

AMHERST PLANNING BOARD
September 21, 2005 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Aaron Hayden, Vice Chair; Chris Boyd, Mary Scipioni, Adrian Fabos, David Kastor, Carl Mailler, Rod Francis, Leandro Rivera (7:50 PM)

ABSENT: Paul Bobrowski

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

Mr. Hayden served as Chair and opened the meeting at 7:04 PM.

I. MINUTES – Meeting of September 7, 2005

Mr. Boyd MOVED: to approve the Minutes of September 7, 2005 as submitted. Mr. Kastor seconded, and the Motion passed 5-0-1 (Scipioni abstained).

II. PUBLIC HEARINGS – ZONING AMENDMENTS

Mr. Hayden opened the hearings.

A-3-06, Demolition Delay

To amend Sections 13.3, to standardize review and notification procedures, and to extend the demolition delay period from 6 months to 12 months.

Mr. Tucker noted that the Zoning Subcommittee voted to recommend that the Planning Board recommend that Town Meeting adopt this amendment. Ms. Edith MacMullen, Chair of the Historical Commission, told the Board that the purpose is to provide more time to work out negotiations. Although most towns have a 6 month delay, at least a dozen have 12 months, she noted. The negotiations are often complicated and 6 months is not enough time. Some of our historical buildings are in jeopardy, Ms. MacMullen told the Board. This change will tidy up the provision to make it consistent with other zoning bylaws, she said.

Mr. Tucker summarized the second half the amendment, Enforcement and Remedies, which will be reviewed at the next meeting. Mr. Fabos said that the Zoning Subcommittee also supports the changes proposed for Section 13.7.

There was no additional public comment.

Mr. Kastor MOVED: to close the public hearing. Ms. Scipioni seconded, and the Motion passed, 7-0.

Mr. Kastor MOVED: to recommend that Town Meeting adopt the demolition delay amendment to Section 13.3 as proposed. Ms. Scipioni seconded, and the Motion passed 7-0.

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

V. OLD BUSINESS – None

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – None

VII. UPCOMING ZBA APPLICATIONS

The Board decided not to review the following:

ZBA 2006-00012, 401 Shays Street, Herter Miles

ZBA 2006-00013, Strong Street, Joan Hart

VIII. UPCOMING SPC/SPP/SPR/SUB APPLICATIONS – Mr. la Cour said that the Definitive Subdivision application for Lawrence Circle should be filed tomorrow.

IV. NEW BUSINESS

A. SUB2006-00001, 611 North East Street – Approval of Findings & Signing of Decision – The Board reviewed the amended findings.

Mr. Mailler MOVED: to approve the findings as submitted at tonight's meeting. Mr. Fabos seconded, and the Motion passed 5-0-2 (Kastor and Scipioni abstained).

The Board signed the Decision as submitted.

B. Rooney Gathering – probably October 5th.

C. Other – None

II. PUBLIC HEARINGS – ZONING AMENDMENTS (continued)

A-4-06, Fences

To amend Section 6.2, Fences, to clarify the regulation of fences in the B-G and abutting B-L districts, and in the B-VC District.

Mr. Mailler reported that the Zoning Subcommittee voted to recommend that the Planning Board recommend that Town Meeting adopt this amendment. Mr. Tucker said that this proposal will clean up and streamline fence regulations.

There was no public comment.

Mr. Boyd MOVED: to close the public hearing. Mr. Francis seconded, and the Motion passed 7-0.

Mr. Francis MOVED: that the Planning Board recommend that Town Meeting adopt this amendment. Mr. Boyd seconded, and the Motion passed 7-0.

IX. PLANNING BOARD SUBCOMMITTEE REPORTS

- A. Zoning** – Mr. Mailler and Mr. Tucker said that the Subcommittee continued to work on technical amendments to the Bylaw. They also heard a presentation from Mr. Vince O’Connor, representing the Farm Committee and the Conservation Commission, with a proposal to create a new agricultural zone. However, there are many issues/concerns and the Subcommittee needs to hear from Town Counsel before making a recommendation. Mr. Fabos said that they also discussed a Select Board initiative for the FPC.

Mr. Hayden welcomed Mr. Leandro Rivera, new member who is replacing Ms. Rooney on the Board.

III. PUBLIC HEARING – PRELIMINARY SUBDIVISION APPLICATION

8:00 PM SUB 2006-00001, East Leverett Road – Haskins View, L.L.C.

Mr. Hayden opened the public hearing for this request for preliminary review for an 26-lot, single-family subdivision “Haskins View” on 52.58 acres. (Map 3B/Parcels 20 & 80, Map 3A/Parcel 78; Outlying Residence District)

Mr. Bill Garrity, landscape architect, Mr. Barry Roberts, developer, and Mr. Peter MacConnell, attorney, appeared before the Board. Mr. Garrity described the proposal.

Mr. la Cour said that the Conservation Commission wants to work with the developer to pursue the Town taking over the wetland area across from Haskins Flats. He also told the Board that the Town Engineer would support reducing the standards for road radii and horizontal curves to minimize disturbance on the site. Town staff will be flexible where we can, he said, because of the sensitivity of the site.

Mr. Garrity commented that the project was designed so that the developer didn’t have to request any waivers.

Ms. Barbara Davis, 336 Market Hill Road, asked where Mr. Bercume’s lot are located.

