

**AMHERST PLANNING BOARD**  
**Wednesday, November 1, 2006 – 5:30 PM**  
**Home Economics Room, Amherst Regional Middle School**  
**MINUTES**

**PRESENT:** Aaron Hayden, Chair; Mary Scipioni, Carl Mailler, Rod Francis, Susan Pynchon, Kathleen Anderson, and Richard Howland (6:25 PM)

**ABSENT:** Leandro Rivera and Eduardo Suarez

**STAFF:** Jonathan Tucker, Director; Niels la Cour, Senior Planner

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Mr. Hayden opened the meeting at 5:35 PM.

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

**Henry Street Drainage and Repaving Project**

Mr. Hayden read the preamble and opened the public hearing for this joint public hearing with the Tree Warden to discuss the proposal for removal of trees along Henry Street.

Mr. Tucker reviewed the two state statutes that provide the legal background and set the jurisdictions of the Planning Board and Tree Warden concerning tree removal along a Scenic Byway.

Mr. Jason Skeels, Town Engineer, described the project. He said that the pavement on this section of Henry Street was continually suffering damage and need of repair due to poor drainage. Therefore before the road was to be repaved, proper drainage would need to be installed in order to make that investment worthwhile. He noted that the grading and installation of drainage structures would necessitate the removal of a number trees.

Mr. Skeels noted that he had walked the entire length of the project area with the Public Shade Tree Committee and the Tree Warden and they had discussed each tree individually. He said that several trees were determined to be a hazard, already dead or rotting. The Tree Warden noted that if a tree is determined to be a hazard by the Tree Warden, it is exempt from this process. Mr. Skeels also said that the Public Shade Tree had requested efforts be made to minimize the potential damage to several trees and that they be saved instead of removed. Mr. Skeels said that for the most part he agreed that they would do everything possible to save the trees as recommended by the Tree Warden.

Mr. Skeels then went through the entire list of trees and described the situation with each tree as to what was happening with grading and drainage, and whether it could be saved or need to be removed.

Mr. Alan Snow, Chair of the Public Shade Tree Committee, said they had spent a long time looking at the trees and how to preserve the scenic character of the road. He said that the Public Shade Tree Committee would like to see the Town set up measures before work begins to protect those trees that are to be saved.

Mr. Stan Ziomek, Tree Warden, said that this project, in combination with the tree removals proposed on East Leverett Road, were the most trees he had ever seen removed in his 50 years with the Town. He said that with careful work by the DPW most of the trees could be saved. He urged the Planning Board to endorse his recommendations, copies handed to the Planning Board, as to which trees should be removed and which ones should be saved.

Mr. Tucker summarized that it sounded like there was general agreement on what could and should be done.

Mr. Mailler asked that if all the trees were to be removed, would the road still be scenic. What was the big picture? Mr. Ziomek responded that the road would still be scenic because it is not getting straightened out and many trees will still remain. However, he suggested that as many trees should be saved as possible to maintain the character of the road.

Ms. Anderson asked what happens to the wood when the trees are cut down. Mr. Ziomek explained that the abutting landowner get the right of first refusal for the wood. It was noted that this wood is not suitable for lumber.

There was no comment from the public.

Mr. Francis MOVED: To close the public hearing. Ms. Scipioni seconded, and the Motion passed 6-0.

Mr. Francis MOVED: To accept the recommendations for the removal of trees along Henry Street as proposed by the Tree Warden. Ms. Anderson seconded, and the Motion passed 6-0.

## **I. PUBLIC HEARING – ZONING AMMENDMENT**

### **A-22-06 Wetlands District (WD) Removal – (Article 13)**

Mr. Hayden noted that this hearing had been continued from October 18, 2006. He also noted a letter provided to the Board on their desks from Town Council Alan Seewald regarding this matter.

Mr. Tucker reviewed a list of issues that he had prepared for the meeting and provided on the Board's desks which included a discussion of the legality of this district because of the 'floating' boundary of the zone. He further explained how defining the boundary of this district is untenable. There was further discussion on all the reasons why it did not make sense to keep this part of the Zoning Bylaw.

There was some discussion about how much more time needed to be put into discussing this seemingly open and shut matter. Some members said that the discussion was useful to prepare for any misperceptions or misunderstandings at Town Meeting.

Mr. Hayden noted that the Conservation Director was present and wanted to hear from him.

