

AMHERST PLANNING BOARD
Wednesday, January 19, 2011 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Jonathan O’Keeffe, Vice Chair (Acting Chair); Bruce Carson, Richard Roznoy, Rob Crowner, Stephen Schreiber, and David Webber

ABSENT: Jonathan Shefftz, Chair; Sandra Anderson

STAFF: Christine Brestrup, Senior Planner

Mr. O’Keeffe opened the meeting at 7:05 PM and announced that the meeting was being recorded by Planning Department staff and was being recorded and broadcast by ACTV.

I. MINUTES

Mr. Crowner noted a correction to page 10 of the Minutes of January 5, 2011.

Mr. Roznoy noted corrections to page 9.

Mr. Schreiber MOVED to approve the Minutes of January 5, 2011, as amended. Mr. Webber seconded and the vote was 6-0.

II. PUBLIC HEARING – SITE PLAN REVIEW

SPR2011-00006/M7471, 79 Taylor Street, You-Pan Tzeng – *continued*

Request for continuance to February 16, 2011

Ms. Brestrup explained that Mr. Tzeng had requested that the public hearing be continued to February 16, 2011. The reason for this request was that Mr. Tzeng had recently met with the Design Review Board at the request of the Planning Board. The Design Review Board had given Mr. Tzeng several recommendations that he wished to incorporate into a revised design.

Mr. Roznoy MOVED to continue the public hearing to February 16, 2011, at 7:05 p.m. Mr. Schreiber seconded and the vote was 6-0.

III. OLD BUSINESS

A. Signing of Decision

SPR2011-00004/M6686 – Ron Bohonowicz – Bangs Community Center – 70 Boltwood Walk – the Board members signed the decision

B. Other Old Business – none

IV. NEW BUSINESS

B. Lot Release Request – Lots 1 - 8 - South Middle Street Cluster Subdivision

Ms. Brestrup explained the request and noted that the Town Engineer, Jason Skeels, had no objection to the release of the lots since this is a private way and will remain a private way. Gloria McPherson of Tofino Associates explained that the road had not been built to the town’s subdivision specifications but that it was a private way and would remain a private way. The grade of the road is close to 15%.

Mr. Webber MOVED that all of the lots be released. Mr. Carson seconded and the vote was 6-0.

Board members signed the Certificate of Performance form.

- C. Green Communities (Massachusetts Department of Energy Resources – DOER Green Communities program) – discussion of zoning amendments related to application for “Green Communities” designation

Ms. Brestrup explained the Green Communities program and noted that the Planning Board may be asked to review and make recommendations on zoning amendments related to Amherst’s application for Green Communities designation.

- D. PVPC (Pioneer Valley Planning Commission) – Discussion of “2011 Top Ten Resolves”, the Smart Growth Community Checklist, the District Local Technical Assistance (DLTA) Program and Valley Vision Maps

Mr. Schreiber reported that there were two comments received about the 2011 Top Ten Resolves, one from Jonathan Tucker, Planning Director, and one from Mr. Roznoy. He referred to two emails that had been received.

From Mr. Tucker – Email recommending an amendment to Resolution #1, to read (***bold italics*** indicate new language):

- #1. Assist the Commonwealth and its partners to begin the \$72.8 million effort to rebuild our region’s north-south Knowledge Corridor rail line from Springfield to the Vermont line beginning in 2011. Correspondingly ***to*** help MassDOT to launch a comprehensive study aimed at revitalizing the east-west ‘Inland Route’ to allow intercity rail services connecting Boston, Worcester and Springfield, ***while pursuing state and federal support for study and improvement of the north-south corridor of the Central Corridor along the New England Central Railroad (NECR) line for both significant upgrading of freight capacity under the priorities of the Massachusetts Freight and Rail Improvement Plan, and for new passenger rail service and connections between significant population and educational centers in Vermont, western Massachusetts, and central-southern Connecticut.***

From Mr. Roznoy – Email recommending an amendment to Resolution #1 to add the following language at the end of Resolution #1, after Mr. Tucker’s recommended addition:

. . . as well as development of alternative local transportation options, including, without limitation, light rail and dedicated bus lanes to reduce automobile and small vehicle passenger traffic and increase public transit options between Pioneer Valley, western Massachusetts and northern Connecticut municipalities.

