

AMHERST PLANNING BOARD
Wednesday, July 6, 2011 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Jonathan Shefftz (7:12 PM), Chair; Jonathan O’Keeffe, Rob Crowner, Bruce Carson, Sandra Anderson, Richard Roznoy, David Webber, Connie Kruger and Stephen Schreiber

ABSENT: none

STAFF: Christine Brestrup, Senior Planner

Mr. O’Keeffe opened the meeting at 7:05 PM.

I. MINUTES June 15, 2011

Mr. Schreiber MOVED to approve the Minutes of June 15, 2011. Mr. Webber seconded and the vote was 8-0.

III. OLD BUSINESS

D. Signing of Decision – The Board signed the decision for SPR2011-00009/M9271 – 138 Sunderland Rd., Amherst Survival Center

VIII. PLANNING BOARD SUBCOMMITTEE REPORTS

Zoning – Mr. O’Keeffe reported that the Zoning Subcommittee had met with Steve Cecil and Ted Brovitz of The Cecil Group that afternoon for an update on the planning process for North Amherst and Atkins Corner. Mr. Cecil and Mr. Brovitz had presented information about conceptual plans for the two village centers and about form-based code. Public meetings for the two village centers had been scheduled for Monday, July 25th and Tuesday, July 25th. As these dates approach, everyone is encouraged to check the town calendar to see which meeting would cover which village center.

II. PUBLIC HEARING – SITE PLAN REVIEW

SPR2011-00010/M9393, 1150 West Street – Pauline Lannon c/o Atkins Farm Market

Request Site Plan Review approval to construct a 48KW ground-mounted photovoltaic array system, with a 6 ft. tall vinyl-coated chain link fence, west of the new warehouse, as an accessory use (Map 258/Parcel 51; B-L Zoning District)

Mr. O’Keeffe read the preamble and opened the public hearing.

Mr. Shefftz arrived (7:12 PM) and proceeded to chair the meeting. He announced that the meeting was being recorded by Planning Department staff and recorded and broadcast by Amherst Media.

Steve Condon of Waterline Alternative Energies in Seabrook, N.H., presented the application. He explained that his company does work all over New England. He distributed a revised plan and detail of the photovoltaic modules. The proposal has been reduced in size to approximately 45.5 kW due to the setback requirements of the Zoning Bylaw. The new layout complies with the setback requirements. Mr. Condon introduced the manager of Atkins Farm Market, Pauline Lannon. He stated that Atkins employs about 75 full-time and 75 part-time employees. Atkins is a supporter of the local farm community and has already taken steps to reduce its energy use. Mr. Condon noted that the use of coal, oil and natural gas doesn’t benefit the health of communities. The designers considered several locations for the new system, including the roofs of the existing and new buildings. The roofs are unable

to support the loads of the PV system. He noted that there are new snow-loading requirements in the Building Code. Structurally reinforcing the roofs was not an option due to costs associated with this work.

The new 45.5 kW array will offset about 15% of Atkins financial expenditures for energy on an annual basis, taking into account the energy savings from producing their own energy and the production-based incentives offered by the State of Massachusetts to anyone investing in a solar energy system.

A post-driven mounting system was chosen, eliminating the need for concrete footings underneath the array. This keeps the ground space permeable for drainage and reduces the use of concrete which emits CO₂ when produced. There will be a series of 2" conduits located 24" below the surface of the ground to the east side of the array. The solar panels will have a height of 9'-2 1/4". There will be 4 rows of modules, set at approximately 30' on center from north to south. There will be approximately 21'-3 3/4" between arrays.

The area below the array will be loamed and seeded with Little Bluestem, a grassy ground cover hardy in winter. The perimeter will be ringed with a 6' high vinyl-coated chain-link fence per National Electric Code (NEC) requirements, for public safety. There will be two 60" gates, to the east and north, as required by NEC.

Landscaping will be planted outside of the fence on the north, west and south sides of the array, to screen the area from West Bay Road, the loop road and from the abutting neighbors. Mr. Condon described the proposed plantings.

Mr. Condon stated that the solar array should operate maintenance-free for the 25-year warranted life of the modules. There will be no need for maintenance vehicles to visit the site and take up parking spaces in the lot.

