

**AMHERST PLANNING BOARD**  
**Wednesday, April 3, 2013 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** David Webber, Chair, Jonathan O’Keeffe, Bruce Carson, Rob Crouner, Stephen Schreiber, Connie Kruger, Richard Roznoy and Kathleen Ford

**ABSENT:** Sandra Anderson

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

Mr. Webber opened the meeting at 7:07 PM.

**I. MINUTES**

Mr. O’Keeffe MOVED to approve the Minutes of March 20, 2013. Mr. Roznoy seconded and the vote was 8-0.

**II. ZONING**

A. Zoning Subcommittee Report – Mr. Crouner reported that the ZSC was wrapping up its work on zoning amendment articles for the spring.

B. 2013 Annual Town Meeting Zoning Articles – Discussion

The last two amendments are Fraternity Residence (R-F) Dimensions and Form-based Design Requirements for Non-Conforming Structures. The public hearings for these two amendments are scheduled for April 17<sup>th</sup>. The ZSC will have a recommendation on these proposed amendments at that time. Some changes have been recommended to other amendments that have already gone through the public hearing process. These are as follows:

In the Mixed Use Center dimensional table the “½” floor designations have been deleted since there is no definition in the Bylaw or Building Code dealing with “½ floors”. This change will only affect the Mixed Use Center zoning districts.

Section 6.19 of the Bylaw has been changed to clarify that the roof measurement applies to the main body of the roof.

C. Public Comment Period

Elissa Rubenstein of Precinct 10 stated that she had been out of town and was just becoming familiar with the proposed amendments. She had spoken against and voted against articles in the past that had proposed to increase density. However, she and her colleagues had advocated for increased density in the B-G zoning district. She supported the current proposal to increase density in the B-G zoning district but was distressed to see North Amherst included in the areas proposed for the increase. She would find it difficult to support the package of zoning articles if North Amherst were included. She expressed concern that the amendments were very complex and had lots of parts. She was worried that the B-G portion of the article would fail because it was included with the other portions that people could not support. She read from and distributed a written statement and encouraged the Planning Board and ZSC to strengthen the argument for increased density in the B-G district by separating B-G out from the other districts.

Mr. Crouner noted that the zoning amendment had been structured so that it could be divided.

Mr. Tucker suggested that the Board consider reversing the order in which the Mixed Use Center zoning amendments would appear on the Warrant, since it is clear that the B-G portion of the amendment may have considerable support in the community. After discussion

Board members decided by consensus to keep the order as originally drafted. The Board also decided by consensus to keep the parts together in one article. Motions to divide can be made on the floor of Town Meeting.

Janet Keller of Precinct 1 expressed concerns about the Commercial zoning district in North Amherst. She asserted that it is different on the ground from other Commercial zoning districts in other parts of town. She would like to support the zoning amendments but has serious concerns about how the amendments would affect North Amherst. The North Amherst Commercial zoning district is “too big” she said and the changes proposed are “too intense”. She supports increased density in other Commercial zoning districts. She presented a written statement that she asked to have entered into the record of the meeting.

Mr. Webber acknowledged receipt of written statements from both Ms. Keller and Ms. Rubenstein.

Board members discussed the illustrations that were part of the amendment about Form-based Design Requirements for Non-Conforming Structures. After discussion the Board members decided by consensus to delete the illustrations due to lack of clarity. Board members determined that the text was clearer without the illustrations.

There was discussion about the requirements for a Special Permit. Since the zoning amendment regarding Form-based Design Requirements deals with Non-Conforming Structures, Board members determined that a Special Permit would be required in most instances where a non-conforming building was being altered or enlarged.

Board members discussed existing properties that would become non-conforming as a result of the proposed zoning amendments, including the property containing Sibie’s in South Amherst, the Shumway block in East Amherst and Watroba’s in North Amherst.

Mr. Tucker explained that the proposed zoning amendment would not override existing lot coverage and building coverage requirements. The proposed amendment addresses where additions will go.

At Ms. Keller’s suggestion Board members changed the title of the zoning amendment to one that was more descriptive, “Locational Requirements for Non-Conforming Structures in Mixed Use Centers”.

### **III. OLD BUSINESS**

- A.** Amherst Hills Subdivision (SUB 89-13) – Discussion with Ted Parker of Tofino Associates regarding request to release lots and completion of subdivision roadways and infrastructure

Ted Parker of Tofino Associates presented information about the status of lots in the Amherst Hills Subdivision. He presented a spreadsheet showing which lots have been released, which lots have been sold and which lots have not been released. He also presented a plan containing the same information along with information about the status of the subdivision roadways.

Mr. Parker stated that his company does not have many lots that have been released and not sold and they are “running out of lots to sell”. He offered a proposal to the Planning Board regarding release of lots. His company is working on completing the loop created by Concord Way and Linden Ridge Road. If this portion of roadway were completed and the lots along it were released the company would have 20 more lots to sell.

Mr. Parker proposed that Tofino Associates complete construction of the roadways (with the exception of the end of the cul-de-sac) including the sidewalk, base coat, berm and utilities. They would then request release of the lots along the completed

section of roadway. Tofino would execute a three-party agreement among the town, Tofino Associates and Greenfield Savings Bank to guarantee the completion of the final paving and other miscellaneous requirements for this portion of roadway.

For the portion of roadway along the cul-de-sac, the existing covenant would remain in effect. That is, no lots would be released along the cul-de-sac until the roadway is complete to the extent that the lot to be released is accessible in accordance with the covenant. The value of the remaining lots (more than \$1 million) would be sufficient to guarantee completion of that portion of the roadway.

