

**AMHERST PLANNING BOARD**  
**Town Room, Town Hall**  
**Wednesday, September 7, 2005 – 7:00 PM**  
**MINUTES**

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

**ABSENT:** Mary Scipioni, Leandro Rivera

**STAFF:** Jonathan Tucker, Interim Director; Cana McCoy, Intern

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Mr. Bobrowski opened the meeting at 7:04pm.

**I. MINUTES – Meeting of August 17, 2005**

Mr. Boyd MOVED: to approve the Minutes of August 17, 2005 as submitted. Mr. Hayden seconded, and the Motion passed 6-0-1 with Mr. Kastor abstaining.

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

**III. NEW BUSINESS**

**D. Rooney Gathering Date**

A date for Pam Rooney's gathering was discussed by the Board. She is available after either October meeting, according to Mr. Bobrowski. The meeting of the 5<sup>th</sup> is tentatively planned. Members should email Sue if they have conflicts.

**II. PUBLIC HEARINGS – ZONING AMENDMENTS**

**A-1-06, Cluster Dimensions**

*To amend Footnote k. of Table 3, Dimensional Regulations, to recognize a prior change in cluster development permitting from Special Permit (SPP) to Site Plan Review (SPR) approval.*

Mr. Bobrowski read the preamble and opened the public hearing for this zoning amendment at 7:10 p.m. If recommended, it will go before the Fall Town Meeting.

Mr. Bobrowski mentions that the Zoning Subcommittee is working on a number of amendments, some purely technical. This is one of the technical amendments. Cluster developments used to be by Special Permit, but state law changed to allow them by right with Site Plan Review, which the Town has done. This amendment corrects the footnote language to reflect that change.

There was no additional Board or public comment.

Mr. Hayden MOVED: to close the public hearing. Mr. Fabos seconded, and the Motion passed unanimously (7-0-0).

Mr. Kastor MOVED: to recommend the amendment to Town Meeting. Mr. Francis seconded, and the Motion passed unanimously (7-0-0).

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

### **III. NEW BUSINESS**

#### **B. Correspondence – 65 Mt. Pleasant (Vickery)**

Mrs. Meg Vickery (65 Mt. Pleasant) voiced concern about a project, including a driveway, being built by an abutter. She stated that there are six beautiful trees and a wall that would be demolished by the driveway. The Vickeries want to make sure that the builder has all the permissions that he needs for this project

Mr. Hayden asked if the GIS would be able to tell us the slope of the driveway. Mr. Bobrowski said that the exact planned location of the driveway is not known, so we would be unable to determine the slope from the GIS.

Mrs. Vickery mentioned that the location and size of the easement over her property will limit the options for placing the driveway. She also wondered whether a retaining wall on her property will need to be rebuilt.

Mr. Tucker stated that he had notified the Building Commissioner that the driveway appears to have a potentially steep slope. The builder will need to come in and prove that the slope is less than 10%. If it is more than 10%, the builder will need to come before the Planning Board for a Special Permit.

Mr. Hayden asked if the trees would be legally protected, and Mr. Tucker said that they're too far from East Pleasant Street to fall under public shade tree protections.

Mr. Francis asked if the width of the driveway as a percentage of the frontage is relevant. Mr. Tucker replied that there is nothing in the Zoning Bylaw about that, but that he would check the street construction standards.

Mr. Bobrowski mentioned to Mrs. Vickery that the relevant regulations are in Section 7.7 of the Zoning Bylaw, in case she would like to review them.

Mrs. Vickery thanked the Board for the information.

**III. NEW BUSINESS**

**A. Planning Board Appointments – Design Review Board, Community Preservation Act Committee, Parking Commission**

Mr. Tucker explained that no appointment to the Design Review Board is necessary, since there is already a representative in place. He mentioned that Mr. Hayden has been reappointed to the Comprehensive Planning Committee, and that a representative to the Parking Committee is still needed.

Mr. Bobrowski reviewed the existing committee appointments.

Mr. Boyd expressed a desire to stay on with the Atkins Corner Working Subcommittee.

