

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

PRESENT: Paul Bobrowski, Chair; Carl Mailler, Adrian Fabos, Chris Boyd, Mary Scipioni, Pam Rooney, Rod Francis, Aaron Hayden (7:01 PM)

ABSENT: David Kastor

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

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

I. MINUTES – Meetings of February 16, 2005 & March 2, 2005

Mr. Francis MOVED: to accept the Minutes of February 16, 2005 as submitted. Mr. Fabos seconded, and the Motion passed 7-0.

Mr. Boyd MOVED: to accept the Minutes of March 2, 2005 as submitted. Ms. Rooney seconded, and the Motion passed 6-0 (Bobrowski, Mailler abstained).

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

IV. NEW BUSINESS – None

V. OLD BUSINESS – None

VI. FORM A (ANR) SUBDIVISION PLANS – None

VII. UPCOMING ZBA APPLICATIONS

The Board decided not to review the following:

ZBA 2005-00023, 407 Old Farm Road, Yvette Santana

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

IX. PLANNING BOARD SUBCOMMITTEE REPORTS

A. Zoning – (given under “PUBLIC HEARINGS – ZONING AMENDMENTS”)

B. Atkins Working Group – Mr. Tucker reported that Mr. Mooring had indicated that the agreement with the engineering consultant for the intersection project is about to be signed, which will mean work for the Working Group

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, & February 16, 2005]

Mr. Shaul Perry, applicant, said that a number of changes were made after the last meeting. Mr. Mark Darnold, The Berkshire Design Group, described changes to the buffer zone, and the grading. He presented a plan indicating trees which are expected to remain, trees to be removed, trees which may be removed, and areas of brush to be cleared. Mr. Darnold also talked about the species of proposed plantings.

Mr. Bobrowski asked about specific issues which had been raised at the last meeting. Mr. Darnold said that motion-sensor lights can be utilized for the parking area, and the path of the walking trail will be adjusted to follow the existing farm road as closely as possible. Ms. Rooney suggested that enhancing the mailbox structure and surroundings be one of the conditions of approval. Mr. Perry said that he would be willing to provide funds and then let the homeowners association decide what they want for the mailbox area.

Mr. Bobrowski then opened the public comment part of the hearing and asked that comments be limited to new information and/or concerns.

Mr. Mark Hamin, 75 State Street, requested that the record include his statement that he and other neighbors with concerns about this project are not anti-development, or NIMBYs. He opposes the proposal because he believes it does not fit the intent and spirit of an Open Space Community Development, will have a detrimental impact on the surrounding neighborhood, and does not even meet the basic criteria of an OSCD. Furthermore, Mr. Hamin commented, this plan is the same as the first plan (currently under appeal by the neighbors), with only a few minor changes. He submitted a petition (dated March 16, 2005) signed by some residents of the neighborhood urging the Board to reject the application; approval would likely just result in another appeal, he commented. Mr. Hamin also submitted a letter from David R. Kaplan, Attorney (March 16, 2005) stating that the Board should not consider the second application while the first application is in litigation. Attorney Kaplan suggested that the applications are identical and that the Planning Board should not set the precedent of approving a second application in order to nullify a flawed first Special Permit. Mr. Hamin said that the note on page 2 of the Development Application Report supported his theory that the applications were the same. Mr. Hamin also said that the Board had not addressed the fact that the sun/shade study was inadequate and that this application has not been submitted to the Conservation Commission, which he believed the Bylaw required. All were reasons for the Board to deny the request.

Mr. Dan Boisclair, 95 State Street, presented aerial pictures to show the neighborhood. He showed the Board computer-rendered illustrations of building massing, which showed the view of the development from his house, but without trees. Mr. Boisclair said that 10 units would make the project more in scale with its surroundings.

Mr. Alexander Pollatsek, 2 Campbell Court, told the Board that the intersection at State and Pine Streets is very dangerous and they should consider the consequences of this project on traffic.

In response to the concerns raised, Mr. Bobrowski said that the Board is governed by legal requirements. It did not have the option of refusing to review the second application, and had acted appropriately in reviewing the application. A site visit had been conducted. The sun/shade study and other related evidence had been discussed during the hearing, as was evidence on other issues. He noted that the intent of the OSCD is to preserve open space and allow increased residential density. It was a trade-off—each objective supported the other.

Ms. Jean Pelkey, 114 State Street, expressed concern that there is no adequate place to walk on Pine Street—the sidewalk along the north side of Pine Street to the west has practically no curb.

Mr. Shaun McCartney, 89 State Street, asked what kind of landscaping would border his property. Mr. Darnold and Mr. Wells from The Berkshire Design Group, pointed out and explained the landscaping on the plans but noted that Mr. Perry does not own all of the land abutting Mr. McCartney's property.

Mr. Hamin asked if the Board had really received signed conveyance agreements, as stated in the Development Application Report. He also asked why a homeowners' agreement hasn't been signed. Mr. la Cour said that the signed conveyance agreements had been received and were on file. He said that homeowners documents are usually a later part of the project approval and were not signed until a homeowners association has been created. Mr. Bobrowski added that the issue of 30% of an OSCD's units being under agreement for conveyance had been discussed and dealt with at a prior meeting. Mr. Hamin asked if that constituted early and ongoing evidence of owner involvement. In answer, Mr. Tucker read portions of Section 4.580 of the Bylaw, noting that the two provisions included to "encourage the early and continuing involvement of residents in the design, development and management of an OSCD" were: 1) having 30% of the units under agreement at the time of application, and 2) maintaining a majority of the units as owner-occupied after occupancy of the first unit. He said the developer had already gone well beyond those requirements.

