

**AMHERST PLANNING BOARD**  
**Wednesday, April 6, 2005 – 7:00 PM**  
**Town Room, Town Hall**  
**AGENDA**

**PRESENT:** Paul Bobrowski, Chair; Carl Mailler, Chris Boyd, Aaron Hayden, Mary Scipioni, David Kastor, Adrian Fabos, Pam Rooney, Rod Francis

**ABSENT:** No One

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

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Mr. Bobrowski opened the meeting at 7:01 PM.

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

**IV. OLD BUSINESS**

**B. Other – None**

**V. NEW BUSINESS**

**B. Other –** Mr. la Cour told the Board that a course on “Comprehensive Planning” is being offered by the Lincoln Institute of Land Policy. It is an all-day event scheduled for May 4, 2005. Those who were interested should contact Mr. la Cour.

Mr. Tucker noted that the Amherst League of Women Voters and the Town Meeting Coordinating Committee will jointly present an informational Warrant Review Meeting on April 11<sup>th</sup> at the Amherst Regional Middle School at 7:30 PM. Another forum conducted by the Select Board and the Finance Committee will be held on April 20<sup>th</sup>, 7-9 PM on the draft town, school and library budgets.

Mr. Tucker also told the Board that the Select Board has scheduled review of proposed zoning amendments for Town Meeting on Tuesday, April 19. Because Mr. Bobrowski and Mr. Mailler, both members of the Zoning Subcommittee, will be away that week, he will request that the review be rescheduled to April 25<sup>th</sup>.

Mr. Bobrowski said that the Town Meeting Coordinating Committee is hosting a number of precinct forums and he will attend some of them. Mr. Tucker suggested that it would be helpful to send the Planning Board Town Meeting Reports to the facilitators. Mr. Bobrowski said that, in the future, it would be helpful to send the public hearing dates for the zoning articles to the TMCC.

**I. PUBLIC HEARING – SCENIC ROADS/SHADE TREE**

**910 South East Street – Mr. Shaul Perry** (continued from January 19, 2005)

Mr. Bobrowski indicated that this was a continuation of a Scenic Roads public hearing, to consider a request to remove one 12” oak tree on right side of a driveway at 910 South East Street.

The Board received a request from Mr. Perry to withdraw the application.

Mr. Francis MOVED: to close the public hearing. Mr. Hayden seconded, and the Motion passed unanimously, 9-0.

Mr. Francis MOVED: to approve Mr. Perry's request to withdraw his application. Mr. Hayden seconded, and the Motion passed unanimously 9-0.

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

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

The Chair endorsed the following:

ANR 2005-00011, 81 & 69 Meadow Street – Abbass Bozorg

## **VII. UPCOMING ZBA APPLICATIONS**

The Board decided to review the following at the April 13<sup>th</sup> meeting:

ZBA2005-00026, 398 Northampton Road – Luke Zbylut

## **VIII. UPCOMING SPC/SPP/SPR/SUB APPLICATIONS**

Mr. la Cour noted that Mercyhouse has filed a Site Plan Review application. The public hearing will be scheduled for May 4. The Board decided to hold a site visit on Tuesday, April 26, at 8:30 AM.

## **II. PUBLIC HEARINGS – ZONING AMENDMENTS**

Mr. Bobrowski opened the public hearing for the following zoning amendments:

### **A-10-05 Inclusionary Zoning**

To add a new Article 15, Inclusionary Zoning, to the Zoning Bylaw, in order to require the inclusion of affordable housing units in selected types and sizes of residential developments allowed only through a Special Permit.

Mr. Bobrowski said that the Zoning Subcommittee voted unanimously to support the proposed amendment which would create a new article in the Zoning Bylaw to allow for mandatory inclusionary zoning. He reviewed the changes of the most recent draft. Mr. Tucker told the Board that Ms. Connie Kruger of the Massachusetts Housing Partnership had suggested a couple of modifications which were included in the latest draft. One would remove a proposal to allow affordability restrictions to lapse over a period of time, in order to provide for increased equity for homeowners. This was generally agreed to be unnecessary, since some equity was achieved by the homeownership itself. The statement of purpose was expanded to give preference to people who live and work in Amherst. A minor clarification change was made to Section 15.14 as well, he said. Mr. Tucker said

that the main goal right now is to begin with a simple first step to provide a baseline requiring the provision of affordable units; it can be modified to reflect additional community needs and preferences later, he said. Mr. Bobrowski noted that it would only apply to residential developments regulated under Special Permits, not to development by right.