Mr. Parker has asked Town Engineer Jason Skeels to provide a revised estimate for completion of the work. He asked the Planning Board to agree in principle with the proposal. Once the Board has indicated its agreement in principle, Mr. Parker will then prepare the appropriate paperwork for review by the Board.

Mr. Webber stated that this seems like a reasonable solution. He noted that the three-party agreement would need to be submitted to Town Counsel for review.

Mr. Parker is eager to market the lots but acknowledges that he cannot sell them until they are released from the covenant.

The Board agreed in principle (by consensus) to Mr. Parker's proposal.

- B. Master Plan Implementation Committee – Planning Board representation – The Board declined to recommend a representative to the MPIC at this time and suggested that Planning staff add this topic to a future agenda.
- C. Topics not reasonably anticipated 48 hours prior to the meeting – none

#### IV. NEW BUSINESS

- A. Letter from Mass Dept of Conservation and Recreation, dated March 2013, with enclosed technical bulletin "Terra Firma #2 – Caring for Mature Trees" – Mr. Webber acknowledged receipt of the letter from DCR and encouraged Planning Board members to read the accompanying technical bulletin. He noted that the Sunderland Sycamore was pictured in the bulletin and that the Planning Board would be dealing with issues related to trees at upcoming meetings.
- B. Planning Board schedule – Mr. Webber noted that the Planning Board would be holding public hearings on two zoning amendments (Fraternity Residence Dimensions and Locational Requirements for Non-Conforming Structures) at the April 17<sup>th</sup> meeting. The Planning Board would also be meeting on May 1<sup>st</sup>. Town Meeting begins on May 6<sup>th</sup>.

Ms. Brestrup noted that the upcoming meeting on April 17<sup>th</sup> would include a review of the Town Meeting Warrant and an opportunity for Planning Board members to determine if they wished to speak on any of the Warrant articles. They would also be asked to determine Movers and Speakers for Planning Board sponsored articles. Mr. O'Keeffe requested that the Board members receive copies of the Warrant in advance of the meeting so that they would not need to review the Warrant item by item at the Planning Board meeting.

Ms. Kruger agreed that May 1<sup>st</sup> might be a good date for the Housing and Sheltering Committee to report to the Planning Board on the Housing Production Plan (and possibly on the status of the Housing Market Study).

Mr. Crouner asked that the Planning Board schedule meetings for the dates of Town Meeting so that they could discuss items that might come up.

- C. Topics not reasonably anticipated 48 hours prior to the meeting – Mr. Webber

acknowledged receipt of a letter from Cinda Jones to the Planning Board asking that the Board consider sponsoring an article at Spring Town Meeting related to the OSCD development method. Mr. Webber stated that there was no time to consider such an article for Spring Town Meeting but that the Board would consider looking into Ms. Jones request for an upcoming Town Meeting.

Mr. Crowner encouraged Board members to participate in the following events leading up to Town Meeting:

Town Meeting Coordinating Committee Warrant Review – Tuesday, April 23<sup>rd</sup>

Town Meeting Bus Tour – Sunday, April 28<sup>th</sup>

Precinct Meetings for each Precinct – dates to be shown on town website

**V. FORM A (ANR) SUBDIVISION APPLICATIONS – none**

**VI. UPCOMING ZBA APPLICATIONS – none**

**VII. UPCOMING SPP/SPR/SUB APPLICATIONS – none**

**VIII. PLANNING BOARD COMMITTEE & LIAISON REPORTS**

Pioneer Valley Planning Commission – Stephen Schreiber reported that the PVPC would be meeting next week.

Community Preservation Act Committee – Sandra Anderson – no report

Agricultural Commission – David Webber – no report

Transportation Plan Task Force – Richard Roznoy and Rob Crowner – Ms. Brestrup reported that the Town Manager had asked her to contact all of the TPTF members to determine if they were interested in being reappointed to the Task Force. She had contacted all of the members and had heard from most that they were interested in being reappointed. She had reported this information to the Town Manager and understands that he intends to make these reappointments and is eager to have the Task Force reactivated.

Amherst Redevelopment Authority – Constance Kruger – no report

Design Review Board – Kathleen Ford – no report

Housing and Sheltering Committee – Constance Kruger reported that a representative of the HSC will be coming to a Planning Board meeting soon to talk about the Housing Production Plan. The HSC met last week. A number of people came to the HSC meeting with concerns about the tenants of Echo Village. A petition had been submitted to Town Meeting to use the powers of eminent domain to take the building for use by the town as affordable housing. Ms. Kruger further reported that two members of the Amherst Housing Authority had come to the CPAC and asked for \$15,000 for an emergency fund to help the displaced tenants of Echo Village with last month's rents, security deposits, etc. for new rentals. They had received unanimous support. They intend to raise \$50,000 to assist the people of Echo Village to relocate.

Mr. Roznoy asked if there had been a decision about having a member of the HSC speak at Town Meeting. Ms. Kruger stated that no decision had been made but she would contact the chair and ask the HSC to make a presentation to Town Meeting.

Safe and Healthy Neighborhoods Working Group – Sandra Anderson – Mr. Webber reported that the SHNWG had completed a draft of the General Bylaw that will be brought to Town Meeting.

**IX. REPORT OF THE CHAIR – no report**

**X. REPORT OF STAFF – no report**

**XI. ADJOURNMENT**

The meeting was adjourned at 8:35 PM.

Respectfully submitted:

Approved:

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Christine M. Brestrup,  
Senior Planner

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David Webber, Chair

DATE: \_\_\_\_\_