There will be no lighting, since the array operates during daylight hours. The system will be protected with planted screening and a 6 foot high chain link fence on all four sides.

If the owners decide to remove the solar array the posts can be removed from the ground with virtually no impact on the ground. If, during the course of the Atkins Corner planning process and its aftermath, a more beneficial use of the land is proposed, the posts and solar arrays may be removed and relocated.

Atkins decision to construct the solar array contributes to the state-wide goal of 250 MW of solar power being constructed by 2017, in compliance with the Green Communities Act of 2008.

Mr. Shefftz reviewed the Site Visit Report and the questions posed at the site visit. Mr. Condon and Jeff Squire of The Berkshire Design Group answered the questions, many of which had already been answered in previous testimony. Mr. Squire presented drawings showing cross sections through the solar array and berm. The only change in storm drainage will be water that falls on the solar panels, which will flow down onto the grass area. Drainage from the grass area will flow into a trench drain along the wall, which flows into the West Bay Road drainage system. There will only be 2,800 square feet of additional impervious area. The parking lot drains to a separate system.

Mr. Condon stated that 100% of the power generated by the solar array will be used to power Atkins Farms Market. There will be no "over production". The array has a useful warranted life of 25 years, but Atkins does not need to leave it in place for 25 years. The panels can be dismantled. If a new structure is planned for the area where the solar panels are proposed to be located, the array can be moved and reinstalled elsewhere.

Ms. Anderson asked about the height of the plants on top of the berm, noting that the panels may be visible over the top of the plants. Would the solar panels be seen from Applewood? If the plants were higher for a better screen, would this affect the ability of the panels to collect light?

Mr. Condon noted that some of the plants are proposed to be installed at a height of 8 feet. The other plants will continue to grow to their mature height. The solar array will be about 9'-2". Mr. Squire noted that the Amelanchier will grow to 15 – 20 feet in height and the lilacs will be 6 feet high. The plants will eventually hide the array. All of the plants proposed are deciduous. Ms. Anderson commented that deciduous plants do not act as screens in the winter time.

Mr. Schreiber asked about the distinction between an accessory use and a principle use and whether this use (solar array) would be permissible if it were not an accessory use. Ms. Brestrup noted that there is no specific category for this use, although there is an energy generating category that is meant to be for a larger type of installation. Section 3.340.0 includes the use "other energy facility or use". The Building Commissioner, in her role as Zoning Enforcement Officer, has determined that this solar array is clearly accessory to the principle use of Atkins Farms. She referred to the definition of "accessory use" on page 59 of the current [amended through November 2010] Zoning Bylaw.

Mr. Webber asked if there would be any danger if a person were to climb the fence and run around in the enclosure and climb among the panels. Mr. Condon stated that there would be no danger if someone were to knock into the panels. The wiring, though potentially dangerous, is difficult to get to (per NEC requirements) since it is high up in the modules. The top of the modules will be about 9'-2" high. There will be very little danger to someone running around in the space. A person would need a ladder to get up to reach the wiring. If someone enters the space at night the panels will not be producing electricity and in the daytime any intruders would be seen.

Mr. Webber asked about security and possible theft, especially because the area will not be lit. Mr. Condon stated that lighting is not required by code and lighting would use electricity, which is counter to the purpose of installing the solar panels. Security lights are not normally used in this type of ground-mounted installation.

Mr. Webber noted that he does not share the concerns of those who are worried about screening. Solar panels are not more visually offensive than parking lots, he said.

Mr. O'Keeffe asked about the filling in the area and whether it might exceed 10,000 cubic feet. Mr. Squire stated that the grading shown on the plan was already approved as part of the Site Plan Approval process for the expansion of Atkins Farms. The only addition is the berm. The grade of the area where the panels are to be located is currently at the grade that it will be when this project is concluded.

Mr. Crouner expressed concern about screening the chain link fence at the northwest corner, especially in winter. This is important because it is the entrance to a village center. The applicant is agreeable to revising the landscape plan to accommodate this concern.

Mr. Roznoy asked about the material of the posts and how deep they would be driven. Mr. Condon stated that the posts will be galvanized steel I-beams and will be driven 5'-3" into the ground. His company will do a geotechnical survey to determine the final depth of the posts. The posts are warranted for 10 years. They are built to withstand moisture over time. These posts exceed the industry standard, he said.

