PURD to: a) alleviate traffic issues by allowing a single central entrance to the development, rather than numerous driveways, and b) allow for improved distribution of open space associated with this development.
5. That the development be required to include elements encouraging walking and the future establishment of public transportation servicing this neighborhood.
6. That of the two design options presented to date, the Planning Board supports the version of the site design which pulls units further into the site away from the street front and reduces the visual impact of the development on the streetscape.
7. Consider reducing the number of universally accessible units in order to lessen the massing (footprint) of units and the size of their roofs near South East Street. Other options for reducing density: the inclusion of units with one car garages (rather than two), units with garages underneath, smaller units, and some slight reduction in the number of units.
8. That lighting in the development meet Dark Skies requirements and be sited and shielded so as not to allow light trespass off-site even as the planted landscape changes over time.
9. That proposed street trees on South East Street and within Strawberry Field meet Amherst's requirements for street trees, which include the prior review of the Public Shade Tree Committee and approval of the Tree Warden.
10. That the developer employ native plantings to screen view of this development from the Rail Trail, to the extent feasible.

Mr. Bobrowski seconded, and the Motion passed unanimously (8-0).

V. NEW BUSINESS

- A. Land use and Development Law – 2nd Annual Seminar – in packet**
- B. Planning Board Meeting Schedule – April & May**

April meetings are scheduled for April 5th and 19th. Ms. Scipioni and Mr. Byrd will not be here for the April 19th meeting. The Board will meet earlier and at the Middle School in May (May 3rd and 17th) because of Town Meeting.

- C. **Other** – Mr. Hayden reminded the Board about the upcoming Precinct Forums. Mr. Bobrowski noted his earlier suggestion to send the Planning Board public hearing schedule for zoning amendments to the Town Meeting Coordinating Committee.

VI. FORM A SUBDIVISION APPLICATIONS (continued) –

Mr. Hayden recused himself and Mr. Mailler, Vice Chair, endorsed the following:

ANR2006-00020, 340 South East Street – Trustees of Amherst College

Mr. Fabos MOVED: to establish April 2006 as the date that new lots will be eligible for building permits under the Phased Growth Bylaw. Mr. Bobrowski seconded, and the Motion passed 7-0-1 (Hayden abstained).

X. PLANNING BOARD COMMITTEE REPORTS

- A. **Pioneer Valley Planning Commission** – No Report
- B. **Community Preservation Act Committee** - No Report
- C. **Farm Committee** – No Report
- D. **Comprehensive Planning Committee** – Mr. Hayden reported that the Committee is in process of selecting a consultant for the Master Plan process.

XI. REPORT OF THE CHAIR – Mr. Hayden noted that the Select Board has extended Special Municipal status for board members until September.

VII. UPCOMING ZBA APPLICATIONS

The Board decided not to review the following:

ZBA2006-00036, 275 Potwine Lane – Erica Deighton

ZBA2006-00037, 14 Boltwood Avenue – Grace Episcopal Church

ZBA2006-00038, 433 South Pleasant Street – Thomas Butler & Jody Wax

ZBA2006-00039, 649 East Pleasant Street – Candace Talley

VIII. UPCOMING SPC/SPP/SPR/SUB APPLICATIONS – The Board decided not to hold a site visit for an application from Fresh Side for outside dining.

XIII. ADJOURNMENT

Mr. Bobrowski MOVED: to adjourn this meeting at 9:50 PM. Mr. Fabos seconded, and the Motion passed unanimously, 8-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Aaron A. Hayden, Chair

DATE: _____