The Board discussed the amendment at length.

Mr. Scott Nielsen, 171 Gray Street, commented that developers adapt to regulatory changes. The owners of land that can be developed will most likely feel the economic effect, through a reduction in the return they could get for strictly market rate development. He asked if incentives have not worked and wondered how many units would be produced as a result of the bylaw. He suggested that the number of affordable units produced would be very limited.

Mr. Doug Kohl, Summer Street, Northampton, said that it would be better to apply the bylaw across the board to level the playing field and to avoid putting the burden on one type of permit. However, he said, he was generally supportive of the proposal.

Ms. Nancy Gregg, Housing Partnership/Fair Housing Committee, said that with the limited land available in Town, even just one unit would be a benefit. This is a first step, she said, which she is very much in favor of. She said that the Housing Partnership/Fair Housing Committee will review the amendment next week and make its recommendations to Town Meeting on the affordable housing zoning amendments.

Mr. Tom Simpson, 110 Blackberry Lane, a member of the Zoning Board of Appeals, commented that affordable units did accumulate equity over time.

Mr. Kastor expressed concern about whether this amendment might make the OSCD process more complex. There was sentiment that the amendment should apply to all forms of development, including standard subdivisions, and not just Special Permit developments. Mr. Bobrowski indicated the limitation to Special Permit developments was governed by state law. However, the Zoning Subcommittee is interested in making standard subdivisions allowable only by Special Permit (making it susceptible to this amendment), an option that would need to be explored further with Town Counsel.

Ms. Scipioni said that an affordable housing model is needed but she was concerned that this amendment doesn't go far enough to address the need. It may be misspent energy, she said.

Mr. Kohl asked how the bylaw would apply in a co-housing situation. Mr. Tucker responded that there would need to be a process to confirm eligibility for the affordable units, just as there is in standard developments.

Mr. Nielsen and Mr. Kohl expressed general support for the amendment. Mr. Kohl suggested three changes: 1) removing the equity provision, 2) having the affordable units in an OSCD count toward density bonuses, and 3) not clustering all the affordable units together in a development.

Mr. Kastor MOVED: to close the public hearing. Mr. Hayden seconded, and the Motion passed 8-0-1 (Boyd abstained).

Mr. Hayden commented that the amendment would be worth a “test drive” and there might be a lot of good feedback from Town Meeting which would help to enhance it later.

The Board discussed whether the amendment was ready to move forward at this time or needed to be looked at further.

After extensive discussion, Mr. Boyd MOVED: to reopen the hearing. Ms. Rooney seconded, and the Motion passed unanimously, 9-0.

Ms. Rooney MOVED: to continue the hearing to April 13, 2005. Mr. Francis seconded, and the Motion passed unanimously, 9-0.

**A-11-05 Preliminary OSCD**

To amend Section 4.58 of the Zoning Bylaw in order to create a separate preliminary permit stage for an Open Space Community Development, and to adjust the requirement regarding involvement by prospective owners or tenants of an OSCD.

Mr. Bobrowski said that the Zoning Subcommittee voted unanimously to recommend that the Board recommend that Town Meeting adopt this amendment. It will be helpful to have a preliminary step in the process, he said. The 30% conveyance requirement is increased to 60% in the final OSCD approval process. In both steps, abutters and prospective owners will be notified of the public hearing.

Ms. Rooney commented that Section 4.5811 could be an additional hurdle for developers if the information required at the preliminary stage was too detailed and specific.

Mr. Doug Kohl expressed concern that a 60% “under agreement” requirement at the final (Special Permit) stage could be very hard to accomplish.

Mr. Francis thought that 30% would be sufficient.

Mr. Scott Nielsen said that developers could be deterred from using this type of development if it's too complicated. Numbers can be manipulated, he pointed out.