Mr. Webber MOVED to close the public hearing. Mr. O'Keeffe seconded and the vote was 9-0.

Mr. Shefftz reviewed the Development Application Report. The revised plan shows that the solar panels will be outside of the setback but the 6 foot high fence will be within the setback. Mr. Shefftz noted that the applicant had asked for a waiver of the setback requirement for the 6 foot high fence, in accordance with Section 6.29 of the Zoning Bylaw. Mr. Shefftz read Section 6.29 and stated that it makes sense to have a 6 foot high fence for reasons of safety and it would be difficult to reconfigure the site design so that the fence was not within the setback. Therefore the Board agreed by consensus to grant the waiver for the setback of the 6 foot high fence for reasons of safety and site design.

Regarding the Landscape Plan, a waiver was requested, but a Landscape Plan had been submitted, so there is no need for a waiver. Ms. Anderson revised her comments on the aesthetics of the array and stated that she would like to screen the fence. She recommended that evergreens be interspersed with deciduous plants on the Landscape Plan to provide screening in winter. The Board agreed by consensus that they would grant a conditional Site Plan Approval and that they would condition the approval on the applicant providing evergreen screening for the fence.

Regarding the Lighting Plan, Mr. Shefftz noted that there is no Lighting Plan because no lights are proposed. Mr. Tucker stated that there would eventually be streetlights on the loop road that surrounds the Atkins Farm Market. Mr. Carson noted that this would address potential security concerns. Board members agreed by consensus to waive the Lighting Plan.

Regarding the Erosion Control Plan, Mr. Shefftz stated that a waiver seems fine since there would not be any erosion and the Board members agreed by consensus.

Regarding consistency with the Atkins Corner Plan of 2002, the installation of a free-standing solar array is not consistent with the Atkins Corner Plan for a new village center. On the other hand the posts can be removed; the panels can be reused by others or mounted on this site in another location, so the installation of the solar array was not considered to be an obstacle to the future implementation of the Atkins Corner Plan.

Regarding the Traffic Impact Statement, Mr. Shefftz stated that there would not be any increase in traffic as a result of installation of the solar array. The Board agreed by consensus to grant this waiver.

Regarding the Sign Plan, there will be signs as required by NEC and these will be in compliance with NEC requirements. The Board agreed by consensus to grant a waiver of the requirement for a Sign Plan.

The Board found under Section 11.24 of the Zoning Bylaw, Site Plan Review, as follows:

- 11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw and the goals of the Master Plan; under Section 6.29 the Board is granting a waiver from the front setback requirement for a 6 foot high fence;
- 11.2401 – Town amenities and abutting properties will be protected from detrimental or offensive actions; the chain link fence will be screened with appropriate plantings;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use because visual screening will be provided;
- 11.2403 – N/A;
- 11.2410 – N/A;
- 11.2411 – N/A;
- 11.2412 – N/A;
- 11.2413 – The adequacy of the proposed drainage system within and adjacent to the site was discussed; the only additional drainage will be the result of rain falling on 2,800

- square feet of solar panels; this drainage will fall on the grass and will eventually flow into a trench drain along the warehouse wall;
- 11.2414 – Adequate landscaping will be provided because a Landscape Plan has been submitted and a condition of the permit will require the addition of evergreen plantings to further screen the chain link fence;
- 11.2415 – N/A; the requirement for a Soil Erosion Plan was waived;
- 11.2416 – N/A;
- 11.2417 – N/A; no lighting is planned for the solar array area and the requirement for a Lighting Plan was waived;
- 11.2418 – N/A;
- 11.2419 – N/A; there is no evidence of wetlands in the vicinity;
- 11.2420 – N/A;
- 11.2421 – The development is reasonably consistent with respect to setbacks and landscaping with surrounding development; a waiver has been granted under Section 6.29 from the setback requirement for the 6 foot high chain link fence for reasons of safety and site design and adequate landscaping will be provided;
- 11.2422 – N/A;
- 11.2423 – N/A;
- 11.2424 – Appropriate screening will be provided for the chain link fence around the solar array; a condition of the permit will require that evergreen plantings be added to the Landscape Plan to provide addition screening;
- 11.2430 – N/A;
- 11.2431 – N/A;
- 11.2432 – N/A;
- 11.2433 – N/A;
- 11.2434 – N/A;
- 11.2435 – N/A;
- 11.2436 – N/A; the requirement for a Traffic Impact Report will be waived;
- 11.2437 – N/A.

