

AMHERST PLANNING BOARD
Town Room, Town Hall
Wednesday, April 19, 2006 – 7:00 PM
MINUTES

PRESENT: Aaron Hayden, Chair; Leandro Rivera, Carl Mailler, Paul Bobrowski, Rod Francis

ABSENT: Adrian Fabos, Chris Boyd, Mary Scipioni

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

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

I. MINUTES – Meeting of March 15, 2006

Mr. Bobrowski MOVED: to approve the Minutes of March 15, 2006 as submitted. Mr. Francis seconded, and the Motion passed 5-0.

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

IV. NEW BUSINESS

- A. Signing of Decision – SPR2006-00005, Fresh Side** – signed as submitted.
- B. Correspondence – Robert Wellman** – in packet
- D. Meet the Master Plan Consultants – May 2, 2006** – Mr. Hayden urged all of the Planning Board members to attend the ‘meet and greet’ session for the consultants who will be working on a master plan for Amherst.

II. PUBLIC HEARINGS – ZONING AMENDMENTS

A-19-06, Professional/Technical Offices

Mr. Hayden opened the public hearing for this request to amend Section 3.359 of the Zoning Bylaw to regulate professional offices providing services to clients predominantly by appointment. He asked the Zoning Subcommittee for their report.

Mr. Bobrowski said that the proposal is nearly identical to what the Board proposed at Town Meeting two years ago, but lost by one vote. Since then, a traffic study was completed by a Planning Department intern in response to questions and concerns raised at that time. The study showed that there would be little impact from this minor modification. Mr. Bobrowski summarized the proposal which would slightly expand the use category in particular zones. It would be a small improvement that could impact/help small businesses and foster economic growth.

Mr. Gerry Weiss, South Amherst, Precinct 8, Town Meeting member, Select Board, asked if there were any studies that would show how many spaces were affected. He said he was concerned that a glut of office space would lure away downtown office businesses and, therefore, downtown foot traffic. Increasing business elsewhere might decrease business in the downtown, he suggested.

Mr. Bobrowski said that the amendment might have helped HBO which ended up moving to Hadley. Mr. Tucker said that 6-8 buildings could be affected in the Larkspur Drive area. Many of the allowed uses could generate more traffic than any of the proposed uses, he noted.

Ms. Clare Bertrand, 610 Bay Road, was very supportive of the proposed amendment, and responded to Mr. Weiss' concern by commenting that it's important to look at the wider vibrancy of business health. The present zoning obstructs users, she said. This kind of change could be very useful in meeting the pressing demand for growing home businesses that need incubator space and should be highly encouraged.

Ms. Mary Streeter said that this amendment would not have a significant impact on the tax base but would have a high impact on her neighborhood. It would create intolerable traffic for a residential neighborhood, she said and urged removing the word "predominantly."

Mr. John Coull, Precinct 2, spoke in favor of the proposal and said that neighborhoods can be severely impacted by residential uses. We should retain "stage two" developments coming out of the university, he said. Economic development is not just about tax revenues, but about allowing truly desirable forms of businesses.

Mr. Fred Mosely, Larkspur Drive, asked if any estimates of property tax revenues for estimated office growth had been prepared. He spoke strongly against the amendment, saying it would have a severe negative impact on the surrounding neighborhood. It's important to have at least a rough estimate of what the traffic will be, he said. The traffic study which was completed by the Planning intern provides baseline information but no future projections. Mr. Mosely distributed a formula which he suggested using to obtain the projections.

A resident of Larkspur Drive asked if anyone had done an analysis of the office vacancy rate in the downtown area. Mr. Hayden said there is anecdotal evidence that the rate is low.

Mr. Jeff Blaustein, Precinct 6, spoke in favor of the amendment, and said that it should be considered in the context of the greater good of the entire town. It's not just a Larkspur Drive issue, he said. Increased traffic is just being part of a community.

