

**AMHERST PLANNING BOARD**  
**Wednesday, November 4, 2009 – 6:30 PM**  
**Professional Development Room, Amherst Regional Middle School**  
**MINUTES**

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

**ABSENT:** None

**STAFF:** Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner

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Mr. Shefftz, Chair, opened the meeting at 6:40 PM.

**I. TOWN MEETING RECOMMENDATION**

**A. Article 13, Green Building & Lot Coverage**

Mr. Shefftz summarized Article 13, regarding permeable surfaces, green roofs and lot coverage. He stated that the Planning Board had voted [on October 7<sup>th</sup>] to recommend breaking the article into two parts. The first part (Green Roofs) included Parts A and B of Article 13 plus the portion of Part D containing the definition of green roofs. The second part included the remainder of Article 13, having to do with permeable surfaces. The Planning Board had taken a vote on a motion to recommend to Town Meeting the Green Roofs portion of Article 13. There was a split vote (4-4) and the motion failed to pass. The Board had then taken a vote on a motion to recommend the remainder of Article 13, [Part C and the portion of Part D containing the definition of porous paving and the Rational Method]. The vote was 7-1 and the motion passed. Since then, new developments have come to light with regard to this article.

Mr. Tucker explained that he had discussed Article 13 with the Select Board and the Finance Committee and they had recommended that there be greater coordination with the Department of Public Works as well as with Conservation Commission regulations, in developing the green roofs and permeable surfaces bylaw. In addition, in the last week new state regulations regarding groundwater recharge had gone into effect. Rather than go forward with the article as it is and then have to change it later, Mr. Tucker recommended that the Planning Board refer the entire article back to itself for further study.

Mr. Shefftz noted that the issue could be revisited again in the spring.

Mr. O’Keeffe stated that the Zoning Subcommittee had discussed referring the article back at its meeting on October 21<sup>st</sup>, but had neglected to bring this discussion up at the Planning Board meeting. Therefore this meeting [November 4<sup>th</sup>] was being held to discuss and vote on a revised recommendation on Article 13.

Mr. Carson stated that he hoped that there would be an effort to coordinate the issues in Article 13 with broader issues related to a “green policy” for the town.

Ms. Pavlova-Gillham MOVED to recommend to Town Meeting that Article 13 be referred back to the Planning Board. Mr. O’Keeffe seconded and the vote was 7-0-1 (Barberet abstained).

Ms. Barberet explained that her abstention stemmed from the discrepancy between the 7-1 vote previously taken by the Board and the erroneous 8-0 vote published in the Planning Board's Report distributed to Town Meeting, a figure taken from a draft prepared by staff prior to the actual vote of the Board. She was appalled that a vote had been reported to Town Meeting other than the vote that had actually occurred.

Mr. Tucker explained that, due to time constraints, the Reports were sometimes written ahead of time and that this one contained an error that was not caught prior to the document being copied for Town Meeting members. There was discussion about changes being made to articles up to the time that they are brought before Town Meeting and an acknowledgment that these last-minute changes run counter to the desire of the Town Meeting Coordinating Committee to have Planning Board reports distributed early on in the process.

Mr. O'Keeffe commented that the last few Town Meetings have been approached "with better readiness" and he praised the level of detail provided and the hard work of staff.

Mr. Tucker stated that he regretted having released the report containing the error.

Mr. Webber stated that it was good that the article was being referred back to the Planning Board.

**B. Other**

**1. Article 9**

Mr. Tucker stated that there was a lack of consistency in the language regarding "Other medical care providers". The motion that had been agreed to previously contained the words "Other health care providers". However, the definition of medical offices included the phrase "Other medical or dental professionals". That is the phrase used in other sections of the warrant, as well. Mr. Webber noted that there had been a discussion about taking out the word "direct". Mr. Tucker stated that there was a need for a vote to authorize a change in the amended motion [to amend the title "Other Medical Care Providers" to read "Other Medical or Dental Professionals"].