The Board members discussed the proposed amendments. Mr. O’Keeffe stated that he agreed with both Mr. Tucker’s and Mr. Roznoy’s recommendations. Mr. Crowner stated that, although he agreed with Mr. Roznoy’s recommendations, he was concerned that Mr. Roznoy’s amendment might dilute the impact of Mr. Tucker’s amendment. Mr. Tucker’s amendment asks that the PVPC not forget the [north-south] rail line that already exists.

Mr. Schreiber stated that Mr. Tucker's amendment was meant as an attachment to a resolution regarding the "inland route" rail line.

Mr. Roznoy stated that he saw light rail and other options as alternatives to what Mr. Tucker was recommending.

Mr. Schreiber suggested that Mr. Roznoy's language might be incorporated as an 11th resolution. Mr. O'Keefe offered the title "Top 11 Resolves for 2011". He suggested either adding Mr. Roznoy's language as a separate resolution or finding a graceful way to fit it in to the existing resolutions.

Mr. Schreiber MOVED to support Mr. Tucker's amendment to Resolution #1. Mr. Crowner seconded and the vote was 6-0.

Mr. Schreiber MOVED to either add an 11th resolution to accommodate Mr. Roznoy's amendment or to incorporate Mr. Roznoy's language into an existing resolution. Mr. Roznoy seconded and the vote was 6-0.

Mr. Crowner noted that the Planning Board had been asked to comment on maps prepared by PVPC. Mr. Schreiber suggested discussing that issue under the PVPC report and Board members agreed.

E. UMass Department of Natural Resources, Forestry Conservation, Keystone Project – Ms. Brestrup explained the program and encouraged members of the Planning Board to participate, but stated that, unfortunately, there is no money available from the town to support members' participation.

F. New Information – none

A. Chapter 61 Removal – Flat Hills Road – W. D. Cows, Inc.

Ms. Brestrup stated that the lot on Flat Hills Road has been under a Chapter 61 (Forestry) designation, allowing the landowner to take advantage of certain real estate tax benefits. She described the process for withdrawal from Chapter 61. The Planning Board and the Conservation Commission advise the Select Board on whether to exercise the right of first refusal. Planning Department staff do not consider this property as having a value to the town that is worthy of the town's purchasing the property. The Planning Department staff recommends to the Planning Board that it recommend to the Select Board that the town not exercise the right of first refusal. This property was the subject of a recent ANR plan that was endorsed by the Planning Board. It is approximately 40,000 square feet in area.

Mr. O'Keefe asked if it is also the view of Conservation staff that the town should not purchase the property. Ms. Brestrup reported that she had spoken with Dave Ziomek, Director of Conservation and Development, and that in Mr. Ziomek's opinion there was no reason for the town to purchase the property, but he has not yet taken the question to the Conservation Commission for its review.

Mr. Crowner stated that he was reluctant to endorse taking the property out of Chapter 61 because the development of this parcel is not in accordance with

the goals of the Master Plan, since the parcel is located in an outlying area. Mr. Crowner acknowledged that if the Planning Board were to recommend that the town purchase the property, the Board would be essentially recommending that the town spend \$106,000 to purchase the property, since this is the price listed in the Purchase and Sale Agreement.

Mr. O'Keeffe noted that the Planning Board could recommend that the town purchase the property.

The Board discussed and questioned the sequence of events, i.e. the ANR coming first and then the request for Chapter 61 withdrawal. Mr. O'Keeffe explained that it was necessary to define the parcel first, with an ANR application, prior to requesting the withdrawal. Otherwise the exact location and size of the parcel to be withdrawn would not be clear.

Mr. Webber stated that, although he agrees that this withdrawal is not in accord with the town's general plans, he doesn't consider it a problem to have one single-family house built there. One acre developed out of approximately 40 acres is not a problem, he said. In the current budget crisis he could not recommend that the town purchase the property for \$106,000. He is inclined to recommend that the town not exercise the right of first refusal.

