

AMHERST PLANNING BOARD
Wednesday, July 20, 2005 – 7:00 PM
Town Room, Town Hall

MINUTES

PRESENT: Paul Bobrowski, Chair; Aaron Hayden, Mary Scipioni, Adrian Fabos, David Kastor, Chris Boyd

ABSENT: Rod Francis, Carl Mailler, Pam Rooney

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

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

I. MINUTES – Meeting of June 15, 2005

Mr. Boyd MOVED: to approve the Minutes of June 15, 2005 as submitted. Mr. Hayden seconded, and the Motion passed 6-0.

IV. NEW BUSINESS

C. Lot Release Request – Lots 33 & 34, Amherst Hills – Tofino Associates

The Board received a request from Tofino Associates asking for the release of the Lots listed above. Mr. la Cour noted that the work has progressed on the subdivision as expected, that there were still many lots held as security and that the Town Engineer has indicated that he had no problems with releasing the lots at this time.

Mr. Kastor MOVED: to release lots 33 & 34, Moody Field Road. Mr. Hayden seconded, and the Motion passed 6-0.

D. Lot Release Request – Lot 10, Palley Village – ALANDEV, LLC.

The Board received a request from ALANDEV, LLC asking for the release of the Lot listed above. Mr. la Cour noted that the road had recently been paved and work has progressed on the subdivision as expected, that there were still several lots held as security and that the Town Engineer has indicated that he had no problems with releasing the lot at this time.

Mr. Kastor asked whether the affordable unit lots had been released. Mr. la Cour said that both the affordable duplex units (2) and the market rate duplexes (2) had been released and constructed. He added that the Valley CDC had also conducted a lottery to select tenants for the affordable units and that they had had a good response.

Mr. Kastor MOVED: to release lot 10, Palley Village. Mr. Hayden seconded, and the Motion passed 6-0.

The Board signed the Certificates of Performance.

II. PUBLIC HEARING – PRELIMINARY SUBDIVISION APPLICATION

SUB 2005-00002, 447 Bay Road – Tofino Associates, Inc.

Mr. Bobrowski opened the public hearing for this request for approval for an 8-lot, single-family preliminary affordable cluster subdivision, on Bay Road (Map 26A/Parcels 45, 46, 47, and Map 26C/Parcel 142; R-LD District).

Ms. Scipioni disclosed a past professional relationship with applicant Doug Kohl and recused herself from the proceedings.

Mr. Kohl presented the preliminary subdivision plans and provided an overview of the 27.5 acre site in close proximity to Mt. Norwottuck. He noted the change in the common driveway layout from the plans that had been submitted with the Board's packet. Mr. Kohl described the general layout of the cluster subdivision and how construction work would stay away from the wetlands on the site. He also listed the waivers that he would be requesting as part of the Definitive Subdivision process. He noted that he would be proposing to serve more than the allowed number of houses by a common driveway. He would also likely be exceeding the allowed 10% slope on the driveway in some areas. He also noted that he would be asking for a Special Permit for the reduction of frontage for one lot. Mr. Kohl showed where the large block of open space would be on back (farthest up the hill) part of the site. He said that he would be providing an access easement, probably along the common driveway, to allow access to the open space for the different homes. He noted that the parcel was bordered on two sides by public land owned by both the Town and the State. He said that he was going to demolish the existing house and garage on the property and build all new homes, including an affordable unit on one of the frontage parcels along Bay Road. Mr. Kohl said that they had begun to address the issues raised by the Town Engineer and that the site would be served by Town water and sewer, which were now shown on the preliminary plans. He also said that they were going to try to minimize the storm drainage work, trying to handle most of it with sheet flow and infiltration.

