

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

MINUTES

PRESENT: Paul Bobrowski, Chair; Adrian Fabos, Carl Mailler, Rod Francis, Chris Boyd, Leandro Rivera, Aaron Hayden, Mary Scipioni

ABSENT: No One

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

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

I. MINUTES – Meetings of November 2, 9 & 16, 2005

Mr. Francis MOVED: to approve the Minutes of November 2, 2005 as submitted. Mr. Boyd seconded, and the Motion passed 6-0-2 (Mailler, Fabos abstained).

Mr. Francis MOVED: to approve the Minutes of November 9, 2005 as submitted. Mr. Boyd seconded, and the Motion passed 6-0-2 (Bobrowski, Rivera abstained).

Mr. Francis MOVED: to approve the Minutes of November 16, 2005 as submitted. Mr. Boyd seconded, and the Motion passed 6-0-2 (Hayden, Rivera abstained).

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

IV. NEW BUSINESS

A. Lot Release Request – Lot 5, Moody Field Road – Snell Street LLC

There were no issues with the request.

Mr. Hayden MOVED: to release Lot 5, Moody Field Road as requested by Mr. Kohl. Mr. Francis seconded, and the Motion passed 7-0-1 (Scipioni abstained).

The Board signed the Certificate of Performance.

B. Lot Release Request – Lot 3, Concord Road – Tofino Associates, Inc.

There were no issues with the request.

Mr. Francis MOVED: to release Lot 3, Concord Road, as requested by Mr. Kohl. Mr. Rivera seconded, and the Motion passed 7-0-1 (Scipioni abstained).

The Board signed the Certificate of Performance.

II. PUBLIC HEARINGS – PRELIMINARY SUBDIVISION APPLICATIONS

SUB2006-00003 - North Amherst Business Park, 169 Meadow Street – W.D. Cowls, Inc.

Mr. Bobrowski opened the public hearing for this request for a 7-lot preliminary subdivision. (Map 4B/Parcel 6; LI & R-LD zoning district)

Mr. Tucker explained the purpose of the preliminary subdivision process.

Mr. Bill Garrity, landscape architect with Garrity & Tripp, represented W.D. Cowls and presented the plans to the Board. Mr. Garrity said that a recent zoning change by Town Meeting was the catalyst for submitting the application.

Mr. Garrity said the parcel is 47 acres and the lot layout is affected by flood issues and the Rivers Protection Act. Four lots would be in the Light Industrial (LI) District and three in a Low-Density Residence (R-LD) District. Access to the site will be by a double 20' wide curb-to-curb boulevard roadway with a 10' landscaped median approximately 2,400 feet in length. There will be periodic roundabouts for emergency access.

Mr. Rivera asked the applicant to expand on the reason for filing the application. Mr. Garrity said to protect the proposed use in case of a zoning change to expand the FPC district. Ms. Cinda Jones, applicant, said that some of the area is already grandfathered. She noted that the interior road has been in existence for 50 years.

Mr. Bobrowski said that the rezoning discussion should be kept to a minimum. The Board's focus should be on the plan, he noted.

Mr. Ron LaVerdiere, 433 West Street, asked if the Planning Board would be willing to waive the double-barrelled entrance to limit the amount of blacktop in an effort to keep more green space. The Board indicated a willingness to grant the waiver.

The Board then reviewed and discussed the Development Application Report and Mr. Bobrowski noted that a Site Visit Report was attached.

Mr. Joe Waskiewicz, 324 Meadow Street, said the old canal is Eastman Brook.

Mr. Rob Kusner, Amherst Select Board, asked about the entrance way. Mr. Bobrowski said that would be an issue for the Conservation Commission to address.

Mr. Vince O'Connor, no address given, said that building in a floodway is not allowed. He said that the Board should require that the floodway be depicted on the plans. Mr. O'Connor also expressed other concerns about the floodplain and potential flooding on the parcel, as well as questions and concerns about the regulatory process.

Mr. Kusner asked if the Select Board acting as the Sewer Commission had been consulted. Mr. Bobrowski said that it had not and that DPW had addressed the relevant issues.

The Board discussed what recommendations it wanted to make.

Mr. O'Connor said that it would be helpful to have a table showing who approves what (Town Engineer, Conservation Commission, etc.).

There was no additional public comment.

