

AMHERST PLANNING BOARD
February 16, 2005 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Paul Bobrowski, Chair; Carl Mailler, Adrian Fabos, Chris Boyd, Aaron Hayden, Mary Scipioni, Pam Rooney, Rod Francis (7:02 PM)

ABSENT: David Kastor

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

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

I. MINUTES – Meeting of February 2, 2005

Mr. Bobrowski noted an incorrect word on page 1.

Mr. Hayden MOVED: that the Board approve the Minutes of February 2, 2005 as corrected. Mr. Boyd seconded, and the Motion passed 6-0 (Fabos abstained).

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

III. NEW BUSINESS

A. Lot Release Requests – Amherst Hills

The Board reviewed a request from Mr. Douglas Kohl for the release of Lot 37, Hawthorn Road and Lots 68 and 70, Linden Ridge Road. Mr. la Cour noted that these lots are part of the Amherst Hills Subdivision and since there are many lots remaining, there is no reason to not release these as requested.

Ms. Rooney MOVED: that the Board release these three lots. Mr. Fabos seconded, and the Motion passed 7-0 (Francis abstained).

The Board signed the three Certificates of Performance. The Board also signed a corrected Certificate of Performance for Lot 7, Moody Field Subdivision.

Mr. Bobrowski welcomed Mr. Roderick Francis who had taken Ms. Hyman's place and was attending his first meeting.

II. PUBLIC HEARING – SPECIAL PERMIT APPLICATION

SPP 2005-00002 - Sunwood Pines, Pine Street – Sunwood Development

Request a Special Permit for construction of a 20-unit residential development under the Open Space Community Development bylaw (Section 4.5). (Map 05B/Parcel 164; R-N District) [continued from November 17, December 15, 2004 & January 19, 2005]

Mr. Bobrowski said that this hearing had been opened back in November but had to be continued a couple of times because of illnesses. No testimony had been taken at any of the previous hearings, he noted. Mr. Bobrowski explained the process for the hearing and asked members of the public to contain their initial comments to three or four minutes.

Presenting the proposal to the Board were Mr. Shaul Perry, Sunwood Development and Mr. Mark Darnold and Mr. Chris Wall, The Berkshire Design Group.

Mr. Darnold began the initial presentation to the Board by presenting the layout and explaining that the units were sited the way that they are to ensure privacy between the units, to take advantage of the winter sun and to maintain the best access to the open space. He told the Board that the Conservation Commission had approved the proposal and issued an Order of Conditions. He reviewed drainage, lighting, landscaping, solar orientation of the units on the site, and the location of the detention basin.

Mr. Darnold showed an aerial photograph of the site indicating how the project will fit into the neighborhood. He said that there will be a walking trail around the perimeter of the site. An existing tobacco barn will remain and be used as a bus stop, he said. There will be a sidewalk going through the development. As many trees as possible will be maintained and augmented with additional plants and let to grow out over the years, he told the Board. Mr. Darnold noted that Mr. Perry is proposing to set aside \$20,000 in escrow to be used to develop the open space and the decision on how to develop it will be left to the residents, themselves.

Mr. Perry said that there will be five buildings with four units each. The buildings will be a mix of two and three bedrooms units and most will have garages. Two of the units will be fully ADA handicapped accessible.

Mr. Darnold told the Board that the proposal meets all of the zoning requirements.

Mr. Mailler asked about the number of parking spaces provided. Mr. Perry said there will be two per unit and additional spaces for visitors. Mr. Mailler also asked for additional information on the landscaping buffer. Mr. Wall said that they will keep as many trees as possible and augment with a variety of others species to maintain a 25 foot buffer. This will be left to grow out over time, he said. Mr. Perry said that they will try to create a similar situation to what is there now.

Mr. Hayden asked if the proposed plantings will be native species and where the garbage would be collected. Mr. Perry said that most of the plantings would be native species. He described the sheds where the trash and recycling bins will be located. Mr. Perry also described the mailbox enclosure which will have a bench, he said.

Mr. Fabos asked about the hours of the street lights. Mr. Perry said that the lighting could be controlled through the homeowners association documents.

Mr. Bobrowski asked for more information about the drainage trench along the walking path. Mr. Darnold described it in more detail. Mr. Bobrowski asked for more information about the buffer and if the major trees would be saved. Mr. Darnold and Mr. Perry

provided the information. Mr. Perry said that the large trees had been surveyed and he intends to save as many large trees as possible and noted that some of them are not on his property.