Ms. Sally Malsch, Realty World Sawicki, said that she attended several meetings with potential clients and Mr. Perry. Mr. Perry's involvement with the clients each time was extensive and thorough, she said.

Mr. Darnold told the Board that grading could be reduced if they are allowed to build the retaining wall at the east end of the development to five feet instead of four. The Board discussed the pros and cons of this change.

After this discussion, the Board took time to review the petition and letter submitted by Mr. Hamin.

There was no additional public comment.

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

Mr. Francis MOVED: to approve SPP 2005-00002, Sunwood Pines, subject to the following Conditions:

- 1) In consultation with the homeowners association, the developer shall provide funds for the design and construction of the mailbox structure.
- 2) The retaining wall may be 5 feet high where necessary to reduce grading and clearing of slope.
- 3) The walking path shall follow the existing farm road where possible.
- 4) Motion-sensor lights shall be installed in the shared parking lots.
- 5) No floodlights or other spotlights shall be installed on the building facades.
- 6) Final utility plans shall meet the approval of the Town Engineer.
- 7) Proposed landscaping shall be installed and continuously maintained.
- 8) Four (4) copies of the final plans shall be submitted to the Planning Department.
- 9) This permit shall expire in two (2) years if substantial construction has not begun.

Mr. Hayden seconded, and the Motion passed unanimously, 8-0.

Mr. Mailler said he was somewhat unclear on the Board's conclusion about traffic impact. It was noted in the Development Application Report that a traffic impact evaluation was provided with the application and concluded that the project would have minimal impact on traffic.

The Board completed the Tally Sheets for the Phased-Growth Development Schedule and awarded 75 points.

Mr. Boyd MOVED: That the Board award a total of 75 points for a 100% build-out of the development this first year, with permits to be available effective April 2005. Mr. Francis seconded, and the Motion passed 8-0.

Mr. Bobrowski volunteered to draft the Special Permit findings.

Ms. Scipioni noted that she will not be at the March 30th meeting.

III. PUBLIC HEARINGS – ZONING AMENDMENTS

Mr. Bobrowski opened the public hearings.

A-6-05 Supplemental Apartments

To amend Article 5.011 of the Bylaw, to permit accessory supplemental apartments in the General Residence (R-G) District, and amend floor area requirements.

Mr. Bobrowski told the Board that the Zoning Subcommittee voted 3-0 to recommend the proposed amendment. He reviewed the current language and explained the changes. The amendment would encourage infill development and provide economic assistance by allowing

the creation of moderately priced rental housing. Mr. Tucker noted that the supplemental apartment regulations already in the Bylaw are very general and unclear.

The Board suggested a few changes to the draft language.

There was no public comment.

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

Mr. Hayden MOVED: to recommend that Town Meeting adopt A-6-05, Supplemental Apartments, with the modifications to the language as proposed. Mr. Francis seconded, and the Motion passed 8-0.

A-7-05 Affordable Cluster Dimensions

To amend Section 4.332 of the Bylaw, to correct the minimum front setback requirement and amend the requirements for building and lot coverage in affordable cluster developments.

Ms. Rooney had left the room, so the Chair moved ahead on the agenda.

X. PLANNING BOARD COMMITTEE REPORTS

A. Pioneer Valley Planning Commission – No Report

C. Farm Committee – Since Mr. Kastor was absent, Mr. Bobrowski summarized the following report on his behalf.

The Farm Committee had an interesting and well-attended meeting on March 7th. The main items on the agenda were discussions of the North Amherst Community Farm project and the mission of the Farm Committee.

After hearing a rundown of the NACF project from Deborah Evans (NACF co-chair) and Conservation Director Dave Ziomek, the Farm Committee voted to write a letter in support of the NACF APR application.

The Farm Committee went on to discuss what statutory roles it has, or might want to have. For example, it is called upon in the Zoning Bylaw to make a determination of soil quality related to proposed developments in the FC overlay district. The Committee was interested in playing a role in the recommendation process for Chapter 61A withdrawals

Mr. Tucker described the Dziekanowski farm which was the subject of the NAFC project.

A-7-05 Affordable Cluster Dimensions (continued)

Mr. Bobrowski explained that this proposal would correct erroneous front setback requirements in the special table for Affordable Cluster Dimensions. Currently, the setbacks are larger for affordable clusters than standard developments. This proposal would reduce the setbacks which would give developers a little flexibility and encouragement to provide affordable units.

The amendment would also increase allowed maximum lot coverage and building coverage. The Board suggested that the proposed changes in building and lot coverage not be applied to single family units to avoid encouraging "mansions".

Mr. Hayden MOVED: to close the public hearing. Mr. Boyd seconded, and the Motion passed unanimously, 8-0.

Mr. Hayden MOVED: to recommend that Town Meeting adopt A-7-05, Affordable Cluster Dimensions, with the proposed changes. Mr. Francis seconded, and the Motion passed unanimously, 8-0.

X. PLANNING BOARD COMMITTEE REPORTS (continued)

- B. Community Preservation Act Committee** – Ms. Rooney reported that the Committee discussed proposals and prepared a list for Spring Town Meeting. They voted to put an additional \$50,000 for Plum Brook if necessary.
- D. Comprehensive Planning Committee** - Mr. Hayden said that the Committee reviewed both proposals for a consultant and is in the process of checking references.

XI. REPORT OF THE CHAIR - No Report

XII. REPORT OF THE DIRECTOR – No Report

XIII. ADJOURNMENT

Mr. Boyd MOVED: to adjourn this meeting at 9:45 PM. Mr. Hayden seconded, and the Motion passed unanimously, 8-0.

Respectfully submitted:

Approved:

Sue Krzanowski, Management Assistant

Paul G. Bobrowski, Chair

DATE: _____