

AMHERST PLANNING BOARD
Wednesday, July 15, 2009 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Jonathan Shefftz, Acting Chair; Jonathan O’Keeffe, Denise Barberet, David Webber, Bruce Carson, Richard Roznoy, Ludmilla Pavlova-Gillham

ABSENT: Stephen Schreiber

STAFF: Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner; Sue Krzanowski, Administrative Assistant

Mr. Shefftz opened the meeting at 7:15 PM.

I. MINUTES

Meeting of June 3, 2009 – Ms. Barberet noted that she would like to give some grammatical corrections to Ms. Brestrup after the meeting. There were also several substantive changes that she noted.

Ms. Krzanowski noted that the Board had approved the general content of the Minutes at the last meeting and had voted to allow Ms. Barberet to amend them after she had a chance to read them.

Ms. Barberet recommended the following changes (during and after the meeting):

Page 1: The Tree Warden should be included in the list of attendees;

The word “maple” should read “Maple” in the list of Area 4 trees;

Page 3: The words “Pileated Woodpecker” should read “pileated woodpecker”;

Page 4: Paragraph 4, line 5, the word “the” should be deleted before the word “installing”;

Page 6: Paragraph 3, line 1, the word “the” should be added before the word “process”;

Page 7: Paragraph 4, line 2, add a comma after the word “However”;

Page 8: Full Paragraph 9, line 2, add a comma after the word “however”;

Full Paragraph 10, line 1, the sentence about the vote should read as follows: “The Board voted 3-4-0 (Howland, Barberet and Suarez voting for the motion; Shefftz, O’Keeffe, Carson and Schreiber voting against the motion)”;

Full Paragraph 11, the sentence will be changed to read as follows: “As Tree Warden, Mr. Snow noted his approval of Mr. Howland’s motion and his disagreement with the proposed plan to remove trees along Sand Hill Road.”

- Page 9: Paragraph 3, line 3, the word “affect” should read “effect”;
Paragraph 7, line 1, the sentence about the vote should read as follows:
“The Board voted 4-3-0 and the motion passed (Carson, Schreiber, Shefftz and O’Keeffe voting for the motion; Barberet, Howland and Suarez voting against the motion)”;
Paragraph 7, line 1, add a sentence: “While Mr. Snow, Tree Warden, did not participate in the Planning Board’s vote, he had previously, during the meeting, indicated his disagreement with the plan to remove trees along Sand Hill Road.”
Paragraph 12, a brief outline of the proposed changes to the Planning Board Rules and Regulations should be added; the paragraph will be changed to read as follows: “Mr. Tucker reviewed each of the proposed changes to the Board’s internal organization (Article I) and its conduct of public hearings (Article III), the latter of which included adding provisions recognizing Town Meeting’s recent adoption of the Mullin Rule. The Board discussed the changes.”
- Page 11: Paragraph 5, line 2, the words “from the Planning Board and Agricultural Commission” should be added after the word “resigned”;

Ms. Pavlova-Gillham MOVED: to approve the Minutes of the June 3, 2009, Planning Board Meeting, as amended by Ms. Barberet. Mr. O’Keeffe seconded and the motion passed 4-0-2 (Roznoy and Webber abstained).

Meeting of June 17, 2009 – Ms. Barberet offered the following corrections:

Page 1, paragraph 1, the word “Town” should read “town”;

Page 2, paragraph 7, the words “land use policy maps” should read “land use policy map”.

Ms. Pavlova-Gillham MOVED: to approve the Minutes of June 17, 2009, as corrected by Ms. Barberet. Mr. Carson seconded and the motion passed 5-0-2 (Roznoy and Webber abstaining).

II. ELECTION OF OFFICERS

A. Subcommittee appointments – Zoning, Master Plan

Mr. Roznoy volunteered to serve on the Zoning Subcommittee to replace Mr. Suarez.

Ms. Pavlova-Gillham volunteered to serve on the Master Plan Subcommittee. Both Mr. Roznoy and Ms. Pavlova-Gillham were appointed by the Board.

B. Other – Election of Officers

Mr. Shefftz stated that he is currently serving as Vice-Chair and Mr. O’Keeffe is serving as Clerk.

Mr. Webber MOVED: to nominate the current Vice-Chair, Mr. Shefftz, as Chair. Mr. O'Keefe seconded the motion.

Mr. O'Keefe MOVED: to close the floor to nominations. There was no second.

The Board voted 4-0-3 (Barberet, Shefftz and Roznoy abstaining) and the motion passed to elect Mr. Shefftz as Chair.

Mr. Carson MOVED: to nominate Mr. O'Keefe as Vice-Chair. Mr. Webber seconded.