Mr. Mark Hamin, 75 State Street, referred to Town Counsel's letter on the 30% agreement, which Town Counsel said he believed met the requirement. Mr. Hamin said that he had requested Town Counsel's opinion on the validity of the homeowners documents, whether the same 30% could be used in this application as in the previous, and has asked for documentation that prospective buyers have participated in the development process. He asked if the Conservation Commission had reviewed this application. Mr. Hamin said that the sun/shade study was faulty. He said that the proposed units are completely out of scale with the rest of the neighborhood. There is not enough accessibility. Mr. Hamin said that the roadway, utilities and units should be moved to create more open space for the neighborhood instead of being closed off from the surrounding neighborhood. He said that with the current proposal the sun will beat down on the houses in the summer. Mr. Hamin said that there should be a dialogue with prospective home owners.

Mr. Neil Errickson, 316 Pine Street, showed several photographs of the site to the Board. He expressed concern about cutting into the existing slope and the unstable hillside. Trees will die, he said, and the loss of trees will ruin the wildlife corridor. Mr. Errickson showed the Board a sketch with less units and no cutting of trees which preserves the open space, he said.

Mr. Dan Boisclair, 95 State Street, said that the proposal would remove all vegetation including large oak trees and a maple. The planting plan shows single trees in a line, he said, which is not a dense buffer.

Ms. Felicia Mednick, 137 State Street, spoke in favor of less units, 8 instead of 20, and said that the proposal may meet the intent of the bylaw but it violates the spirit.

Mr. Bobrowski asked if Mr. Perry had documentation to show that he met the 30% requirement. Mr. Perry said that the project is highly desirable and needed in Town. Twelve units were presold, he said, and he could probably presell the entire development with very little effort. Mr. la Cour confirmed that 14 agreements out of 20 were submitted with the application, which is over 30%, he said.

Mr. Bobrowski commented that he has been satisfied with Town Counsel's opinion on the 30% requirement and did not find it necessary to ask for additional information from him at this time. He asked Mr. la Cour if Conservation Commission approval would be needed again.

Mr. la Cour responded that since nothing has changed with regard to wetlands the Order of Conditions, which is good for three years, is still valid.

The discussion turned to the slope, how much cutting will be done, what kind of buffer is proposed, the sun/shade study, how many trees will be removed, what will replace the trees, grading and stabilizing the slope.

Mr. Bobrowski suggested that members who did not attend the site visit should go out to the site on their own. He asked Mr. Perry to respond to the issues raised. Mr. Perry said that his proposal fully adheres to the Open Space Community Development bylaw. In response to concern expressed that all of the units be accessible, Mr. Perry said that all of the front doors will be adaptable. The accessible units will be fully ADA accessible, he said.

Mr. Bobrowski commented that lighting could be handled between the developer and prospective owners.

Ms. Rooney said that although she understands why the neighbors want the units moved, she prefers the arrangement as proposed. Ms. Scipioni said that she agreed that the proposed arrangement is appropriate for the site. Mr. Hayden also said that he agrees that this seems to be the best configuration but that the neighbors are concerned with losing their access to what has been their backyard.

Mr. Mailler asked for more information about the buffer. Mr. Perry said that it will have a bare minimum impact. Mr. Darnold said that although no buffer is required, they are providing a 25-foot buffer. Minor grading will be done in the buffer zone, he said.

Mr. Hamin expressed further concerns that there is no evidence that prospective buyers have been part of the process, and there has not been a meeting of the homeowners association. He asked for documentation showing early involvement of prospective owners. Mr. Hamin said that the former planning director said that it was okay to have two separate parcels of open space; that the open space does not need to be contiguous.

Ms. Sally Malsch, Realty World Sawicki, told the Board that she has four people interested in purchasing units. Ms. Malsch said that Mr. Perry has interacted with prospective owners from the very beginning and has made every effort to consider feedback from them.

Ms. Mednick said that less units would be preferred. The process should have involved the neighborhood, she suggested.

Mr. Shaun MacCartney, 89 State Street, offered to have the site visit begin at his house.

Ms. Christine Lau, Realty World, said that she has two clients interested in the units. There is nothing else like it in Town, she commented, and there is a need for this kind of development. Ms. Lau told the Board that the only reason her clients didn't put a deposit down on the units is because they're elderly and don't know if they'll be alive if, and when, they're ever built. It's a hardship, she concluded.

Mr. Boisclair raised additional concerns about the buffer strip.