Ms. Streeter urged the Board to show leadership and make this project sensitive to density issues by working with neighbors and developers to generate a build-out plan for the Larkspur Drive PRP area that everybody could live with.

Mr. Tucker commented that the ways in which zoning allowed or restricted business activity was an economic justice issue and determined who gets to live in Amherst.

Mr. Bobrowski responded to earlier comments. He said that the proposal would affect land that is, and has, been zoned for business for many years. The traffic count conducted indicates very low traffic between the developed portions of the PRP (Research Drive) and Larkspur Drive. The majority of traffic comes and goes from Route 9. Zoning is not precise, there should be some room for interpretation. Any impact to tax revenues would be a help and this would at least be a start in balancing the burden between residential and

business. Clean and quiet business growth should be encouraged. There is a demand for new office space. Density can be negotiated in the permit process.

Mr. Hayden commented that a lot of traffic goes to Belchertown and is a lost opportunity. There was no additional public comment.

Mr. Bobrowski MOVED: to close the public hearing. Mr. Francis seconded, and the Motion passed 5-0.

Mr. Bobrowski MOVED: to recommend that Town Meeting adopt A-19-06. Mr. Francis seconded, and the Motion passed 5-0.

III. PUBLIC HEARINGS – PRELIMINARY SUBDIVISION APPLICATIONS

SUB2006-00007, Strawberry Field (I) – The Levi-Nielsen Company, Inc.

Mr. Hayden read the preamble and opened the public hearing for this request for a 4-lot subdivision at 650 South East Street (Map 17D/Parcel 24; Outlying Residence Zoning District).

Mr. Tucker noted that two applications were filed by Mr. Nielsen, so there will be another hearing after this one. The second application considers the “Rock” lot, which the first does not. Also attending the meeting on behalf of Mr. Nielsen, was Mr. Chris Wall of The Berkshire Design Group.

Mr. Hayden asked if Mr. Nielsen wanted to proceed with the hearing, since only five Planning Board members were able to attend the meeting, which meant he would need a unanimous vote. Mr. Nielsen responded that since it was a preliminary application, he would prefer to proceed.

Mr. Tucker explained the preliminary review process.

Mr. Nielsen submitted a list indicating compliance with state and local requirements and requesting the Board’s approval of the preliminary subdivision plan. He said that he accepted the recommendations in the Development Application Report for changes to be made for the definitive stage.

Mr. Nicholas Thaw, 666 South East Street, asked if the four lots shown were single family lots, and if they could become eight lots in the future.

Mr. Tucker explained that the process of creating a subdivision is creating a new road. Once the road exists, new lots can be created. There is a range of possibilities, he noted.

Mr. Bobrowski noted that this was a public hearing about a subdivision of land, nothing else. There are a number of ways this parcel could be developed, he said.

Ms. Carol Gray, South East Street, asked how many units could be built. Mr. Tucker and Mr. Bobrowski explained that it depends on the application submitted.

Questions/discussion about the number of lots and possible units continued for some time with some neighbors expressing preference for single-family houses instead of condominiums.

Ms. Gray told the Board that there wasn't enough information for it to make a decision and that the subdivision requirements were not being adequately addressed.

Mr. Nielsen argued that state and local requirements have been met. Mr. Bobrowski added that a property owner has the right to subdivide his/her land under state law. If the requirements are met, the Board has to approve the application, he noted.

Ms. Heather Colson, 784 South East Street, asked if the Board would be approving the road. This led to another extended discussion about the subdivision of land, the difference between a preliminary and definitive subdivision application, and what the requirements and timing are for the different permit applications.

Ms. Jocelyn Johnson, 603 South East Street, asked how the unresolved issue of an easement across the property and over the Rail Trail fit into the permit process.

After another extended discussion and explanations from the Planning Director and Mr. Bobrowski, Ms. Gray said she wanted a copy of the abutters list (for the hearing) and again told the Board that a lot of information which it needed to make a decision was not included with the application.