Ms. Anderson MOVED to approve the Site Plan Review application with conditions and waivers as discussed, including the applicable standard conditions. Mr. Webber seconded and the vote was 9-0.

Waivers

1. Traffic Impact Statement
2. Lighting Plan
3. Soil Erosion Plan
4. Sign Plan
5. Fence setback in accordance with Section 6.29 of the Zoning Bylaw

Conditions

1. A revised Landscape Plan, including evergreens interspersed with deciduous plant material for screening from West Bay Road, shall be submitted to the Planning Board for review and approval.
2. Landscaping shall be installed in accordance with the approved Landscape Plan and, once installed, shall be continually maintained.
3. Four copies of the final revised plans shall be submitted to the Planning Department.
4. This permit will expire in two (2) years if substantial construction has not begun.

III. OLD BUSINESS

A. Joint Meeting with Community Development Committee – Review of the Draft 2012 Community Development Strategy

Mr. Shefftz welcomed Jana McClure and Mary Jane Laus from the Community Development Committee (CDC). Ms. Brestrup explained that the Planning Board had met with these representatives of the CDC in May. The CDC is working on a strategy to help support the choices that are to be made for the use of the CDBG (Community Development Block Grant) money that the town receives. The Planning Board agreed to hold a joint public hearing with the CDC in August to hear from the public about the Community Development Strategy. The meeting has been scheduled for August 3rd.

Mr. Crowner stated that this Strategy represents the supporting documentation for the decision making process on the use of CDBG money. The Strategy reflects the overall community development strategy of the town. It tracks the Master Plan and this is why the Planning Board has been asked to be involved. The CDC would like to get Planning Board feedback on the draft Strategy, which is re-written every year, based on the Strategy from the previous year. The Strategy changes over time as new priorities arise. It is divided into sections like the Master Plan. Recently, sustainability has been added as an important part of the strategy. The CDC is still working on the last section which is a list of priority projects.

Ms. Kruger commented on the housing section, noting that the 12 units of affordable housing on Main Street are managed by the Amherst Housing Authority but are owned by Valley CDC, one of the local non-profits. She also noted that the units at Olympia Oaks will be rental units and that they will be built on town-owned land.

Mary Jane Laus, Co-chair of the CDC, thanked Mr. Crowner for becoming the Planning Board's liaison to the CDC. She stated that the strategy is being developed not just for the sake of making decisions about the CDBG funds but also to benefit the community as a whole.

Ms. Anderson asked for clarification about the development of recreation land, under the topic of Open Space and Recreation. Mr. Tucker stated that the last piece land to be acquired and developed for recreation was the land along Potwine Lane, which was acquired in 1974. It took until recently for the soccer fields on this property to be fully developed.

Ms. Anderson noted a clarification under the Transportation section. PVRTA bus service in the area should be characterized as "no fare" and not as "free". She noted that the Sustainability section could include something about pursuing partnerships with the University and the colleges regarding sustainability. Ms. Anderson suggested raising the priority level of Priority #7, Updating and revising the Zoning Bylaw, since that item is a crucial precursor to making other improvements in town.

Ms. Laus noted that the CDC had already talked about removing Priorities #9 and #24 because much of this work has already been done. Ms. McClure observed that partnerships with the University and the colleges are recommended in the Economic Development section.

Mr. Schreiber observed that, under Transportation, it might be noted that the bus service is seasonal and that it is "no-fare" for the UMass community and "low-fare" on other routes.

Mr. O’Keeffe noted that there have already been changes made to the Zoning Bylaw to encourage affordable housing by increasing the housing stock, through infill and redevelopment. He also suggested that Priorities #8 and #14 might be removed from the list as these seem to be more related to the Planning Board’s work than to the Community Development Strategy.

