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MHERST

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DEVELOPMENT APPLICATION REPORT

November 26, 2013

TYPE OF APPLICATION: Preliminary Subdivision Plan – SUB 2014-00001/M20141
APPLICANT: Retreat at Amherst, LLC
ADDRESS: 455 Epps Bridge Pkwy, Bldg 100, Suite 201
Athens, GA 30606
PROPERTY ADDRESS: Henry Street, Market Hills Road and Flat Hills Road
ZONING DISTRICT: Residential Neighborhood (R-N) and Residential Outlying (R-O)
DATE FILED: October 29, 2013

REQUEST

The applicant is requesting Preliminary Subdivision Approval for a 136 lot subdivision plan, 123 lots of which are proposed to be developed for housing.

PROJECT DATA

Parcel Number: Map 6A, Parcels 84, 91 and 96
Number of Lots: 136 in Residential Outlying (R-O) and Residential Neighborhood (R-N) Zoning Districts (123 of which are in Residential Outlying R-O District, to be developed for housing)
Number of Units: 175
Parcel Size: 146.63 acres
Lot Sizes: Lots range in size from 0.08 acres (public lot) to 38.25 acres (open space lot)
Developable lots range in size from 15,000 SF to 29,727 SF
Open Space: 75.57 acres
Utilities: Public water and sewer
Roads: Road A – a through road from Market Hill Road to Flat Hills Road (4,700 FT);
Road B – a cul-de-sac off Road A (1,400 FT);
Road C – a through road from Henry Street to Flat Hills Road (1,233 FT from Henry Street to intersection with Road A);
Road D – two cul-de-sacs off Road A (one is 525 FT and one is 1,042 FT);
Road E – a short cul-de-sac off Road C (125 FT)
Road F – a short cul-de-sac off Road B (242 FT)
Right-of-way = 50 feet
Sidewalks: 5 FT wide sidewalks are proposed along both sides of all roadways

PROJECT DESCRIPTION

This subdivision is being proposed on land owned by W.D. Cows located in the Cushman area of Amherst. The property has frontage on Henry Street, Market Hill Road and Flat Hills Road. The site contains 146.63 acres. There are several streams and associated wetlands that cross the site. The Robert Frost Trail crosses east to west along the northern edge of the property. There are no existing structures on the property.

The subdivision is being proposed under Section 4.3 of the Zoning Bylaw, Cluster Development (excerpt attached). In addition to Subdivision review a Cluster Development also requires Site Plan Review.

The Cluster Development Method is allowed by Site Plan Review in the R-O and R-N zoning districts on properties of 5 acres or more. This property is 146.63 acres and is located in the R-O and R-N zoning districts and thus meets the acreage and zoning district requirement with respect to the Cluster Development Method.

According to Section 4.30 of the Zoning Bylaw Cluster Development is defined as “a residential development in which the building and accessory uses are clustered together with reduced lot sizes, into one or more groups. The land not included in the building lots shall be permanently preserved as open space.”

Please refer to the “Summary and Timeline of Permitting Process for The Retreat”, prepared by the Planning Department staff (attached) for a more complete explanation of the permitting process for a Cluster Development.

SITE VISIT

The Board has scheduled a site visit for Wednesday, December 4th, at 9:00 a.m.

PREVIOUS ACTION

The Planning Department is not aware of any previous land use permits issued for this property.

ISSUES

1. General Review

At this time the focus of the Planning Board’s review of the Preliminary Subdivision Plan is on the design, layout and grading of the roadway, layout of the lots and the conceptual utility layout. Any review regarding the use of the property is limited. Review of the use of the property will come later during the Site Plan Review process.

The result of the Planning Board’s review of the Preliminary Subdivision Plan will be a letter from the Planning Director to the applicant setting forth the recommendations of the Planning Board with regard to roadway design, lot layout and conceptual utility layout. This letter will be filed with the Town Clerk. The applicant may record the letter at the Registry of Deeds.

The applicant will refer to these recommendations when preparing the Definitive Subdivision Plan and Site Plan Review applications.

It is not until a Site Plan Review application has been filed that the Planning Board will review the use of the property, the location of buildings, site improvements, landscaping, lighting and amenities.

2. Waivers Requested

The applicant is requesting the following waivers:

Waivers from Zoning Bylaw

- Waiver of frontage requirements under Footnote “k” of Table 3;
- Waiver of setback requirements under Footnote “a” of Table 3 (*not to be considered until the filing of a Site Plan Review application when building locations will be shown*);
- Waiver of requirement for off-street (on-site) parking as required under Section 7.00;
- Waiver of requirement that there shall be a maximum of 2 cars parked in the front setback of any property (Section 7.002);

Waivers from Rules and Regulations Governing the Subdivision of Land:

- Waiver of the requirement for maximum 8% grade along the roadways;
- Waiver of the requirement for minimum horizontal curves (not less than 250 for minor roads and not less than 350 feet for secondary roads);
- Waiver of the requirement for a maximum length of 800 feet for cul-de-sac roads;
- Waiver of the requirement for a maximum grade of 4% within 100’ of an intersection.