Mr. Francis and Mr. Bobrowski asked Mr. Tucker for a review of the work load and scope of duties for the Community Preservation Act Committee (CPAC). Mr. Tucker explained that they solicit and recommend proposals to Town Meeting for use of Community Preservation Act funds. They are also in the process of trying to formalize their procedures, and will be soliciting new funding proposals soon. Mr. Bobrowski asked if the appointment required Select Board approval, and Mr. Tucker replied that it did. Mr. Francis asked who else was represented on CPAC, and Mr. Tucker listed the Conservation Commission, Housing Partnership, Leisure Services, and the Historic Commission. Mr. Bobrowski asked if the group had meetings in the evening, and Mr. Tucker replied that they do.

Mr. Francis volunteered for the appointment.

Mr. Kastor NOMINATED Mr. Francis. No other nominations.

Mr. Hayden MOVED: to appoint Mr. Francis as representative to the Community Preservation Act Committee. Mr. Fabos seconded, and the motion passed (6-0-1) with Mr. Francis abstaining.

Mr. Kastor asked what issues the Parking Commission is working on. Mr. Tucker mentioned the Main Street parking issue, and notes that downtown businesses have been saying that it's time to consider more off-street parking. Fines and enforcement are also discussed. He also mentioned that the group is reforming currently, so regular meetings have not yet been scheduled.

Mr. Bobrowski delayed the appointment until the meeting of September 21<sup>st</sup>, so that Board members not in attendance tonight might be asked about their interest.

Mr. Tucker affirmed, at Mr. Kastor's inquiry, that the representative must be a member of the Board.

**E. Other - None**

## II. PUBLIC HEARINGS – ZONING AMENDMENTS

### A-2-06, Planning Board Appointments

*To amend Section 10.02 to conform to the provisions of the Amherst Town Government Act.*

Mr. Bobrowski opened the public hearing for this zoning amendment at 7:37 p.m.

Mr. Bobrowski mentioned that this amendment is also a purely technical change. He explained that in years past, Amherst had both the Town Manager Act and the Town Meeting Act. These were consolidated in the Town Government Act. We're updating the Zoning Bylaw to be consistent with this newer act.

There were no public comments.

Mr. Fabos MOVED to close the public hearing, and Mr. Hayden seconded. The motion passed unanimously (7-0-0).

Mr. Kastor MOVED: to recommend this amendment to Town Meeting. Mr. Mailer seconded, and the motion passed unanimously (7-0-0).

## III. NEW BUSINESS

### C. SPP2006-00001, 611 North East Street – Review Findings & Sign Decision

Mr. and Mrs. Stanley Gawle were present to observe the proceedings.

Mr. Bobrowski reviewed his draft of findings for this Special Permit. He examined each clause in turn.

10.380 - No comments

10.381 and 10.382 - Mr. Bobrowski mentioned that the Board did get into a discussion about the elevation and building siting, but the driveway was the relevant issue. Mr. Tucker reiterated that the Special Permit has nothing to do with the residential use itself.

10.383 and 10.384 - No comments

10.385 - Mr. Tucker recommended that the word "screening" be replaced with "buffering". He explained that screening implies a complete obscuring, and he does not believe this is what the Board intended. Mr. Bobrowski agreed, and also changed the language "nuisance" to "detrimental or offensive use".

10.386 - No comments

10.387 - Mr. Boyd asked why the word “private” was used in reference to the driveway. Mr. Bobrowski explained that in some permits, public streets are involved. He removed language about pedestrian movement as irrelevant.

10.388 - No comments

10.389 - Mr. Tucker asked if drainage issues were considered. There was a consensus that this would be part of the design of any driveway.

10.390 and 10.391 - No comments

10.392 - Mr. Bobrowski stated that since the Board couldn’t address the siting of the house, it required landscape elements which won’t completely block the view for the residents, and will partly obscure the driveway and the house.

10.393 and 10.394 - No comments

10.395 - Mr. Tucker asked if this clause could be made stronger with a finding that the proposal does not create disharmony. Mr. Bobrowski agreed to address this following discussion of the remaining sections.

10.396, 10.397, and 10.398 - No comments

Discussion returned to Section 10.395. Mr. Tucker clarified that the driveway, as configured, has less of an impact on the natural hillside, and thus preserves more of the surrounding land and terrain. He also reiterated that the Special Permit addresses the impact of the driveway, and not the house, on the surrounding terrain, scale, architecture, and use. Mr. Francis asked for clarification about which impact is being considered presently, and both Mr. Tucker and Mr. Bobrowski agreed that discussion should be limited to the driveway.

