

**AMHERST PLANNING BOARD**  
**Wednesday, October 18, 2006 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Aaron Hayden, Mary Scipioni, Dick Howland, Rod Francis, Carl Mailler, Leandro Rivera, Eduardo Suarez (7:04 PM), Kathleen Anderson (7:15 PM)

**ABSENT:** No One

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

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Mr. Hayden opened the meeting at 7:03 PM.

**I. MINUTES – Meeting of September 6, 2006**

Mr. Howland MOVED: to accept the Minutes of September 6, 2006 as submitted. Ms. Scipioni seconded, and the Motion passed 5-0-1 (Francis abstained).

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

**VII. UPCOMING ZBA APPLICATIONS**

The Board decided not to review the following:

ZBA2007-00012, Merrill Center, Amherst College – Omnipoint Communications, Inc.

**V. OLD BUSINESS**

**B. Upcoming Meeting Schedule**

The Board scheduled the November 15<sup>th</sup> meeting at 5:30 PM at the Middle School in anticipation that Town Meeting would still be underway.

**II. PUBLIC HEARING – SCENIC ROAD – JOINT HEARING WITH TREE WARDEN**

Mr. Hayden read the preamble and opened the hearing for this request.

**Haskins View Definitive Subdivision – East Leverett Road (Map 3A/Parcels 20, 80, 78, Map 3B/Parcels 20 & 80). Trees proposed to be removed, pruned or trimmed:**

9” Ash, 16” Maple, 10” White Oak, 12” White Pine, 22” Red Oak, 12” Ash, two-stem 12” Maple, 32” Oak, 24” Oak, 14” Yellow Birch, 14” Oak, 30” Beech (Base Split), 16” Beech (crown missing), 18” Ash, 20” White Oak, two-stem 6”-8” Black Cherry, three-stem 10” Red Maple, 5” Black Cherry, multi-Stem 8” Black Cherry, 20” Red Maple, Multi Stem 4”-8” Red Maple, three-stem 6”-8” Apple, 5” Black Cherry, three-stem 4”-8” American Elm.

Mr. Bill Garrity, landscape architect, presented the proposal and indicated the trees which are under jurisdiction. Mr. Garrity told the Board that the tree removal is needed to improve sight distances; some trees are hazardous because they are diseased and/or dying. He said

that the applicant wants to implement the plan in two phases. The first phase would involve only removing the trees necessary to put the road in and see what the sight distances are. After the road is in, the applicant would come back with another proposal.

Mr. Stanley Ziomek, Tree Warden, said that the Public Shade Tree Committee, prefers to wait until the road is in.

Mr. Bill Hutchinson, Public Shade Tree Committee, summarized the Committee's recommendations for the Board. The Committee is reluctant to allow the removal of live trees on the site, he said. Trees and brush should not be removed unless they are hazardous, he said. The Committee concurs with allowing the work to be done in two phases, Mr. Hutchinson told the Board. The Public Shade Tree made the following recommendations to the Tree Warden:

- 1) Only the following trees that fall within the curb cut and trees that will have significant root loss due to the curb cut should be removed. South end: 16" DBH Maple, 10" DBH white Oak, 12" DBH White Pine and 22" DBH Red Oak. North end: 8" DBH multi-stem wild Cherry, 20" DBH Red Maple, 4"-8" DBH multi stem Red Maple and 6"-8" DBH 3 stem Apple.
- 2) All other saplings greater than 1.5" in diameter (measured one foot off the ground) and trees should be left untouched to help maintain the character and intent of the Scenic Road Designation.

Mr. Francis said that sight line concerns had been raised during the site visit.

The Board also reviewed correspondence from the Town Engineer expressing concerns about sight distances.

Mr. Peter MacConnell, representing the applicant, noted that the applicant is willing to come back to the appropriate boards and committees later, if permission is granted to cut the trees necessary to construct the road entryways.

Mr. Vince O'Connor suggested that the Board could close the scenic road hearing and make the decision at the subdivision hearing.

Mr. Howland MOVED: to close the hearing. Mr. Rivera seconded.