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

Mr. Bobrowski MOVED: to approve SUB 2006-00003, North Amherst Business Park, with the following recommendations:

1. The applicant should discuss issues of access with the Fire Chief. This discussion should include consideration of the use of less impervious surface and the provision of more information regarding the emergency access to the north.
2. The applicant should address the 18 issues raised by the Town Engineer.
3. The FEMA floodway boundary must be depicted on the Definitive Plans.
4. The Board strongly recommends that the applicant go through the appropriate review process with the Conservation Commission prior to submitting the Definitive Plan.
5. Street lights should be shown on the Definitive Subdivision plans in accordance with Town standards.
6. Sidewalks should be shown on the Definitive Subdivision plans, or a waiver requested for not providing them.

Mr. Francis seconded, and the Motion passed 8-0.

SUB2006-00004 – Amherst Enterprise Park, Meadow Street “I” – Leigh F. Andrews & Donald A. LaVerdiere

Mr. Bobrowski opened the public hearing for this request for approval for a 5-lot preliminary subdivision. (Map 4D/Parcel 8; LI zoning district)

Mr. Bill Garrity, landscape architect with Garrity & Tripp, representing Mr. Andrews and Mr. LaVerdiere, presented the plans to the Board. Two versions of the proposal have been submitted, he said, one for each zone possible zoning outcome. The proposed uses for the five lots would be for small research and or engineering labs that might transition to businesses.

The Board then reviewed and discussed the Development Application Report. Mr. la Cour said that there was no recommendation from the Board of Health. The Board held a site visit on November 29 and the report was attached to the Development Application Report.

Mr. Mailler said that a “T” road should suffice instead of a cul de sac which would minimize pavement. Mr. Tucker said that staff would look into the road issues.

Mr. Vince O'Connor asked that the Board have the applicant provide an engineering study of the impacts of the planned bridge improvements.

Mr. Joe Waskiewicz, 324 Meadow Street, expressed concern about the height of the buildings, and asked how many Planning Board members have seen the site during flooding. Mr. Waskiewicz also said that he wanted an easement along the drainage ditch to allow for maintenance.

Mr. Rob Kusner wondered if the Sewer Commission needs to be involved.

In response to Mr. O'Connor's question, Mr. Tucker confirmed that the maximum building height allowance in this zoning district is 50 feet.

There was no additional public comment.

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

Mr. Francis MOVED: to approve SUB2006-00004, Amherst Enterprise Park "P" and recommends that the following issues be addressed prior to submission of a Definitive Subdivision application:

1. The FEMA floodway boundary must be depicted on the Definitive Plans.
2. The northern most of the two roads and cul-de-sacs should be eliminated, if possible, to reduce the amount of impervious surface on the site.
3. The applicant should satisfy the Town Engineer's requirements, especially #9 concerning the drainage easement.
4. The applicant should consult with the Town Engineer regarding how the work to be done on the bridge over Swamp Brook on Meadow Street may affect this property.
5. The disposition and ownership of the remaining undeveloped land should be clarified.
6. The Board strongly recommends that the applicant go through the appropriate review process with the Conservation Commission prior to submitting the Definitive Plan.
7. Street lights should be shown on the Definitive Subdivision plans in accordance with Town standards.
8. Sidewalks should be shown on the Definitive Subdivision plans, or a waiver requested for not providing them.

Mr. Rivera seconded, and the Motion passed 8-0.

SUB2006-00005 - Amherst Enterprise Park, Meadow Street "II" – Leigh F. Andrews & Donald A. LaVerdiere

Mr. Bobrowski opened the public hearing for this request for approval for a 5-lot preliminary subdivision. (Map 4D/Parcel 8; FPC zoning district)

Mr. Bill Garrity again represented the applicants. He said that the proposal, which is for the same site as the previous one, is basically the same except that it responds to pre-existing zoning. Mr. Garrity then presented the proposal.

Issues discussed were impacts of the plan, drainage, easements, walking paths and the Town Engineer's comments as outlined in his letter to the Planning Department dated November 22, 2005.

Mr. Vince O'Connor said that he had the same concerns as expressed for the first plan.

Mr. Francis commented that he liked this proposal better than the first one.

There was no additional public comment.

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

Mr. Francis MOVED: that the Board approve SUB2006-00005, Amherst Enterprise Park "II" and recommends that the following issues be addressed prior to the submission of a Definitive Subdivision application:

1. The FEMA floodway boundary must be depicted on the Definitive Plans.
2. The northern most of the two roads and cul-de-sacs should be eliminated, if possible, to reduce the amount of impervious surface on the site.
3. The applicant should satisfy the Town Engineer's requirements, especially #9 concerning the drainage easement.
4. The applicant should consult with the Town Engineer regarding how the work to be done on the bridge over Swamp Brook on Meadow Street may affect this property.
5. The disposition and ownership of the remaining undeveloped land should be clarified.
6. The Board strongly recommends that the applicant go through the appropriate process with the Conservation Commission prior to submitting the Definitive Plan.
7. Street lights should be shown on the Definitive Subdivision plans in accordance with Town standards.
8. Sidewalks should be shown on the Definitive Subdivision plans, or a waiver requested for not providing them.