Mr. Fabos asked the applicant to further explain some of the zoning issues. Mr. Kohl noted that since this was an affordable cluster subdivision, the dimensional regulations were governed by a different dimensional table (Section 4.33). He said that frontage requirements were reduced to 100' and could be reduced further with a Special Permit. He also noted that he was required to reduce the area of some of the lots by 50% and identified which lots those were. Mr. Kastor and others asked questions and there was a discussion about the limits of the Planning Board's discretion for subdivisions.

Mr. Bobrowski turned the discussion to the design of the common driveways and the issue of emergency vehicle access. Mr. Kohl said he was certainly aware of the concern for emergency access and would design the common driveway to insure adequate access. He said that they had not yet designed the turnarounds or pull-offs that were talked about. There was also some discussion about the proposed width of the driveways (16' of pavement with 1' reinforced shoulders) and how it compares to a typical subdivision road (20'-24' in width). The discussion then turned to the potential impacts of the various road designs on the site. The Board talked about other examples of similar common driveways, including the neighboring Brown driveway and the example of what not to do as in the case of a driveway

built on East Leverett Road. The Board indicated that they would like the applicant to provide an idea of the impact to the site that a typical subdivision road would have versus the proposed common driveway. The Board also discussed the issues of length and slope of the proposed driveways as well as location of fire hydrants.

As part of the discussion of the difference in impacts of a standard subdivision versus the proposed subdivision, Mr. Kohl noted that he was providing seven (7) market rate lots and one affordable lot. He said that by doing a combination of frontage and flag lots through the Approval Not Required process, he could easily get 6 lots with no problem. He said that through the affordable cluster proposal he is asking for an additional market rate lot while also providing an affordable lot. Mr. la Cour noted that with the large size of the lot, through the subdivision process, Mr. Kohl is allowed a density of 16 lots, and by meeting the affordable requirements, he would be allowed up to 19 lots. It was agreed that such a higher density subdivision would have a much more significant impact on the site. Mr. Kastor requested that the applicant provide a sketch of a typical subdivision plan as an alternative so that people understand the choices being made.

Mr. John Cushing, 454 Bay Road, spoke about some of the geology of the Holyoke Mountain Range and how there are areas of very permeable soils and some that are not. He noted the problems with septic systems along Middle Street as an example. Mr. Cushing said that there was a lot of water weeping out of the side of the mountain. He said that he had flooding problems in his yard across Bay Road from the proposed development and expressed concern that the increase in impervious surfaces due to the construction of the houses and driveways would exacerbate his flooding problems.

Mr. David Chadbourne, 473 Bay Road said that on the lower and middle part of the site it was all sand and perked way too fast, which was an issue for him when installing his septic system. He also said that he has had to put a tremendous amount of energy into grading and channeling water around his house further up the hill. He said that he and other residents in the area have sump pumps running full time. Mr. Chadbourne said that he didn't mind having neighbors on the site, but said that access would be a real issue. He said that he has problems with ice on his driveway from November to January because it is a north facing slope and he didn't cut down all the trees that shade the driveway.

Mr. Bobrowski asked the Board to review the Development Application Report. He said that he would like a list of the Board's responsibilities. Mr. la Cour said that the Board would next be asked to review 1) Definitive Subdivision Plan; 2) Site Plan Review for a Cluster Subdivision; and 3) Special Permit Planning Board for the reduction in frontage of one lot. Mr. Bobrowski asked for clarification on how many Special Permits would be required. Mr. la Cour said that only one. He noted a mistake in the Development Application Report. It said that a Special Permit would be needed for the flag lots, which is not the case because they would be part of the Definitive Subdivision Plan. Mr. la Cour noted that the Board has the discretion to waive all of the access and driveway requirements, including number of houses served, grades and lengths, without a special permit.

Mr. Bobrowski noted the serious concerns about access that the Fire Department had raised and encouraged the applicant to work out an agreement with them for the Definitive Plans. There was consensus on the Board that they did not want to require street lights or sidewalks for the project.