The Board considered whether they would be receiving or reviewing additional information for the second phase of the project and whether they should leave the hearing open. Mr. Tucker said that staff recommend continuing the hearing to December 6 which would be the same night as the subdivision review.

The Motion passed 8-0.

Mr. Ziomek asked if the Board would accept the Shade Tree Committee's recommendations.

Mr. Francis MOVED: to reopen the hearing and continue to December 6, 2006 at 7:30 PM. Mr. Mailler seconded.

Mr. Suarez said that he wanted more information about the site. Mr. Mailler suggested that the Board go back to addressing “phase one”. He said that they wouldn’t be getting any new information and, therefore, could close the hearing.

Mr. Francis WITHDREW the Motion to continue. Mr. Mailler agreed.

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

Mr. Rivera MOVED: to follow the recommendations per the Tree Warden and Public Shade Tree Committee. Mr. Mailler seconded, and the Motion passed 7-0-1 (Suarez abstained).

#### **IV. NEW BUSINESS**

- B. “Things You Need to Know” M.F.P.A.B. – Annual Meeting – in packet**
- C. Smart Growth Comes of Age – in packet**

#### **III. PUBLIC HEARING – ZONING AMENDMENTS**

##### **A-21-06 Main & High Street Rezoning**

Mr. Hayden read the preamble and opened the hearing for the following proposal to rezone several properties on Main Street and High Street, as follows:

Rezone from General Residence (R-G) to Village Center Business (B-VC)—a portion of 319-321 Main Street (Map 14B, Lot 28), 446 Main Street (Map 14B, Lot 66), 462 Main Street (Map 14B, Lot 68), a portion of 457 Main Street (Map 14B, Lot 131).

Rezone from Commercial (COM), or from both Commercial (COM) and General Residence (R-G), to Village Center Business (B-VC)—502 Main Street (Map 14B, Lot 130), 534 Main Street (Map 14B, Lot 128), 13-15 High Street (Map 14B, Lot 129), High Street (Map 14B, Lot 234).

Mr. Tucker explained that this proposal is separate from the recent public hearing to change the zoning for the property just at 446 Main Street. The property owner (at 446 Main) is agreeable to changing the zoning to B-VC (instead of Commercial), he said. The Zoning Subcommittee has been working on the proposal and has held a neighborhood meeting and site visit. It would relieve non-conformities, he said.

Mr. Vincent O’Connor, 179 Summer Street, said that he would like to see the difference between down-zoning to B-L versus B-VC. He expressed concern that the parking area on the back side of lot 131 not be included in the rezoning and said that the Board should see the associated ZBA decision before making a recommendation. Mr. O’Connor said that he doesn’t support the VFW being up-zoned and would like it to continue as nonconforming. He also said that he was concerned about the parcel across from the Emily Dickinson House and said it should be put in with the other residential parcels. The Town has streamlined the

Special Permit process, so he was not sympathetic to people expressing hardship about the process, he said.

Mr. Gerald Weiss, Select Board, said that there are some good residentially-compatible business uses in residential areas now. The Special Permit process for non-conformity keeps them in check, he said. He expressed concern about what could happen if the property is sold after/if the rezoning goes through.

Ms. Scipioni suggested that the proposed amendment might be a little premature. She said she supports expansion of the village center zone but while this is a good attempt it may not be ready.

Mr. Frederick Griffith, Main Street, parcel 67, said that he supports the proposal but shares the “next owner problem” concerns.

Mr. Tucker explained the differences between the uses permitted in the B-L and B-VC districts as related to this amendment.

Mr. Weiss said that just rezoning the parcel for which the request had been made seems like spot zoning and said it’s a questionable area for a village center.

Mr. Roger Higgins, 558 Main Street, spoke in support of some aspects of the amendment, but expressed concern about others.

Mr. O’Connor suggested that it would be useful to include Mr. Tucker’s explanation of the differences between B-L and B-VC and the differences in the dimensional requirements in any Town Meeting presentation. It’s not a bad thing to organize zoning in a rational way, he commented.

There was no additional public comment.