Mr. Fabos seconded, and the Motion passed 8-0.

III. PUBLIC HEARING – SITE PLAN REVIEW APPLICATION

SPR2006-00002 – Amherst Shopping Center, 175 University Drive – CRES Development Company, Inc.

Mr. Bobrowski opened the public hearing for this request for approval for expansion of Amherst Shopping Center by adding 2,200 sq. ft. of free-standing commercial space and 2,080 sq. ft. of space to the north end of the main building, and the addition of drive-up facilities at each location.

Mr. Dave Stone, CRES Development Company, presented the proposal and told the Board that the free-standing building would be modified to accommodate a Dunkin Donuts which would include a drive-through. Mr. Stone asked the Board to waive Condition #4 of SPR2005-00001, which requires final design and substantial construction of the entrance to be completed prior to a Certificate of Occupancy being issued for the north addition or free-standing building. Staff noted that CRES has been cooperative about the entrance reconstruction. The Town has been the holdup. Mr. Stone indicated that CRES is still willing to work with the Town when it's ready to proceed. Mr. la Cour noted that a traffic study is underway.

Mr. Stone proposed that the Board amend the condition to either hold up the CO on the northern addition or require an escrow bond. The amount of the bond would be decided by the Planning Director and Town Engineer.

Mr. Bobrowski and others expressed concern about the impact from Dunkin Donuts on interior circulation in the shopping center. After discussing traffic circulation and parking, it was decided that the hearing should be continued in order to give the applicant an opportunity to redesign the proposal.

Mr. Francis left the meeting at 8:35. Ms. Scipioni left the meeting at 8:40.

There was no additional public comment.

Mr. Rivera MOVED: to continue the hearing to January 18, 2006. Mr. Mailler seconded, and the Motion passed 6-0.

The Board, staff and applicant continued discussion of shifting the building 9 feet to the east and putting the parking to the north, and it was decided to reopen the hearing.

Mr. Boyd MOVED: to reopen the public hearing. Mr. Hayden seconded, and the Motion passed 6-0.

Mr. Walter Wolnik expressed concerns about safety issues related to people who walk back and forth between the Big Y and Stop & Shop shopping centers. He said that he would like CRES to get together with University Plaza Associates to explore the possibility of creating a bicycle and pedestrian path linking the two shopping centers. Although Mr. Stone indicated he would be willing to explore such a possibility, he noted that the land is located mostly in Hadley, not Amherst, and he said that he would like someone from the Town to work with him on it. Mr. Tucker said that the issue should probably be referred to the Public Transportation and Bicycle Committee.

Mr. Fabos MOVED: to continue the hearing to January 18, 2006. Mr. Hayden seconded, and the Motion passed 6-0.

IV. NEW BUSINESS (continued)

C. Signing of Decision – Lawrence Circle Definitive Subdivision Plan – The Chair signed the Decision.

D. Signing of Attorney General Forms – Town Meeting – The Board signed the forms.

E. Other – None

V. OLD BUSINESS

A. Election of Officers – Schedule – Scheduled for January 18, 2006.

B. Televising Planning Board Meetings on ACTV – Discussion – Scheduled for February 1, 2006

C. Other – None

VI. FORM A (ANR) SUBDIVISION APPLICATIONS

The Chair endorsed the following:

ANR2006-00013, 846 East Pleasant Street – William E. Pearson

Mr. Hayden MOVED: that based on the Phased Growth schedule, January 2006 is the date the lot will be eligible for a building permit. Mr. Mailler seconded, and the Motion passed 6-0.

VII. UPCOMING ZBA APPLICATIONS

The Board decided not to review the following:

ZBA2006-00023, West Street – Dakin Animal Shelter
ZBA2006-00024, 652 South East Street – Scott J. Nielsen
ZBA2006-00025, 24 Leverett Road – Richard McIntire

VIII. UPCOMING SPC/SPP/SPR/SUB APPLICATIONS – There will be two public hearings scheduled for January 18th, SPR2006-00001, Groff Park, to construct a new comfort station and make site improvements, and SPR2006-00002, Porter house Accessibility Improvements.

XIII. ADJOURNMENT

Mr. Fabos MOVED: to adjourn this meeting at 10:35 PM. Mr. Boyd seconded, and the Motion passed 6-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Paul G. Bobrowski, Chair

DATE: _____