

AMHERST PLANNING BOARD
Wednesday, August 16, 2006 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Aaron Hayden, Chair; Leandro Rivera, Richard Howland, Rod Francis, Mary Scipioni, Eduardo Suarez, Carl Mailler (7:45 PM)

ABSENT: No One

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

Mr. Hayden opened the meeting at 7:06 PM.

II. PUBLIC HEARING – REPETITIVE PETITION

RPT2006-00001, Abbass Bozorg

Mr. Hayden read the preamble and opened the hearing for this request for Planning Board consent under the provisions of MGL Ch. 40, Sec. 16 for a repetitive petition for a Special Permit to construct 8 dwelling units at 81 and 69 Meadow Street (Map 5A/Parcels 14 and 16, R-VC District).

Citing a potential conflict of interest due to his personal relationship with the applicant, Mr. Howland recused himself and stepped down from the Board.

Mr. Tucker explained the Board's role (Planning Department Memorandum #2006-07).

Mr. Peter Wells, Berkshire Design Group, told the Board that Mr. Bozorg had submitted a Special Permit application for a flag lot and 8 dwelling units. Ultimately, the ZBA denied the permit for a number of issues, he said. The new plan which Mr. Bozorg will propose is substantially different and addressed the previous concerns, Mr. Wells told the Board. He then described the proposed project and summarized how it addressed the previous issues and concerns.

Mr. Tucker reviewed the ZBA's decision for the Board, highlighting the major issues on which the denial was based. These were: (1) too dense, (2) incompatibility with the neighborhood, (3) incompatibility with an adjacent farm, (4) water quality/drainage, and (5) proximity of buildings to the farm property line.

Mr. Wells said that the revised plan is significantly different and addresses most of the ZBA's issues and concerns. He added that the previous plan was endorsed by the Planning Board as good infill development.

Ms. Scipioni asked how the Board could judge the density issue which led to an extensive discussion about density between the Planning Director and Planning Board.

Mr. Vince O'Connor, 179 Summer Street, asked the Board to defer making a recommendation until the next meeting so that they could read a copy of the ZBA's decision in advance and to get guidance from Town Counsel on interpreting how many Planning Board votes would be sufficient. He went on to describe his own involvement in, and opinions concerning, the previous permit process.

Mr. Joe Swartz, 11 Meadow Street, presented a petition to the Board which asks the Board to deny the applicant's request.

Mr. Bozorg told the Board that the majority of houses on the north side of Meadow Street are rentals. He is proposing condominiums, he said, and is willing to talk to the Town about ensuring the affordability of some units.

Mr. Mark Power, 129 Meadow Street, said that he believes there are 5 or 6 owner-occupied houses.

At this point, the Planning Director noted that more clarification was needed from Town Counsel on interpreting the number of Planning Board members required for the consent vote. The Board is still down two members and since Mr. Howland could not participate in the hearing, and Mr. Mailler was not present at the beginning, that left only five eligible members. He also agreed with Mr. O'Connor that the Board should get copies of the Zoning Board's previous decision and have sufficient time to review it. Mr. Tucker advised the Board that, given the procedural questions that had been raised, it would be appropriate to ask the applicant to withdraw his request. The Board could approve the request to withdraw without prejudice, he noted, and begin the process anew. The Board may also have new members by that time, he noted.

After a brief recess to allow the petitioner an opportunity to consider his options, Mr. Bozorg submitted a request to withdraw his application for repetitive petition without prejudice.

Mr. Francis MOVED: to close the public hearing. Mr. Rivera seconded, and the Motion passed 5-0-1 (Mailler abstained).

Mr. Francis MOVED: that the Board approve Mr. Bozorg's request to withdraw his application (RPT2006-00001) without prejudice. Mr. Rivera seconded, and the Motion passed 5-0-1 (Mailler abstained).

Mr. Howland returned to the Board.

III. PUBLIC HEARING – PRELIMINARY SUBDIVISION APPLICATION REVIEW

SUB2006-00010 - Amherst Enterprise Park – Andrews & LaVerdiere

Mr. Hayden read the preamble for this request for a 6-lot preliminary subdivision application on Meadow Street. (Map 4D/Parcel 8; LI & FPC zone) [continued from June 21, 2006 & July 12, 2006]

Citing a potential conflict of interest due to a previous professional relationship with the applicant, Mr. Howland recused himself and stepped down from the Board.

Mr. William Garrity, landscape architect, noted that this is the third proposal for this parcel. It addresses some of the comments from the previous plans and will preserve the zoning in the event of a zone change.

Mr. Garrity then described the proposal and said that many of the issues, particularly those raised by the Town Engineer, would be addressed at the definitive stage.

At Mr. Hayden's request, Mr. Tucker explained the purpose of the preliminary submission and the Board's role in the preliminary process.

Mr. Joe Waskiewicz, 324 Meadow Street, had concerns about flooding.

Mr. Vince O'Connor, 179 Summer Street, responded to Mr. Waskiewicz's concerns.

Mr. Hayden said that he has confidence in the process.

There was no additional public comment.

Mr. Rivera MOVED: to close the public hearing. Mr. Francis seconded.

Mr. Tucker suggested that the Board review the recommendations for the previous applications and the staff development report.