Mr. Howland MOVED: to close the public hearing. Ms. Anderson seconded, and the Motion passed 8-0.

Mr. Mailler said that he was originally responsive to the citizen petition and that the article is separated into parts A, B and C so it would be possible to recommend one, two, three or none of the parts. It’s a good approach, he said. However, it may require more work. The Zoning Subcommittee recommends asking Town Meeting to refer it back.

Mr. Howland said that the proposal is fragmented. It needs to be reviewed and reconsidered, he said. He would like to hear the Comprehensive Planning Committee’s ideas, he said.

Mr. Rivera said that it’s difficult to envision change in this area and asked if the rezoning proposal had been reviewed using smart growth guidelines.

Mr. Francis asked if there were impediments for getting the special permits for non-conforming uses. Mr. Tucker explained the process.

Mr. Suarez said that the Board needs to consider the needs of the Town.

Mr. Mailler MOVED: to recommend that Town Meeting refer article back to the Board. Mr. Howland seconded, and the Motion passed 8-0.

**A-22-06 FC Development**

Mr. Hayden read the preamble and opened the hearing for this proposal to amend Sections 3.2832, 3.285, 6.3, 10.323 and 11.230 of the Zoning Bylaw to clarify dimensional regulations, residential development standards, and transmittal requirements in the Farmland Conservation (FC) overlay district.

Mr. Tucker explained that these are generally a series of technical fixes. Mr. Mailler said that the Zoning Subcommittee was unable to devote a lot of time to this proposal because they spent a great deal of time on other issues and they were unable to meet for a time because they did not have enough members. Therefore, the newly formed Subcommittee recommends asking Town Meeting to refer this article back for further study.

Mr. Vince O'Connor expressed concerns about whether or not the proposed changes represented technical fixes or policy shifts, and said others—including the Farm Committee—should be consulted.

There was no additional public comment.

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

Mr. Howland MOVED: to recommend that Town Meeting refer this article back to the Planning Board. Mr. Mailler seconded.

Ms. Scipioni said that the other side of the issue needs to be looked at as well – the impacts experienced by residential uses located next to active farmland.

**VI. FORM A (ANR) SUBDIVISION APPLICATIONS**

The Chair endorsed the following:

ANR2007-00013, Pomeroy Lane – Andrew D. George

Mr. Howland MOVED: to establish November 2006 as the date the two new lots will be eligible for building permits. Mr. Francis seconded, and the Motion passed 8-0.

The Chair also endorsed the following:

ANR2007-00012, 390 Main Street – 25-35 University Drive

After reviewing the point system for the Phased Growth Bylaw, the Board agreed to go with the default percentages under Section 14.3.

Mr. Francis MOVED: to assign the following schedule of permit authorizations: November 2006 – lots 1 and 2; November 2007 – lots 3 and 4; November 2008 – lots 5 and 6. Mr. Mailler seconded, and the motion passed 8-0.

**V. OLD BUSINESS (continued)**

**A. Planning Board/Zoning Board – Training Session – Thursday, October 26, 2006**

**X. PLANNING BOARD COMMITTEE REPORTS**

**A. Pioneer Valley Planning Commission – No Report**

**B. Community Preservation Act Committee –** Mr. Francis said there will be a measure on the November 7 ballot. He said the Committee supports the ½% increase.

**C. Farm Committee – No Report**

**D. Comprehensive Planning Committee –** Mr. Hayden said that the Board needs to discuss political aspects related to the master planning process.

**XI. REPORT OF THE CHAIR – No Report**

**XII. REPORT OF THE DIRECTOR –** Mr. Tucker recommended that the Board should continue the Wetlands District public hearing.

Mr. Mailler MOVED: to continue A-22-06, Wetlands District Removal, to November 1. Ms. Anderson seconded, and the Motion passed 8-0.

**XIII. ADJOURNMENT**

Mr. Howland MOVED: to adjourn this meeting at 10:05 PM. Mr. Mailler seconded, and the Motion passed 8-0.

Respectfully submitted:

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Sue Krzanowski, Management Assistant

Approved:

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Aaron H. Hayden, Chair

DATE: \_\_\_\_\_