Mr. Cushing noted that the proposed common driveway was only 50' or so away from Middle Street, which is a dangerous intersection. He said that the traffic impacts of this development should be considered. Mrs. Marilyn Cushing added that there had been many accidents at the intersection of Bay Road and Middle Street.

Mr. Bobrowski asked the applicant about usable open space. He noted that 2,000 sq.ft. per unit is required for active recreation but that there was nothing on the preliminary plans indicating this provision. Mr. Kohl said that they were planning on providing connections to the hiking trails on the adjacent lots, but had not yet figured out how else there were going to address that issue. Mr. Tucker noted that the definition of the active recreation requirement in Section 4.344 included hiking and jogging trails.

The Board discussed the issue of tree clearing necessary for the construction of the buildings and roads. Mr. la Cour said that the Board would need evidence from the applicant showing how the visual impact of the project would be minimized. It was suggested that photos of the site be taken from various vantage points in the area.

The Board continued its review of the Development Application Report with a discussion of the utilities. Town water and sewer would be provided. The Board emphasized the need for more information on the proposed stormwater management.

Mr. Bobrowski asked about solid waste removal and whether trucks would have to go up the driveway. Mr. Chadbourne said that he hauls his trash to the end of his driveway so that it is picked up on Bay Road. He noted that the delivery of oil could present a problem for trucks trying to make it up the steep and icy driveways in the winter.

Mr. Kastor asked whether there would be a Homeowners Association. Mr. Kohl said that there would be. He said that he would provide the Homeowners Association documentation and that would include provisions for maintenance and other issues.

The Board noted the previous discussion about the need for engineering documents that would satisfy the Town Engineer's concerns. Mr. Kohl noted that he had filed a Notice of Intent and is scheduled for a public hearing in front of the Conservation Commission next week. There was consensus on the Board that they had fully discussed the issues raised by the Fire Department.

Mr. Bobrowski noted the letter from Mr. Michael Ponsor of 387 Bay Road that was included in the Board's packet.

There was no additional public comment.

Mr. Boyd MOVED: to close the public hearing. Mr. Hayden seconded, and the Motion passed unanimously, 5-0.

Mr. Kastor MOVED: to approve preliminary subdivision plan SUB 2005-0000, 447 Bay Road, Tofino Associates, with the following recommendations:

1. In addition to proposed Definitive Subdivision Plans, the applicant shall provide a conceptual plan showing a development with a subdivision road designed to standard specifications and requiring no waivers from the Planning Board. This will better enable the Planning Board to assess and compare the impacts between the proposed common driveway and a standard subdivision road.
2. The applicant shall submit full engineering drawings for the proposed driveway(s) showing lengths, slopes, grading, widths, emergency vehicle turnarounds and pull-offs, cross-sections, and all provisions for drainage and stormwater management.
3. The applicant shall dig test pits to determine the characteristics of the groundwater, including relative depth, throughout the site.
4. The applicant shall provide information about existing and proposed fire hydrant locations developed in consultation with the Fire Department.
5. The applicant shall provide copies of proposed Homeowners Association documents which specifically address maintenance of the common driveways, stormwater management systems, utilities, and solid waste/recycling management.
6. On the Definitive Subdivision Plans, the applicant shall identify the locations of all significant trees (>8"dia.) within areas to be disturbed and shall indicate whether those trees are to be retained or removed.
7. The applicant shall submit a revised Development Impact Statement including a description of how the proposed development meets each of the purposes of the Cluster Development Method listed under Section 4.31 of the Zoning Bylaw.
8. The revised Development Impact Statement and Definitive Subdivision Plans shall describe and indicate the locations of usable open space as required and defined under Section 4.344.
9. The applicant shall provide evidence that the proposed development will have minimal visual impact on the surrounding area. It was suggested that this evidence could include photographs taken from nearby roads, intersections, and other vantages where the site can be readily viewed by the public.

Mr. Hayden seconded, and the Motion passed unanimously, 5-0.

III. APPEARANCE

Ms. Scipioni rejoined the Board.