Mr. Nielsen repeated that he had met all of the requirements necessary and that the easement issue was not a matter that could be resolved as part of the subdivision approval process.

Mr. Bobrowski asked if Mr. Nielsen was willing to conform to the staff recommendations included in the Development Application Report. Mr. Nielsen responded that he was.

There was no additional public comment at this time.

Mr. Rivera MOVED: to close the public hearing. Mr. Bobrowski seconded, and the Motion passed 5-0.

Mr. Mailler indicated that he had questions for the applicant which needed to be addressed within the public hearing.

Mr. Bobrowski MOVED: to reopen the hearing. Mr. Rivera seconded, and the vote was 4-1 (Francis opposed).

Mr. Mailler asked about the location of the detention basin in relation to the proposed roadway, buildings, and other parts of the site. Mr. Nielsen and Mr. Wall answered his questions and Mr. Wall provided related information on stormwater management. Mr. Nielsen noted that the Conservation Commission, DEP, and Town Engineer would have jurisdiction on these matters.

Mr. Rivera MOVED: to close the public hearing. Mr. Francis seconded, and the Motion passed 5-0.

Mr. Bobrowski MOVED: to approve SUB2006-00007, Strawberry Field (I), with the following recommendations:

1. Street lights be located and installed in accordance with Town Standards.
2. Details of the access to the Norwottuck Rail Trail be provided.
3. The location of fire hydrants be approved by the Fire Department.
4. The Definitive Subdivision Plans address the comments of the Fire Department and the Town Engineer.
5. The applicant file a Request for Determination prior to the submission of the Definitive Subdivision Plan.

Mr. Francis seconded, and the Motion passed 5-0.

SUB2006-00008, Strawberry Field (II), The Levi-Nielsen Company, Inc.

Mr. Hayden read the preamble and opened the public hearing for this preliminary review for a 4-lot subdivision at 650 South East Street. (Map 17D/Parcel 24; Outlying Residence Zoning District)

Mr. Scott Nielsen said that the only difference between this application and the previous one is that the "Rock lot" has been incorporated in this plan. It is part of Lot 3, he said. The proposal meets all requirements, and he urged the Board to approve it. The detention basin will be adjusted as necessary if required by the Town Engineer, DEP and/or the Conservation Commission.

Mr. Nicholas Thaw, 666 South East Street, said that he had the same concerns about this application as he did for the previous one.

Ms. Carol Gray, 666 South East Street, said that the list of abutters should have been included with the copy of the application and it was not. Ms. Gray expressed concern about the Rail Trail easements and associated access road, impacts of the development on the adjacent sheep farm operation, the adequacy of the drainage plans submitted (which she felt were too vague), the fact that adjacent natural waterways off the property had not been indicated on the plans, the proposed width of streets, various state and local regulations she felt were not being met, the absence of specific colored plans asked for as submittal requirements under the subdivision regulations and said that if this is a four-lot subdivision plan, it should remain a four-lot plan in perpetuity.

Mr. Nielsen and Mr. Tucker responded to various of her concerns. Mr. Tucker again indicated that once the road has been created and approved lot lines can be altered as permitted under the zoning.

Mr. Jim Lochner, Valley View, asked if curb cuts would be allowed off South East Street under a frontage development approach. Mr. Tucker said they could be.

Mr. Bobrowski asked if Mr. Nielsen would respond to the recommendations in the Development Application Report. Mr. Nielsen said that he would.

Ms. Gray told the Board that the Farm Committee has requested a hydrogeologic study. Mr. Nielsen said that if such a study were required, it would be done at the definitive stage. He disputed the significance of spotted turtles allegedly found on the site, and indicated that spotted turtles were likely to be de-listed as a species of concern, because they were so numerous state-wide.

Ms. Joanne Jones, 611 South East Street, asked when she would learn what Mr. Nielsen is really proposing for the site. Mr. Tucker said that more details will be available when a definitive application is filed and once again explained the timeline for the application process.