The Board members discussed the location of the property with respect to Cushman Village and determined that it was not part of the Village Center. However, Mr. Schreiber stated that he thought that this parcel was part of an area that was already developed.

Mr. Crowner disagreed and noted that there are no sidewalks in the vicinity of the property, it is not part of the Village Center and he estimated that there could be as many as five lots created in the area.

Mr. Webber MOVED to recommend to the Select Board that the town's right of first refusal on this property not be exercised. Mr. Carson seconded.

Mr. Roznoy suggested that a statement be attached to the Board's vote indicating that, while the development of this parcel doesn't appear to fit with the goals of the Master Plan in terms of encouraging development in the centers, we don't believe that the town should exercise its right of first refusal based on this particular lot and the circumstances of its situation.

Mr. Webber added that there is room for flexibility in the Master Plan regarding the concentration of growth in certain areas and that it doesn't make sense for the town to fund the purchase of this lot. Mr. O'Keeffe supported attaching an explanation of the Planning Board's discussion to the statement about the vote. Mr. Webber suggested forwarding a copy of the Minutes to the Select Board along with the transmittal of the Planning Board's vote.

The vote was 5-1 (Crowner opposed).

V. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VI. UPCOMING ZBA APPLICATIONS

The Board declined to review the following application:

ZBA FY2011-00017 – Amherst Brewing Company – 6 University Drive

VII. UPCOMING SPP/SPR/SUB APPLICATIONS – none

VIII. PLANNING BOARD SUBCOMMITTEE REPORTS

Zoning – Mr. O’Keeffe reported. The Zoning Subcommittee met just prior to the Planning Board meeting. The ZSC spent half of its meeting in Executive Session discussing the responses to the RFP that had been issued for rezoning projects for North Amherst and South Amherst [Atkins Corner]. This discussion will extend over at least the next few meetings.

In addition the ZSC discussed the Development Modification amendment. The ZSC members each presented detailed thoughts on how the Development Modification amendment could be changed. These thoughts will be discussed further at the upcoming ZSC meetings.

The ZSC also discussed articles that might be brought to Spring Town Meeting, including an article about duplexes. The article proposes that duplexes might be regulated by type – those that are owner-occupied and those that are not owner-occupied. The article also deals with the definition of a duplex and the level of connectivity that should be required between the parts of a duplex.

The ZSC also began to look at changes to the parking requirements, in particular placing more restrictions on parking in the front yard and on lawns and generally improving residential parking requirements.

The ZSC also heard a presentation by John Gerber, Bernard Brennan and Mr. Brennan’s daughter about the accessory livestock and poultry amendment that had been referred back to the Planning Board by Town Meeting. They spoke about the value of raising chickens and the quality of the eggs. The ZSC has limited time to devote to this amendment, so the proponents are planning to bring a petition article to Town Meeting this spring with input from the ZSC. The Planning Board will be required to hold a public hearing on the petition article and to offer recommendations to Town Meeting.

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Mr. Schreiber reported on documents that had been sent to the Planning Board by PVPC. These documents included maps that had been prepared by PVPC. The Planning Board was invited to submit comments on these documents to the PVPC. Mr. Schreiber stated that at the last Planning Board meeting the Board had talked about the Smart Growth Community Checklist.

There are three maps that are part of the Valley Vision document. The PVPC is looking for feedback on the maps.

Ms. Brestrup noted that she had spoken with Jonathan Tucker, Planning Director, about Valley Vision. Mr. Tucker had said that in the past, when Amherst was given the opportunity to agree with Valley Vision, the Select Board at the time had reservations about the document and the process that had led up to its creation and they also had concerns about the repercussions of accepting Valley Vision's vision of the valley. The Select Board had declined to support Valley Vision at that time.

At this time Mr. Tucker does not see a strong conflict between Valley Vision and the Master Plan. In fact, when the Master Plan was developed, a specific reference about Valley Vision was incorporated. Mr. Tucker does not see a problem with going along with Valley Vision at this time.