The Common School

Mr. Chris Riddle, architect introduced two board members from the Common School, Ms. Evelyn Bloom and Mr. Bud Lichtenstein. Mr. Riddle gave a brief introduction to a proposal to expand the Common School from around 115 students to 160 students.

Mr. Lichtenstein gave a brief overview of the Larch Hill Collaborative, a partnership between the Common School, Bramble Hill Farm and the Hitchcock Center for the Environment. He said that it was an exciting informal collaboration of three non-profit educational organizations dedicated to land conservation, education, and the environment. The three organizations are sharing resources, facilities and integrating many of their educational programs. The idea to share facilities has generated the need for a larger multi-purpose room that could be used for school plays, etc. but also for programs put on by the farm and environmental center. Mr. Lichtenstein said that parking is also a big problem for the school.

Mr. Riddle presented some plans and aerial photographs and gave the Board an orientation to the site, noting the existing relationship between the school, farm and environmental center on the different properties. He then provided an overview of the school campus with its existing buildings, the proposed buildings and the new entrance and parking.

Mr. Riddle reiterated the existing parking problem and talked about how the proposed plans would integrate the parking for all of the institutions better. He said that because the peak parking demands were different for each organization there was a good opportunity for shared parking arrangements. He said that the school had just purchased a house on South Pleasant Street adjacent to the entrance road to the north in order to accommodate some of the expanded parking. He said that as they were preparing to come to the Board for a Site Plan Review application, he was looking for guidance from the Board on three questions:

- 1) Can they consider the two lots as one in terms of lot coverage?
- 2) Is the front setback only along Route 116?
- 3) How should they calculate the number of parking spaces required?

Mr. Tucker responded that if the lots are combined, then they have frontage along Route 116 and Jeffrey Lane and those are the only places there are front setbacks. He said that the property line behind the Hitchcock Center which is parallel to 116 is not considered frontage for the purposes of a front setback. There was some discussion about the fact that there was a deed restriction for maximum lot coverage of 30% on the existing Common School lot. Mr. Tucker clarified that when the School presents the plans to the Planning Board, it will only look at the lot coverage on the two combined lots and will not be involved with the deed restriction.

The Board also discussed the issue of the number of parking spaces required. The various ways that the bylaw provides for parking counts were discussed. It was also noted that the Board has the discretion to waive or modify the parking requirements for a particular project, especially if it is providing shared parking arrangements. It was recommended that the school look carefully at the number of parking spaces they thought they needed.

There was some further discussion about green roofs and other ways to satisfy the coverage and parking requirements. Mr. Riddle and the others thanked the Board for their time and input.

Mr. Hayden left the meeting at 9:08 p.m.

IV. NEW BUSINESS

- E. **Advanced Zoning and Land Use in Massachusetts** – Mr. Tucker noted that the pamphlet for this educational seminar was in the packet for the Boards information.
- G. **Other** – Mr. Tucker reviewed the changes in the University of Massachusetts' plan for new dormitories on the northern end of the campus. He said that through the ENF process some changes have been made to the initial plans. The biggest change is the abandonment of two new dorm buildings south of Eastman Lane and east of the ridge where there are a number of trees of significant age. Mr. Tucker said that there will still be parking lots in the field south of Eastman Lane near a small pond. Mr. Tucker reviewed some of the other changes that have been made.

- B. Amherst Master Plan Discussion** – Ms. Scipioni described the process that the Comprehensive Planning Committee (CPC) is undertaking to Plan the Plan an effort the committee has named Planning Amherst Together. She said the CPC wanted to ask Boards and Committees a series of questions that would help them decide what should be in a Master Plan and how the community should go about developing one.