Mr. Tucker recommended being consistent throughout the document with regard to the naming of village centers. He also suggested that the issue of Partnerships could have its own section and that this section could refer to the fact that partnerships are an important aspect of all of the other topics included in the Strategy.

Mr. Webber noted that the phrase “Green Community” should be capitalized in the Sustainability section and that the word “free” with reference to bus service could be taken out entirely, without detracting from the meaning of the statement.

Ms. Kruger suggested rewording Priority #7 to read something like “Support efforts within the town to update and revise the Zoning Bylaw.”

Ms. McClure thanked the Planning Board for its participation in the public hearing process and suggested having a discussion about the upcoming public hearing.

Ms. Brestrup noted that the Planning Department and Planning Board expected that the entire Planning Board would participate in the public hearing on August 3rd. She suggested that the CDC members describe last year’s meeting for the Planning Board so that Board members had a sense of what they would be facing on the 3rd.

There was discussion about how the public hearing on August 3rd would be conducted and who would chair the hearing. Ms. Brestrup suggested that the CDC might consider asking the Planning Board to chair the public hearing since the Planning Board has substantial experience in running public hearings.

Mr. O’Keeffe expressed concern about the Planning Board running the public hearing since it is basically a function of the CDC. Mr. Crouner responded that the public hearing is about the town strategy with respect to community development.

Nate Malloy, Associate Planner, explained that the CDC Strategy reflects the contents of the Master Plan; it does not contain only the items that are block-grant-eligible. The DHCD uses this document to make sure that items that receive funding from the CDBG are part of the community’s overall development strategy. He announced that the committee would be reviewing the document once more and then it would be put online for public review prior to the August 3rd hearing. This year there has been a lot of public outreach, he said.

Mr. Tucker agreed that the CDC should control the meeting. He suggested modeling this public hearing on Zoning Subcommittee’s Zoning Forums, in that one person could stand in front of the room and write down all comments on a large sheet of paper that could be seen by everyone, and the chair could limit the time that each person would be allowed speak so that everyone could be heard.

Ms. Kruger stated that this should really be a joint meeting with co-chairs. She sees community development as part of planning.

Ms. McClure anticipates a smoother process than last year’s and she agreed that the chair should focus on chairing and not on writing down the comments of the participants.

Mr. Carson suggested that the CDC members give the public concrete examples of previous projects for which they had gotten funding. Mr. Malloy said that much of this information is online, including a timeline, a synopsis of the process and a list of previous grant awards.

There was discussion about the amount of public participation that the CDC had had in its recent meetings. There had not been much public participation recently, although there had been significant participation last year, according to Ms. McClure.

B. Valley Vision Update and New Memorandum of Agreement (MOU) – Pioneer Valley Planning Commission (PVPC)

Mr. Schreiber presented an overview of the Valley Vision Update. He noted that the previous Valley Vision 2 had been approved by 40 out of 43 member communities, not including Amherst. This Update is aimed at getting communities ready for possible zoning reform (being considered by the state legislature) and getting communities involved in implementing the principles of smart growth. The Planning Board had asked that some changes be made to the maps that accompany the Update. Some of the changes have been made and are reflected in the maps that were distributed this evening. Mr. Schreiber noted that the Select Board is being asked to sign the Memorandum of Agreement. The PVPC is requesting that the Planning Board endorse the Valley Vision Update prior to Select Board's consideration of endorsement.

Mr. Tucker noted that the regional plan is referenced in the Amherst Master Plan and in the Zoning Bylaw. The new zoning reform law that is being considered may require that local zoning bylaws and local master plans be reviewed by the regional planning commissions.

Mr. Crouner noted that the Valley Vision Update is completely compatible with our Master Plan already. He would like to recommend that the Select Board sign onto this Update. He would also like to ask the Select Board to write a letter asking PVPC to give more attention to the railroad on this side of the river.

Mr. O'Keeffe MOVED that the Planning Board endorse the Valley Vision Update and forward its endorsement to the Select Board for its approval also, and that it request that the Select Board write a letter to the PVPC requesting that it give more attention to the railroad on this side of the river. Mr. Carson seconded and the vote was 9-0.