Ms. Rooney provided a list of concerns/recommendations for Mr. Perry's consideration. These included:

- clear brush from the flatter field portion

- limit tree cutting
- on the landscape plan a note should be added that New England conservation mix be used on all areas of cut and fill
- plantings should be all native species, look for something other than pieris japonica
- the buffer should be restored as quickly as possible
- grading should be at least 15 feet away from the property line
- save as many trees as possible
- pull back grading along northern boundary to save as much of the buffer as possible
- use broad leaf evergreens to produce good dense vegetation to avoid problems caused by headlights
- bigger area around the mailbox area to make it more inviting
- reduce the density of the development by reducing one unit in the last section
- appreciates that cutting is minimized
- lighting should be motion sensitive

Mr. Mailler asked if there would be any fences. Mr. Perry said that some decks will have a small one-sided fence. These will be controlled by the homeowners association, he said.

Mr. Bobrowski noted that the homeowners documents will need to be approved by the Board as part of the decision. He reminded everyone to read them for the next time. Mr. Bobrowski said that, in addition to the concerns already listed, Mr. Perry needs to think about changing the grading plan, the planting plan, the trail should follow the existing road to the greatest extent possible. There was another discussion about trees and the buffer with a recommendation that Mr. Perry leave 10-15 feet of no touch buffer and augment existing planting.

Mr. Perry asked the Board to be specific about what it wants and why.

Ms. Rooney commented that steep hillsides should be unbuildable; there are too many units on one small piece of land, she said.

There was no additional public comment.

Ms. Rooney MOVED: to continue the hearing to March 16, 2005 at 7:05 PM. Mr. Hayden seconded, and the Motion passed unanimously 8-0.

Mr. Bobrowski said that a site visit would be beneficial. The Board scheduled a site visit Monday, March 7, 2005 at 4:30 PM.

III. NEW BUSINESS (continued)

B. Ingate Farm Estates, Belchertown – Traffic Impact and Access Study – The Board received a copy of the Traffic Impact and Access Study which they discussed. They provided the following recommendations which Mr. la Cour said he would pass on. The streets should have more residential character, be no wider

than 22 feet with at least one sidewalk and include street trees. There should be place for a bus stop. There should be connection or access to trails.

- C. **Correspondence – Massachusetts Development Finance Agency – Revenue Bond on Behalf of Service Net, Inc.** – Mr. la Cour noted this was provided in the packet for the Board's information.
- D. **PVPC Regional Reporter Newsletter** – in packet. Mr. Bobrowski noted that there will be a session, April 6th, at Suffolk University on Land use Reform Act.
- E. **Other** – None

IV. OLD BUSINESS

- A. **Removal from Chapter 61A – Property located westerly of Route 116 and easterly of Eastman Brook – Joseph M. Mitchell (continued from February 2, 2005)** – Mr. la Cour noted that the Town still had not received a copy of the purchase and sale agreement. The Board decided to table the item for now.
- B. **Other** – The Board signed the final plans for Moody Fields subdivision.

V. FORM A (ANR) SUBDIVISION PLANS – None

VI. UPCOMING ZBA APPLICATIONS

The Board decided not to review the following:

ZBA2005-00017, 1185 North Pleasant Street, Robert M. Pollak
ZBA2005-00018, 462 Main Street, Nancy Hamel
ZBA2005-00019, 353 Pelham Road, Earl A. Waterman

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

VIII. PLANNING BOARD SUBCOMMITTEE REPORTS

- A. **Zoning** – Mr. Bobrowski said that the Subcommittee is working on affordable housing amendments and changes to OSCD.
- B. **Atkins Working Group** – No Report

IX. PLANNING BOARD COMMITTEE REPORTS

- A. **Pioneer Valley Planning Commission** – No Report
- B. **Community Preservation Act Committee** – Ms. Rooney said that the Committee heard proposals from housing, open space, LSSE and the Historical Commission. They will meet next week to make recommendations.

C. Farm Committee – has not met

D. Comprehensive Planning Committee – Mr. Hayden said that the RFPs are going out. A subcommittee was formed to review the RFPs. The Comprehensive Planning Committee is going to expand, he said.

X. REPORT OF THE CHAIR – Mr. Bobrowski said that he attended a meeting in Boston on Land Use Reform. He recommended a session to be held at Suffolk University which will be a two-hour presentation on Land Use Reform. It's scheduled for April 6th, 10:00 AM to Noon, he told the Board.

XI. REPORT OF THE DIRECTOR – No Report

XII. ADJOURNMENT

Mr. Boyd MOVED: to adjourn this meeting at 10:35 PM. Mr. Fabos seconded, and the Motion passed unanimously, 8-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Paul G. Bobrowski, Chair

Approved: _____