Mr. Shefftz asked if there were other nominations for Vice-Chair and, not hearing any further nominations, he closed the floor to further nominations for Vice-Chair.

The Board voted 4-0-3 (O'Keefe, Barberet and Roznoy abstaining) and the motion passed to elect Mr. O'Keefe as Vice-Chair.

Mr. Tucker described the role and duties of Clerk. Ms. Pavlova-Gillham volunteered to serve as Clerk.

Mr. O'Keefe MOVED: to nominate Ms. Pavlova-Gillham as Clerk. Mr. Shefftz seconded and the motion passed 6-0-2 (Pavlova-Gillham and Roznoy abstaining).

Ms. Pavlova-Gillham stated that she had seen an article in the Daily Hampshire Gazette that she wished to discuss. She was a little offended about the reference to absences. She had missed seven sessions of Planning Board meetings because she was teaching a class. She had stated that she would be glad to step down. She stated that next year she will be teaching on Tuesdays and Thursdays. Ms. Barberet noted that she had called the newspaper and told them that the article needed clarification.

Mr. Shefftz commented that all of the Board members struggle with attendance. But the vast majority of residents of the town do not participate in town government at all.

Mr. Tucker agreed that Planning Board members are working people with busy lives. He noted that Planning Board members come to subcommittee meetings as well as two Planning Board meetings per month.

Mr. O'Keefe noted that predictability is important.

C. Committee Nominations

Mr. Tucker referred to the list of committees and their charges. In the case of the PVPC the Planning Board elects one of its members to serve on the PVPC. In the case of Puffers' Pond, the Conservation Commission is the appointing authority for the Puffers' Pond 2020 Committee.

Mr. Shefftz asked if the Planning Board's representative on the Design Review Board needed to be a member of the Planning Board. Mr. Tucker stated that the DRB representative did not need to be a Planning Board member. However, the representative is responsible for reporting back to the Planning Board. Mr. Shefftz stated that it would be nice to hear from the Planning Board's representative, Kathryn Grandonico, about the activities of the Design Review Board. Ms. Pavlova-Gillham asked staff to invite Ms. Grandonico to one of the Board's upcoming meetings.

1. Puffers Pond 2020

Mr. Webber volunteered to serve on the Puffers' Pond 2020 Committee.

Mr. O'Keeffe MOVED: to nominate Mr. Webber to the appointing authority, the Conservation Commission, to serve on the Puffers' Pond 2020 Committee. Mr. Carson seconded and the Board voted 5-0-2 (Roznoy and Webber abstaining) to approve the nomination.

2. Agricultural Commission

Mr. Tucker stated that the members of the Agricultural Commission are appointed by the Select Board. Mr. Shefftz noted that the Planning Board has heard from the Agricultural Commission on various Site Plan Review applications, and has a role in that process under the Bylaw. Mr. Tucker noted that the Commission has also worked on zoning amendments with the Zoning Subcommittee. He explained that the Agricultural Commission meets about once a month and that they are a diverse group, not just farmers, but also people who are involved in the farm economy.

Mr. Roznoy asked what the Planning Board's interest in the Agricultural Commission would be. Mr. Tucker explained that the Agricultural Commission is a new creation, about one and one-half years old. It replaced the former Farm Committee. It has a formal role in some aspects of project review and it also participates in the process of amending the town's regulations. Farming occupies a substantial area of land in Amherst and as such is an important land use. Ms. Brestrup noted that the Agricultural Commission would be meeting on July 21st and that Planning Board members who were interested in exploring membership on the Agricultural Commission might wish to attend that meeting.

Mr. Tucker stated that the staffing for the Agricultural Commission is provided by the Conservation Department. Mr. Roznoy noted that he would like to defer nomination of the Agricultural Commission member for one meeting.

Mr. Tucker stated that the Planning Board's representatives to other boards and committees can serve as a resource to those bodies and can share the planning framework with them.

Mr. Roznoy stated that he may be interested in being appointed to the Agricultural Commission.

III. NEW BUSINESS

A. “The Extension Quarterly – In Common”

Mr. Tucker explained the nature of the Cooperative Extension Service and its publication.

B. Upcoming Meeting Schedule

Mr. Tucker explained that if there is nothing on the agenda for July 29th there would be no need to hold a meeting on that night. Mr. Shefftz noted that August 5th is only one week after July 29th. The Board agreed by consensus to keep the date of the 29th open, but not to hold the meeting unless there was a need to do so.

C. Other – None

IV. OLD BUSINESS

Ms. Barberet asked if the Open Space and Recreation Plan had been completed and submitted to the state. Mr. Tucker stated that it had, and that copies can be made available for the Planning Board members. He also noted that the OSRP is available on the town’s website.