C. Master Plan Implementation

Mr. Tucker encouraged Board members to read the Master Plan, because the upcoming work that the Board will be doing will relate more and more to the Master Plan, and understanding of the Master Plan will be important as the town moves into the FY 2013 budget cycle. He also encouraged the Board to consider making amendments to the Master Plan, particularly by incorporating items by reference, such as the Gateway Vision and the CDC Strategy. He noted that he had provided the Board members with copies of the results of the "at-large" citizen survey that had been conducted prior to the Master Plan, along with a document explaining the Village Center concept.

Mr. O'Keeffe stated that the next step is to move ahead with the formation of the Master Plan Implementation Committee (MPIC) which is called for in the Master Plan. He recommended doing this soon. Most of the Planning Board members have read the Master Plan and many participated in writing it, he said. The Planning

Board should take a leading role in guiding the formation of the MPIC. The Board should discuss how to structure the MPIC and consider the following questions:

- Who should be on the MPIC?
- How many members should it have?
- How should it be structured?
- What should its role and charge be?
- How will it work?

Mr. O’Keeffe asked that this topic be put on the agenda for an upcoming Planning Board meeting. There was discussion about whether the MPIC should be a committee or a task force and whether it should be part of the Planning Board or an independent body. Mr. O’Keeffe stated that he did not believe that it should be a subcommittee of the Planning Board since that would restrict membership to members of the Planning Board.

D. Signing of Decision

SPR2011-00009/M9271 – 138 Sunderland Rd., Amherst Survival Center – the Board had signed the decision earlier in the evening.

E. Other Old Business – none

IV. NEW BUSINESS

A. Schedule Planning Board Reorganization – Election of Officers, Subcommittees, Liaisons – The Board scheduled the Planning Board reorganization for Wednesday, September 7, 2011.

B. Transportation Plan Task Force – Mr. Roznoy reported that Guilford Mooring, Superintendent of Public Works has proposed that a task force be appointed to develop a Transportation Plan for the town. Town Meeting has appropriated funds for the hiring of a consultant to prepare the Transportation Plan. The task force would be involved in drafting an RFQ or an RFP for the consultant and overseeing preparation of the Plan. It has been suggested that members of three boards be involved in the task force – two members each from the Planning Board, the Public Works Committee and the Public Transportation and Bicycle Committee. Mr. Roznoy estimated that the work of the task force would take about one year. He noted that the Transportation Plan would be a component of the Master Plan. Mr. Schreiber stated that he would be interested in participating in the work of this task force. Ms. Anderson was also interested in serving on the task force. Mr. Schreiber withdrew his name from consideration.

Mr. Schreiber MOVED that Mr. Roznoy’s and Ms. Anderson’s names be sent forward to the Select Board for appointment as the Planning Board’s representatives on the Transportation Task Force. Mr. O’Keeffe seconded and the vote was 9-0.

C. Other New Information – none

V. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VI. UPCOMING ZBA APPLICATIONS – The Planning Board declined to review the following applications:

ZBA FY2012-00002 – Sprint PCS, 151 College Street
ZBA FY2012-00003 – Cherry Hill Co-housing, 120 Pulpit Hill Road

VII. UPCOMING SPP/SPR/SUB APPLICATIONS – Ms. Brestrup reported that Amherst College is hoping to schedule an informal presentation before the Planning Board to describe its new Science Center. This presentation is expected to occur in the fall.

VIII. PLANNING BOARD SUBCOMMITTEE REPORTS

Zoning – report was given earlier in the meeting

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – report given during the Valley Vision discussion

Community Preservation Act Committee – none

Agricultural Commission – none

Public Transportation and Bicycle Committee – none

Amherst Redevelopment Authority – none

X. REPORT OF THE CHAIR – Mr. Shefftz stated that he is disturbed that the building of the new Science Center at Amherst College is being cited as the reason to shut down the Little Red School House that has been on the campus since the 1930's. The school serves the Amherst College community as well as the larger community and vacating the premises may imperil the future of the school, he said.

XI. REPORT OF STAFF – none

XII. ADJOURNMENT

The meeting was adjourned at 9:22 p.m.

Respectfully submitted:

Christine M. Brestrup, Senior Planner

Approved:

Jonathan Shefftz, Chair

DATE: _____