Mr. Ziomek, Conservation Director, said that he wanted to read a letter from the Chair of the Conservation Commission about Article 13. Mr. Ziomek read the letter which said that the Conservation Commission took no position on this article because it had NO impact on their work.

Mr. Howland reviewed the comments that he was proposing to make to Town Meeting as the speaker for the Board on this article.

There was no other comment from the public.

Mr. Francis MOVED: To close the public hearing. Ms. Anderson seconded, and the Motion passed 7-0.

Mr. Francis MOVED: To recommend to Town Meeting that it expunge the Wetland District from the Zoning Bylaw and Zoning Map. Mr. Howland seconded, and the Motion passed 7-0-1 (Ms. Pynchon abstained as a new member who had not been involved in the previous discussion).

### **III. NEW BUSINESS**

#### **A. Signing of Decisions**

The Board signed the decisions for SPR 2007-00001, First Congregational Church and SPR 2007-00002, Judie's Restaurant.

#### **B. "Chapter 40B: Trends and Innovations"**

Mr. Tucker noted that this is an issue that the Board is likely to face which is why the flier for the conference was in the Board's packet. He also noted that there is money to pay for Board member's registration fees.

#### **C. Other – Lot Release for Lawrence Circle**

Mr. la Cour noted the request for a release of one lot on Lawrence Circle on the Board's desks. He said that the applicant had completed all the work expected to this point and that this was the first lot release requested for this project, so that staff recommended granting the release of the lot. Mr. Tucker explained the process of holding covenants on lots for some of the new members.

Mr. Francis MOVED: To release Lot 1 of Lawrence Circle. Mr. Howland seconded and the Motion passed 7-0.

### **IV. OLD BUSINESS**

#### **A. Town Meeting**

- 1) Movers/Speakers

The Board reviewed the list of Movers and Speakers. Mr. Tucker explained the likely order and timing of the various Articles.

2) Article 10 – Creation of Agricultural Commission

Mr. Tucker explained that the Agricultural Commission was being formed by Town Meeting to provide more support for farming from the Town. He talked about the advisory role the Commission would play in relation to the Planning Board. He explained that since the Agricultural Commission would be advising the Planning Board on certain issues, people thought that it would be odd to have a Planning Board representative voting on a recommendation that they would later be acting on as part of the Planning Board, which is why it was being proposed that the Planning Board member would be a non-voting member.

Mr. Mailler said that they are all citizen volunteers on these Boards and Committees and that if somebody stays on long enough they may make decisions that they might later have to deal with if they became a Planning Board member. He said he did not understand the logic behind taking members voting rights away from any member of a Board or Committee that they are interested in and putting effort into. Several other Board members voiced similar concerns about volunteers putting significant time and effort into their work and being disenfranchised by losing their right to vote.

Ruth Hazard, Chair of the Farm Committee said that since she has been Chair, only once has a Planning Board member been at a Farm Committee meeting. She said that she should probably have come to the Planning Board earlier to discuss this matter. She also clarified that the non-voting status for the Planning Board member had come from the farm committee and not the Select Board and was not related to any conflict of interest concerns. She said that the effort was really about the farmers, and how to make it work for them. She noted that farmers are incredibly busy people and it is often difficult to get a quorum at meetings and that if a voting member is not going to show up at meetings, it makes getting a quorum even more difficult.

Mr. Howland suggested a more informal approach where the chairs of the respective Boards and Commissions paid attention to each other's agendas and attended meetings when there was something of concern on the agenda.

Ms. Scipioni asked if this proposal goes through, whether the Planning Board would be obligated to send someone.

Ms. Pynchon noted that she did not have a problem with the proposal and was open to giving it a try. She also said that she would be willing to be the Planning Board's representative on the Commission.

Ms. Scipioni MOVED: To have the Planning Board take no position on Article 10. Mr. Howland seconded and the Motion passed 6-1 (Mr. Hayden opposed).

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

The Chair endorsed the following:

ANR 2007-00014, Across from 207 Leverett Road, Amherst Building Company

Mr. Francis MOVED: To set the Authorization Date for 50% of the lots as December 2006. Mr. Mailler seconded, and the Motion passed 7-0.

**XII. ADJOURNMENT**

Ms. Scipioni MOVED: to adjourn this meeting at 7:12 PM. Ms. Anderson seconded, and the Motion passed 7-0.

Respectfully submitted:

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Niels la Cour, Senior Planner

Approved:

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Aaron A. Hayden, Chair

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