Ms. Stacey Leonard, 79 Teawaddle Road, Leverett, asked about the proposed time line for building and noted that there are a lot of trails in Leverett connected to adjacent parcel to the north.

Mr. Garrity said that building would probably start next spring, with 10 units per year being built.

Ms. Pauline Lannon asked about tree cutting.

A resident of 550 East Leverett Road asked about clearing and cutting.

Mr. la Cour said that the developer could be encouraged to put an easement along the front setback of the lots for future street trees.

Ms. Scipioni said that there are a lot of trees on the site, but she couldn't really see a line of trees on the road. She said that future owners shouldn't clear more trees.

Mr. Tim Hebert, owner to the north, said that he has a deeded right-of-way over lot 26 which he wants to retain. Attorney MacConnell said that they are aware of the legal issues with respect to the right-of-way and they will be addressed. The legal issue is of no concern to the Planning Board's deliberations, he noted. Mr. MacConnell also told the Board that Mr. Roberts is willing to put in a deed restriction to discourage future cutting of trees.

Mr. Kastor said that he would like to see sidewalks on at least one side of the street. Ms. Scipioni said that it might be more appropriate to have walking paths for inner access.

Attorney MacConnell said that since there was no sidewalk on East Leverett Road, a sidewalk would go nowhere so it didn't seem best for the site. It's a better project without sidewalks, he said. However, he said, they would explore walking paths which would seem more suitable. Putting sidewalks in would create a lot of impervious pavement that wouldn't get used a lot. The site doesn't demand it, he said.

Mr. Rivera asked what erosion control measures would be utilized.

Ms. Lannon said that water run-off was a concern of hers because her house and well are downhill of the site.

Mr. Garrity said that interceptor swales are proposed.

Mr. Mailler said that he would like to see walking trails and/or pedestrian pathways. He also suggested that the developer consider including recreational land where people can congregate.

The resident from 550 East Leverett Road spoke in support of Mr. Mailler's suggestions and suggested that picnic tables be included in the recreational area.

Mr. Hayden said that sidewalks might be useful for children when they are boarding the school bus.

The Board then reviewed the Development Application Report with the major issues discussed being roads and sidewalks. In order to address concerns from the Fire Chief and Superintendent of Public Works, and to provide direction for the applicant, the Board and staff agreed that a 22 foot wide road with reinforced shoulders would work best for most of the site,

although it should be 24 feet with reinforced shoulders at the south entrance to the site.

Mr. Francis said that he preferred that vehicular movement not be the only priority and would encourage shared use of the roadway(s). Ms. Scipioni said that the performance objective needs to be disturbance of the site and reducing cutting and filling. Mr. Kastor again spoke in favor of sidewalks connecting within the site, but not all members of the Board agreed. Mr. Hayden said that he would like to see better traffic analysis for the definitive proposal.

There was no additional public comment.

Mr. Francis MOVED: to close the public hearing. Mr. Boyd seconded, and the Motion passed 7-0.

Mr. Kastor MOVED: to approve Preliminary Subdivision Application SUB 2006-00001, Haskins View, East Leverett Road, and recommended that the following issues be addressed as part of the submission of a Definitive Subdivision Plan:

1. Street lights shall be included at all intersections and at the end of the cul-de-sac per Amherst Department of Public Works standards.
2. The width of the road throughout most of the site shall be 22' with a 2' reinforced shoulder. The width of the entrance road from the south can be 24'.
3. In order to minimize impacts to the site the Planning Board is willing to be flexible with regards to the subdivision requirements for horizontal curves and curve radii.
4. Based on the Board's discussion at the preliminary review, the applicant is encouraged to provide pedestrian paths and/or walking trails throughout the development.
5. Easements shall be included along the front setbacks for the planting of street trees. The applicant should also explore the possibilities of including deed restrictions for the cutting of trees along the back of lots for the protection of adjacent properties.
6. Additional information on potential traffic impacts of the development should be included.
7. The applicant should consider the reconfiguration of lots in order to include a recreation area for residents.
8. The applicant is encouraged to contact the Director of the Conservation Department to discuss the disposition of land containing the wetlands and steep slopes along East Leverett Road.

Mr. Francis seconded, and the Motion passed 7-0.

IX. PLANNING BOARD SUBCOMMITTEE REPORTS (continued)

- B. Atkins Working Group – Mr. la Cour said that the consultant is developing a plan for two roundabouts. He noted that Mr. Rivera is interested in being appointed to this group because he has been a participant through the entire process, and former member, Ms. Pamela Rooney, would also like to remain a Planning Board appointee.

X. PLANNING BOARD COMMITTEE REPORTS

- A. Pioneer Valley Planning Commission** – No Report
- B. Community Preservation Act Committee** – Mr. Francis asked staff to check on the status of his appointment.
- C. Farm Committee** – No Report
- D. Comprehensive Planning Committee** – Mr. Hayden reported that the Committee is deep in the throes of preparing for the Community Forum which is scheduled for next Thursday, September 29th. Everyone is encouraged to attend.

XI. REPORT OF THE CHAIR – Mr. Hayden said that he enjoyed the debate about how to make the subdivision a better project.

XII. REPORT OF THE DIRECTOR – No Report

XIII. ADJOURNMENT

Mr. Kastor MOVED: to adjourn this meeting at 9:55 PM. Mr. Francis seconded, and the Motion passed 7-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Aaron A. Hayden, Acting Chair