Mr. Tucker noted that prospective owners and tenants had supported the previous OSCD application that came before the Planning Board. This had changed the dynamic of the review process. Mr. Bobrowski said that the proposed changes are an attempt to make the bylaw more workable for everyone. The Board discussed changing the percentage requirement and ended up agreeing that 30% at the preliminary stage and 30% at the definitive stage would be the most workable.

Mr. Kastor suggested that an acknowledgement be added to the bylaw that the Board is not required to approve the maximum number of units requested. Mr. Tucker noted that the Board always has that option under a Special Permit.

Mr. Kohl said that Northampton addresses slopes in their bylaw and suggested it might be helpful to review.

Mr. Nielsen expressed support for adding the preliminary requirement.

There was no additional public comment.

Mr. Hayden MOVED: to close the public hearing. Ms. Rooney seconded, and the Motion passed unanimously, 9-0.

Mr. Hayden MOVED: that the Board recommends that Town Meeting adopt the proposed amendment with the percentage requirement as modified. Ms. Scipioni seconded, and the Motion passed unanimously, 9-0.

### **III. APPEARANCE**

#### **ZBA 2005-00022, 81 & 69 Meadow Street – Abbass Bozorg**

Request approval for a Special Permit to create a flag lot and to construct 8 townhouse dwelling units, at 81 & 69 Meadow Street (Map 5A/Parcels 14 & 16, R-VC zone).

Mr. Michael Liu, The Berkshire Design Group, presented the proposal to the Board.

Concerns and issues discussed were proximity to farmland, including “right to farm” language in lease agreements and in the management plan, moving the units forward, number of cars and parking, retention basin, setbacks, architecture and whether the development was appropriate for the site.

Ms. Rooney MOVED: that the Planning Board recommends that the Zoning Board of Appeals approve the permit with the following considerations:

- Reduce the width of the entrance drive from 22’ to 20’ to reduce the probability for parking along the drive.
- Include parking limitations in the management plan and lease documents.
- Slide the parking area and buildings to the south to provide a larger setback from the farmland to the north.
- Provide additional plantings along the northern boundary to provide additional buffer from the farm fields.
- Include some right-to-farm provisions in the management plan and lease documents in order to make tenants aware of the farm activities and the need for their protection.
- Clean storm basins regularly.
- Move the area drain in the southwest corner of the site away from the tree line in order to bring it out of the shade.

Mr. Hayden seconded.

Mr. Kastor said that he would prefer not to make a recommendation to the ZBA to approve or not. Mr. Mailler agreed with him.

Mr. Tucker suggested that the Board could opt to express support for dense housing in this zone (R-VC) rather than make a direct recommendation on how the ZBA should act.

Ms. Rooney and Mr. Hayden amended the Motion to read: the Planning Board expresses support for dense housing in Amherst's village centers and conveys the above recommendations to the ZBA for its consideration regarding this application.

The Motion passed unanimously, 9-0.

**IV. OLD BUSINESS (continued)**

- A. Removal from Chapter 61A – Property located westerly of Route 116 and easterly of Eastman Brook – Joseph M. Mitchell – postponed until April 13, 2005

**IX. PLANNING BOARD SUBCOMMITTEE REPORTS**

- A. **Zoning** – given under PUBLIC HEARINGS – ZONING AMENDMENTS
- B. **Atkins Working Group** – No Report

**X. PLANNING BOARD COMMITTEE REPORTS**

- A. **Pioneer Valley Planning Commission** – No Report
- B. **Community Preservation Act Committee** – No Report
- C. **Farm Committee** – No Report
- D. **Comprehensive Planning Committee** – Mr. Hayden reported that the Committee selected LandUse, Inc. as the consultant.

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

**XII. REPORT OF THE DIRECTOR** – No Report

**XIII. ADJOURNMENT**

Mr. Francis MOVED: to adjourn this meeting at 10:25 PM. Mr. Kastor seconded, and the Motion passed unanimously, 9-0.

Respectfully submitted:

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Sue Krzanowski, Management Assistant  
Approved:

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Paul G. Bobrowski, Chair

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