The Motion passed 6-0.

Mr. Francis MOVED: that the Board approve SUB2006-00010, Amherst Enterprise Park, and recommend the following issues be addressed in the definitive application:

1. The applicant should satisfy the Town Engineer's requirements, especially concerning the drainage easement.
2. The applicant should consult with the Town Engineer regarding how the work to be done on the bridge over Swamp Brook on Meadow Street may affect this property.
3. The disposition and ownership of the remaining undeveloped land should be clarified.
4. The Board strongly recommends that the applicant go through the appropriate review process with the Conservation Commission prior to submitting the Definitive Plan.
5. Street lights should be shown on the Definitive Subdivision plans in accordance with Town standards.
6. Sidewalks should be shown on the Definitive Subdivision plans, or a waiver requested for not providing them.

Mr. Rivera seconded, and the Motion passed 6-0.

Mr. Howland returned to the Board.

IV. APPEARANCE – Valley Vision – Pioneer Valley Planning Commission

Members of the Select Board (Anne Awad, Gerald Weiss, Hwei-Ling Greeney, Robie Hubley, Rob Kusner) joined the Planning Board at this time and Ms. Awad, chair, called the Select Board meeting to order).

Mr. Christopher Curtis, Pioneer Valley Planning Commission, distributed “Valley Vision 2”, draft of an updated regional land use plan for the Pioneer Valley. Valley Vision 1 was completed in 1997. PVPC is looking for support from cities and towns in the Pioneer Valley region for the plan and is soliciting cooperation from municipalities in signing a Memorandum of Agreement.

Mr. Curtis presented the highlights of the plan and answered questions from both boards throughout the presentation and discussion.

Before adjourning, Ms. Awad noted that the Select Board would hope to have a recommendation from the Planning Board by the end of September on signing the Memorandum of Agreement.

The Select Board meeting adjourned, and the Planning Board returned to the remainder of their agenda.

V. ELECTION OF CLERK – postponed until vacancies on Board are filled.

VI. NEW BUSINESS

A. Comprehensive Planning Committee Charge Revision – Planning Board Role – The Board discussed recent revisions to the Comprehensive Planning Committee charge taken by the Select Board at their August 7th meeting. Members were concerned that they had not been consulted in advance of the changes. It was noted that the two Planning Board representatives would become non-voting members. Mr. Rivera said that the Select Board seems to be ignoring the Planning Board’s role in the master planning effort. He would like to hear their thought process, he said. Mr. Mailler suggested that the Planning Board ask the Select Board at one of their meetings for an explanation. Ms. Scipioni said that the Planning Board should ask the Select Board for their reasoning, express their opinion, and ask why the Planning Board wasn’t consulted.

Mr. Hayden said that he would initiate a request to appear before the Select Board and suggested that he and Mr. Rivera would represent the Board. Other members said that they would also be interested in attending the Select Board meeting and Mr. Suarez said that he would like to know more about what Mr. Hayden intended to say. Mr. Hayden said that he would say that the Planning Board ought to have a voting position; ask why the Board had not been consulted in advance and would like the Select Board to explain their reasoning. He noted for the record that he tries to be very clear about what his job is.

Mr. Mailler MOVED: that the Planning Board authorize the Chair and any other members to attend the Select Board meeting to discuss the following:

- 1) reiterate the charge
- 2) voting authority of the Planning Board representatives
- 3) motivation for the change(s).

Mr. Rivera seconded, and the Motion passed 6-0-1 (Suarez abstained).

- B. Planning Board/Zoning Board of Appeals Training – Schedule – Postponed.**
- C. Other – None**

VII. OLD BUSINESS

A. ANR2007-00002, Summer Street – Development Authorization Date

Mr. la Cour explained that the Development Authorization Date was overlooked at the last meeting of this previously endorsed plan. He said that staff recommends using the default of 50% the first year.

Mr. Howland MOVED: that the Board establish September 2006 as the date that the first two lots will be eligible for building permits. Mr. Francis seconded, and the Motion passed 7-0.

- B. Zoning Subcommittee Organization/Schedule – Mr. Tucker noted that Mr. Mailler is the only member on the Zoning Subcommittee. Mr. Hayden and Mr. Suarez expressed interest and will join Mr. Mailler.**

VIII. FORM A (ANR) SUBDIVISION APPLICATIONS

The Chair endorsed the following:

ANR2006-00004, Pine Street – North Amherst Community Farm
ANR2006-00005, 569 South Pleasant Street – Gordon Thorne

IX. UPCOMING ZBA APPLICATIONS – None

X. UPCOMING SPP/SPR/SUB APPLICATIONS

Mr. la Cour noted that several applications have been filed. The Board scheduled site visits for SPR2006-00008, The Common School and SUB2006-00009, Haskins View Definitive for Tuesday, August 22, 2006 at 8:00 AM and 8:20 AM respectively. Site visits for Site Plan Review applications for The First Congregation Church and Judie's will be scheduled later.

XV. ADJOURNMENT

Mr. Francis MOVED: to adjourn this meeting at 10:45 PM. Ms. Scipioni seconded, and the Motion passed 7-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Aaron A. Hayden, Chair

DATE: _____