Mr. Francis asked Mr. Tucker why he desired a strengthening of this clause. Mr. Tucker replied that public attention has been drawn to North East Street recently because of the proposed demolition of the house at 575 North East Street, and issues of design and visual harmony had been raised as part of that discussion.

Mr. Hayden stated that the three items mentioned in the Special Permit - the driveway, the screening plants, and the turnaround - were what needed to be evaluated in terms of harmony with the landscape and existing buildings.

Mr. Bobrowski drafted new language for this section: “The proposal does not create disharmony with respect to the terrain and to the use, scale, and architecture of existing buildings in the vicinity which have functional or visual relationship thereto. The proposal minimizes the disharmony that would be created by a driveway that would be allowed by right.”

Mr. Boyd MOVED: to approve the findings for SP 2006-00001 as amended. Mr. Francis seconded, and the motion passed (6-0-1), with Mr. Kastor abstaining.

Mr. Tucker asked if “screen” could also be changed to “buffer” in the first condition of the draft decision.

Mr. Hayden MOVED: to change “screen” to “buffer” in the first condition of the draft decision. Mr. Francis seconded, and the motion passed (6-0-1), with Mr. Kastor abstaining.

The Gawles were thanked for coming in, and wished good luck with their retirement house.

**IV. OLD BUSINESS - None**

**V. FORM A (ANR) SUBDIVISION APPLICATIONS - None**

**VI. UPCOMING ZBA APPLICATIONS**

The Board decided not to review the following:

ZBA2006-00010, 346 Lincoln Street, Derek Alfama  
ZBA2006-00011, 51 College Street, Verizon Wireless

**VII. UPCOMING SPC/SPP/SPR/SUB APPLICATIONS - None**

**VIII. PLANNING BOARD SUBCOMMITTEE REPORTS**

**A. Zoning**

Mr. Fabos reported that the committee is preparing several amendments to present to the Board. He also reported that the Chair of the Historic Commission had come in to discuss an extension of the demolition delay from six months to twelve months. Mr. Bobrowski reported that there has also been discussion on consolidating the various sections in the Zoning Bylaw regarding density bonuses into one, hopefully simpler, section.

Mr. Tucker described a proposal for amending the zoning dimensional table’s “footnote m”. He stated that R-G is supposed to be our densest residential district, but R-VC ends up being so in practice because of a past change in the additional unit area required. The proposal is to match the additional area amounts between the two, so as to better balance the density of the two districts. Mr. Bobrowski noted that this is a compromise, but gets it closer to the way it ought to be.

Mr. Bobrowski reported on a proposal to regulate unbuildable non-conforming lots that are similar to surrounding developed non-conforming lots. A median of the dimensional requirements of the surrounding lots would be determined, and if the new lot falls within these, allow construction by Special Permit. Mr. Francis inquired how many lots are affected. Mr. Bobrowski replied that we are not yet sure.

Mr. Bobrowski reported that there were no citizen zoning petitions submitted.

**B. Atkins Working Group - None**

**IX. PLANNING BOARD COMMITTEE REPORTS**

- A. Pioneer Valley Planning Commission** - None
- B. Community Preservation Act Committee** - None
- C. Farm Committee** - Mr. Kastor reported that the Committee meets next week.
- D. Comprehensive Planning Committee**

Mr. Hayden reported that the Committee will meet Tuesday, putting together plans for a public forum on September 29<sup>th</sup>, and taking a first cut at determining how much money it will be requesting of Town Meeting.

Mr. Bobrowski complimented the Comprehensive Planning Committee on its choice of consultant.

Mr. Bobrowski asked for reactions to a citizen proposal to spread the Master Plan process out over the five years that Phased Growth is still in effect, and asked for reactions. Mr. Hayden said that he wants to hear public reaction to the price tag. He also stated that such a delay would cause diffusion, and cost more.

**X. REPORT OF THE CHAIR** - No report.

**XI. REPORT OF THE DIRECTOR** - No report.

**XII. ADJOURNMENT**

Mr. Fabos MOVED: to adjourn this meeting at 8:28 PM. Mr. Bobrowski seconded, and the Motion passed unanimously.

Respectfully submitted:

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Cana McCoy, Intern

Approved:

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Paul G. Bobrowski, Chair

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