Ms. Jocelyn Johnson, 603 South East Street, said that Mr. Stanley Rock—a signatory to the application—doesn't have controlling ownership of the parcel. Mr. Nielsen asserted that Mr. Rock is a valid owner, and so is a valid applicant.

Mr. Francis MOVED: to close the public hearing.

Mr. Bobrowski said that dispute about ownership of the property is not a Planning Board issue and is out of their scope.

Mr. Bobrowski seconded the Motion to close the hearing.

Ms. Gray described her understanding of the ownership of the Rock property.

Mr. Francis MOVED again: to close the public hearing. Mr. Bobrowski seconded, and the Motion passed 5-0.

Mr. Bobrowski MOVED: to approve SUB2006-00008, Strawberry Field (II) with the following recommendations:

1. Street lights be located and installed in accordance with Town Standards.
2. Details of the access to the Norwottuck Rail Trail be provided.
3. The location of fire hydrants be approved by the Fire Department.
4. The Definitive Subdivision Plans address the comments of the Fire Department and the Town Engineer.
5. The applicant file a Request for Determination prior to the submission of the Definitive Subdivision Plan.

Mr. Francis seconded, and the Motion passed 5-0.

IV. NEW BUSINESS (continued)

D. Schedule of Precinct Forums – Mr. Hayden noted that the schedule was in the Board's packet and he encouraged Planning Board members to attend the forums. However, Mr. Bobrowski said that he thought it would be better for people to attend the public hearings held by the Planning Board. Having attended several forums in previous years, Mr. Bobrowski said that the interests can be widely varied with lobbying efforts going on. The forums are supposed to be neutral informational

sessions, he said, and cautioned that discussions related to zoning changes should not be held outside of the public hearing.

Mr. Tucker was asked to provide files of the zoning articles to the Town Meeting Coordinating Committee for publication on the website.

E. Town Meeting Coordinating Committee – Bus Tour – A notice of a bus tour on Saturday allowing Town Meeting members to visit warrant article sites was in the packet.

C. Town Meeting

The Board reviewed the warrant and selected Mover/Speakers as follows:

Mr. Bobrowski said that Article 12, Special Municipal Employee Status, was important. The Planning Board requires expertise, he noted.

Mr. Mailler MOVED: to support Article 12. Mr. Francis seconded, and the Motion passed 5-0.

**Annual Town Meeting
May 2006
Planning Board Movers/Speakers**

| <u>Article</u> | <u>Mover</u> | <u>Speaker</u> |
|--|----------------|---------------------------------|
| # 18 Zoning Bylaw – Section 6.0 Amendment | Paul Bobrowski | Chris Boyd |
| # 19 Zoning Bylaw – Drive-Through Facilities | Paul Bobrowski | Carl Mailler |
| # 20 Zoning Bylaw – B-G & B-VC Dimensions | Paul Bobrowski | Paul Bobrowski |
| # 21 Zoning Map – College/South East Street | Paul Bobrowski | Paul Bobrowski |
| # 22 Zoning Map – South East Street PURD (Gray) | Petitioner | Rod Francis |
| # 23 Zoning Bylaw – Professional/Technical Offices | Paul Bobrowski | Paul Bobrowski |
| # 12 Petition – Special Municipal Employee Status | Petitioner | Scipioni (Bobrowski,back-up) |

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – None

VII. UPCOMING ZBA APPLICATIONS

The Board decided not to review the following:

ZBA2006-00043, North East Street – Stephen Kucinski

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

IX. PLANNING BOARD SUBCOMMITTEE REPORTS – No Reports

X. PLANNING BOARD COMMITTEE REPORTS – No Reports

XI. REPORT OF THE CHAIR - None

XII. REPORT OF THE DIRECTOR - None

XIII. ADJOURNMENT

Mr. Rivera MOVED: to adjourn this meeting at 10:05 PM. Mr. Francis seconded, and the Motion passed 5-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Aaron A. Hayden, Chair

DATE: _____