Ms. Pavlova-Gillham asked about the deadline for the Master Plan. Mr. Tucker stated that there is no given deadline, but described a likely sequence of actions involved in its completion. The Commonwealth Capital Program has a deadline of mid-August. He explained that the Commonwealth Capital Program was started about five years ago by the state. Communities are rated on the basis of the “sustainable” actions that they undertake. Amherst has consistently ranked high in this program.

V. FORM A (ANR) SUBDIVISION APPLICATIONS

There were no Form A (ANR) applications.

VI. UPCOMING ZBA APPLICATIONS

ZBA FY 2009-00042 – Mr. Tucker gave a history of the HAP (Longmeadow Drive) project and explained that a Comprehensive Permit for the project had been issued by the Zoning Board of Appeals. A group of neighbors objected to the project and had persistently appealed approvals associated with the Comprehensive Permit. Nothing has yet been built. The current case involves the Building Commissioner’s decision to issue Building Permits for work on an associated farmhouse. He noted that in this case the Comprehensive Permit could be characterized as a “friendly 40B” in that Amherst

boards and committees had supported the project even though the percentage of low-income housing in Amherst was and remains above the 10% threshold cited in Chapter 40B of Mass General Laws. The Planning Board declined to review this ZBA case.

VII. UPCOMING SPP/SPR/SUB APPLICATIONS

No upcoming applications have been filed.

VIII. PLANNING BOARD SUBCOMMITTEE REPORTS

A. Zoning

Mr. O’Keeffe reported on the Zoning Forum that had been held just prior to the Planning Board meeting. He explained that some of the potential zoning amendments and issues that had been discussed at the Forum included medical/doctors’ offices, farmland and environmental amendments, efforts to make the Zoning Bylaw clearer, and brownfields development incentives.

He explained that the two main items that are under consideration for fall Town Meeting are replacement of the Phased Growth bylaw and revisions to zoning in the Main/Dickinson/High Street area around the Amherst Depot.

B. Master Plan

Mr. Tucker reported on the work of the Master Plan Subcommittee. The Subcommittee has almost finished its review of the text of the Master Plan. They plan to review Chapter 2, Goals and Policies, at their next meeting. Mr. Tucker explained the work that had been done to date on the Land Use Policy map that will accompany the Master Plan. Ms. Barberet asked that the Master Plan be sent to the whole Board. Mr. Tucker stated that the Board has twice previously received copies of the Master Plan and that it would be appropriate to send a revised copy once Chapter 2 has been done. Mr. Tucker and Ms. Barberet noted that there is controversy about a fundamental issue in Chapter 3 that will need to be resolved by the Board as a whole. The Master Plan Subcommittee is due to meet next on July 22nd.

IX. PLANNING BOARD COMMITTEE REPORTS

A. Pioneer Valley Planning Commission – There was no report.

B. Community Preservation Act Committee – Ms. Barberet gave the report for the Community Preservation Act Committee. They had an emergency meeting on June 22nd to consider a proposal by the Library Trustees to fund window repair and repainting with CPAC funds, in order to free up \$50,000 to cover the deficit of \$35,000 in the Library budget. She noted that the Library is at risk of losing state certification without proper funding. The CPAC thought that this was a worthwhile

project. They discussed delaying reconstruction of the town tomb, but instead voted to defer funding for historical signs and put that money toward the Library project. Ms. Barberet stated that \$30,000 that had been approved for signs for a writers' walk was to be used for the Library project. The CPAC voted 5-1 to approve a reassignment of CPAC funds. However, Town Meeting did not accept the change in funding for the Library.

Mr. Tucker noted that a Special Town Meeting had been scheduled for July 27th to consider proposals to appropriate funds for the Library in a different manner and undertake other actions.

Ms. Barberet noted that matching CPAC funding from the state would be 30% this year, instead of the 29% previously predicted.

C. Agricultural Commission – There was no report.

D. Save Our Stop Committee – There was no report.

X. REPORT OF THE CHAIR – Mr. Shefftz encouraged everyone to attend the Glasgow Lands Scottish Festival on July 18th, at Look Park. He had attended in past years and found it to be a rewarding and interesting experience.

XI. REPORT OF THE DIRECTOR – There was no report.

XII. ADJOURNMENT

Mr. Shefftz MOVED: to adjourn this meeting at 8:21 p.m. Mr. O'Keeffe seconded, and the Motion passed unanimously.

Respectfully submitted:

Christine M. Brestrup, Senior Planner

Approved:

Jonathan Shefftz, Chair

DATE