Mr. Schreiber MOVED to authorize the change in the amended motion. Mr. O'Keeffe seconded and the vote was 5-1-2 (Barberet opposed; Webber and Pavlova-Gillham abstained).

**2. Article 11**

Mr. O'Keeffe stated that there was a need for revised motion language for Article 11, having to do with the B-N district. If Article 9 does not pass, there will be a need for an amended motion on the B-N district. There was discussion of whether or not this change would be necessary.

Mr. O'Keeffe MOVED to accept the proposed revised language under Article 11. Mr. Carson seconded and the vote was 7-0-1 (Barberet abstained).

There was a discussion about the issue of calling the question at Town Meeting and whether it was disrespectful or appropriate to do so.

Mr. Shefftz invited Planning Board members to a potluck dinner at his home. It will be a chance to eat and socialize and the attendees were admonished not to talk about Planning Board business.

## **II. OTHER**

### **A. Puffers Pond Committee Report**

Mr. Webber stated that no dogs are allowed in the water at Puffer's Pond. Public comments had been presented on this issue at a recent meeting. The committee continues to work on the issues of parking, dredging, erosion and use issues, including the number of people allowed at the pond. There have been questions about how to pay for proposed improvements. Mr. Shefftz asked questions about maintenance. Mr. Webber stated that the committee is considering options with respect to maintenance. One option is to leave the maintenance as it is now. Another option is to institute a fee to pay for more services and upgrades. This second option would increase the town's liability. If the town doesn't charge for use, it is immune from law suits as a "government body".

Mr. Shefftz asked about Look Park in Northampton and was told that it is a private park that was established by a bequest.

Mr. Tucker stated that there is an inherent conflict with respect to management. If the town increases management of Puffer's Pond, it increases its responsibility and liability. If the town doesn't increase management, then the resources will be degraded.

Mr. Webber noted that Puffer's Pond is a mill pond, created by a dam.

Mr. Schreiber suggested that there could be metered parking on the street.

Mr. Webber encouraged Planning Board members to go onto the Puffer's Pond 2020 website and fill out the survey about Puffer's Pond.

Mr. Webber stated that the Puffer's Pond 2020 Committee is studying the pond from the "silver bridge" to the Mill River Conservation Area. He noted that there are areas that flood and certain areas that are filled with invasive species. Puffer's Pond is an area that is heavily used. There was discussion of use by dogs.

### **B. Rail Trail Improvements**

Mr. Shefftz asked about improvements to the Norwottuck Rail Trail.

Ms. Pavlova-Gillham left the meeting (7:15 p.m.).

Mr. Tucker reported current developments regarding the Norwottuck Rail Trail design process.

### **C. Save Our Stop Committee**

Mr. Schreiber stated that the Save Our Stop (SOS) Committee had not met recently. Mr. Tucker reported that there had been meetings in Palmer, MA, and in Mansfield, CT, with others who are interested in the topic of rail service, including representatives of the Connecticut Department of Transportation. An SOS meeting

will be scheduled as soon as Town Meeting is over. Mr. Schreiber stated that he had received a letter from members of the Connecticut legislature after the meeting that Mr. Tucker had attended in Connecticut.

**D. Agricultural Commission**

Mr. Roznoy reported on a recent Agricultural Commission meeting. There were difficulties with the Farm Festival, because it rained all day. There is also a need for a broader consensus among Agricultural Commission members and possibly a need for public outreach. The membership is now only 7 members and it should be 9 members. Mr. Roznoy also reported that Dave Ziomek recently made a presentation to the Agricultural Commission about the proposed changes to Spring Street. Mr. Tucker noted that there would be a presentation by Guilford Mooring to the Planning Board about the Spring Street improvements at an upcoming Planning Board meeting.

**III. ADJOURNMENT**

The meeting was adjourned at 7:18 p.m.

Respectfully submitted:

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Christine M. Brestrup, Senior Planner

Approved:

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Jonathan Shefftz, Chair

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