Mr. Roznoy asked why no wind generation areas are shown on the map of renewable energy resources. Ms. Brestrup noted that Guilford Mooring [Superintendent of Public Works] has stated that there are really no appropriate areas in Amherst for wind generation, except possibly for some small residential-scale installations. Mr. Schreiber noted that the higher elevations on the border of Granby and Amherst might be appropriate locations.

The Board looked at some of the areas that had been designated as industrial on the map and noted that the parcel on North East Street that is currently the Wagner Farm should not be shown as industrial, despite the logging and mulch operation there. It is a farm that is under an APR.

Board members noted that the former Cowls sawmill is also shown as industrial land, which in that case may be fitting.

There was discussion about where PVPC might have obtained information about land uses. The conjectures included aerial photographs, business records and assessors information.

With regard to hydro-electric generation, Mr. Webber noted that there has been discussion about installing a hydro-electric generator at the Puffer's Pond dam, in order to generate funding to operate the Puffer's Pond recreational area. It should be recognized that Puffer's Pond has hydro-electric potential.

Mr. Webber asked about methane power generation at the Amherst landfill. Ms. Brestrup stated that it is her understanding that this methane generator is not currently working.

Ms. Brestrup noted that Amherst has received responses to an RFP to install solar panels on the old landfill and it is likely that the old landfill will become a solar power generating site.

The Board turned to the question of Transit Oriented Districts as shown on the map. Board members thought that the following areas should be shown as Transit Oriented Districts (TOD's):

- East Village – at the intersection of Route 9 and South East Street (which does not currently have a bus stop, but which should have one);
- Center of Town

- University (specifically the area around the Fine Arts Center)
- Depot area – Main, Dickinson and High Street area.

The Board discussed whether PVPC was suggesting that the areas shown on the map were already Transit Oriented Districts or should be developed as TOD's. Mr. Schreiber will clarify this with PVPC.

Mr. Crowner asked about TDR receiving zones and 40R Districts. Ms. Brestrup noted that 40R Districts are similar in some ways to TOD's in that they both involve encouraging residential and mixed-use development around transit stops, such as train stations and bus stations. The exploration of 40R Districts have been on the Zoning Subcommittee's priority list for some time.

Community Preservation Act Committee – none

Agricultural Commission – none

Public Transportation and Bicycle Committee – none

Amherst Redevelopment Authority – Mr. Webber reported that the recent meeting was cancelled and was tentatively rescheduled for January 31st. The Visioning and RFP process continue.

- X. REPORT OF THE CHAIR** – Mr. O'Keeffe reported that the next meetings of the Planning Board are scheduled for February 2nd and February 16th. Mr. Schreiber will not be able to attend on the 2nd. Ms. Brestrup noted that the February 2nd meeting will be devoted to a training session with Town Counsel, Joel Bard.
- XI. REPORT OF STAFF** – Ms. Brestrup reported that the Kendrick Park Design Advisory Committee meeting to view Concept Plans is scheduled for January 27th. Mr. Carson and Mr. Crowner plan to attend. Mr. Carson asked if the Planning Board will have any authority over this project. Ms. Brestrup reported that the current process involves developing Conceptual Plans and eventually a Schematic Plan which will be used to generate a Preliminary Cost Estimate. She encouraged members of the Planning Board to attend the upcoming meeting to become familiar with and to help shape the Conceptual Plan as it is developed. Both the Schematic Plan and the Preliminary Cost Estimate will eventually be submitted to the state under the PARC Grant Program, for funding associated with final design and construction. Once the town has developed a final design the Planning Board will be asked to approve it under Site Plan Review. Ms. Brestrup reminded the Board members that if they are planning to attend the KPDAC meetings they should let her know so that she can post it as a Planning Board meeting (in case more than a quorum plans to attend).

XII. ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

Respectfully submitted:

Christine M. Brestrup, Senior Planner

Approved:

Jonathan O'Keefe, Acting Chair

DATE: _____