Ms. Scipioni asked the Board what the toughest decisions were for them to make. Mr. Kastor said that the ones mandated by State law that provide little choice for local discretion so that the Board may sometimes have to approve development that they do not like. Mr. Bobrowski said that so often decisions are made in a vacuum of information about cumulative traffic impacts, proximity to other services, etc. He said that the Zoning Bylaw is not tied together and that so often you have to deal with isolated plans and are unable to see the cumulative impacts of development.

Ms. Scipioni then asked the Board what were the most important areas where the Board gets conflicting messages from the community. Mr. Boyd said that people want to preserve open space, but then won't allow clustering of homes near them to support density to provide housing while preserving open space. Mr. Bobrowski said that he hears concern about the tax base, but then people don't want the community to grow and support business. People prefer residential development to commercial, but don't understand the impacts. Mr. Kastor said that people want affordable housing, but don't want it near them or the density that makes it possible. Mr. Bobrowski echoed the idea of the tradeoff between protecting open space by increasing density, but then people don't want the density as exemplified by the opposition to the first open space community development (OSCD).

Ms. Scipioni asked the Board as they look ahead, what tough decisions and issues would be easier to deal with if the Town had a Master Plan. Mr. Fabos said that the land that is being developed is more marginal, so the decisions are becoming harder and harder to make. Mr. Kastor said that it would be easier to make decisions allowing businesses easier in places they were zoned for. Mr. Bobrowski asked what business Amherst could support so people can work locally. Mr. Tucker asked what kind of jobs are citizens going to allow people to have in Amherst.

Ms. Scipioni asked what information does the Board need most from a Master Plan. Mr. Kastor said that it was the ideas generated by the process. There was consensus on the Board that it would be important to have direction from the community, to know what it wanted. Mr. Bobrowski would like to know if people really do support the village center concept.

IV. NEW BUSINESS

- A. Newmarket Center 1985 Plan Approval condition – The UPS store sign –**

Mr. Tucker noted that a condition of approval for the Newmarket Center was that new signs be approved by the Planning Board. He said that the original sign plan was for individual letters on signs with a general red and white color scheme. He noted some of the illegal signs that had been put up without the Board's permission and that they included box signs and other elements not consistent with the original plan. He also

referred to the proposed UPS sign and noted that it was also a box sign and not individual letters.

The Board discussed ways to make this sign more compliant with the original plan.

Mr. Fabos MOVED: to approve the proposed UPS store sign with the following changes:

- 1) The lettering (“The UPS Store”) used on the sign shall be enlarged, and
- 2) Shadowing shall be applied to the lettering to better replicate the visual appearance of individual letters, a design requirement for several other past signs in the vicinity.

Mr. Boyd Seconded, and the Motion passed 5-0. (Ms. Scipioni left at 10:00 p.m.)

V. FORM A (ANR) SUBDIVISION APPLICATIONS

The Chair endorsed the following:

ANR 2006-00001, 107 Pelham Road, Chad M. O’Rourke

The Board added the following notes to the plan:

1. ENDORSEMENT OF THIS PLAN DOES NOT IMPLY THE CREATION OF VALID BUILDING LOTS UNDER ZONING.
2. ALL PROPERTIES (LOTS 1&2) ARE SUBJECT TO THE PROVISIONS OF THE FOLLOWING SPECIAL PERMITS, AS APPLICABLE:

ZBA FY 89-0009
ZBA FY 92-0003
ZBA FY 92-0019
ZBA FY 92-0030
ZBA FY 92-0065
ZBA FY 93-0024

TOWN OF AMHERST, MASSACHUSETTS
PLANNING BOARD

ANR 2006-00002, 315 Potwine Lane, Jennifer Cavagnac and James Walas

ANR 2006-00003, 550 East Leverett Road, Haskins View, LLC.

XIII. ADJOURNMENT

Mr. Boyd MOVED: to adjourn this meeting at 10:12 PM. Mr. Fabos seconded, and the Motion passed 5-0.

Respectfully submitted:

Niels la Cour, Senior Planner
Approved:

Paul G. Bobrowski, Chair

DATE: _____