Other special approvals needed:

- Approval of leased parking under Section 7.201.

3. Roadways

The primary access for this development is proposed to be from Market Hill Road with secondary access points on Henry Street and Flat Hills Road.

A Traffic Impact Statement will be submitted with the Definitive Subdivision and Site Plan Review applications.

The Town of Amherst Rules and Regulations Governing the Subdivision of Land includes a chart showing requirements for the design of subdivision roads. The chart (Section V.G.2., page 23) presents the Right of Way and Street Design Standards. (A copy of the Rules and Regulations containing this chart is attached.)

The requirements for individual roads depend on the “street classification”. The applicant has stated in the Development Impact Statement that Road A will be classified as a “secondary road” and the other roads in the subdivision will be classified as “minor roads”. The cul-de-sacs will be classified as minor roads.

The applicant has stated that for the proposed project the streets are currently intended to be private.

The applicant has spoken to the Superintendent of Public Works about having the town assume ownership of the main sewer and water lines in the development. This would open up the possibility that the land to the east of the development, along Flat Hills Road and in nearby neighborhoods, could be connected to the town sewer system.

a. General design standards for roadways

- Cul-de-sacs shall be no more than 800 feet in length; (*waiver requested*)
- Cul-de-sacs shall have a radius of pavement of at least 50 feet (100 feet in diameter);
- Right of way (property line to property line) width shall be 50 feet for secondary roads and can be 40 feet for minor roads with the approval of the Planning Board;
- Minimum pavement width shall be 20, 22, 24 or 26 feet for minor roads;
- Minimum pavement width shall be 24, 26, 28, or 30 feet for secondary roads;
- Minimum horizontal curves not less than approx 250 for minor roads and not less than approx 350 feet for secondary roads (*waiver requested*);
- Minimum percent grade shall be 1%;
- Maximum percent grade shall be 8% for both secondary and minor roads; minor roads may be as much as 10% for short distances; (*waiver requested*)
- Maximum percent grade shall be 4% within 100 feet of an intersection; (*waiver required*)
- Open space provided as part of a subdivision shall have frontage on a street.

Except for the items shown as “*waiver requested*”, the proposed roadways appear to meet the requirements for width of Right of Way and pavement. All Rights of Way are proposed to be 50 feet wide. All roadways are proposed to have 24 feet of pavement (with two 12 foot travel lanes).

There are also various requirements for the width of shoulders, the height of the crown of the road curve radii at intersections, angle of intersections, the sight distance, the minimum horizontal curve radius along the centerline, distance between manholes, location of catch basins, size of drain and sewer lines, distance between fire hydrants. (Refer to the Rules and Regulations Governing the Subdivision of Land for further details)

All gas, phone, electrical and cable utilities are required to be installed underground.

Curb cuts (accessible for handicapped people) are required where sidewalks intersect with roadways.

Sidewalks are required on one side of the road and are required to be 5 feet in width.

Shade trees are required to be planted in accordance with Section V.I.L.2.

Street lights are required at intersections.

The Planning Board may waive compliance with any of the requirements in the Rules and Regulations Governing the Subdivision of Land, in accordance with the following:

“Section VIII.B. Waiver of Compliance (page 35)

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the intent of the Subdivision Control Law. In waiving strict compliance the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived. The Town Engineer may approve minor revisions to the construction plans.”

b. Waivers requested from Roadway Design Requirements

1) Length of Cul-de-sacs

Two of the cul-de-sac roads exceed the maximum 800 foot length allowed in the Subdivision Regulations. The Board is being asked to waive the requirement and allow these roads to exceed the 800 foot allowed cul-de-sac length.

Road B – a cul-de-sac off Road A (1,400 FT); exceeds the 800 foot allowed length by about 600 feet;

Road D – two cul-de-sacs off Road A (one is 525 FT and one is 1,042 FT);

The eastern portion of Road D exceeds the 800 foot allowed length by about 240 feet;

Issues to consider

Fire and emergency access may be impeded by the added length of road. The Board may wish to consider requiring an intermittent cul-de-sac loop at about half-way down Road B and the Board may also wish to consider requiring that both of these roads be designed as boulevards, i.e. with an island down the middle to separate the travel lanes. That way, if a vehicle gets stuck in one lane it will not impede emergency access to the end of the cul-de-sac

2) Steepness of roadways

Several roadway sections are proposed to exceed the 8% maximum grade. The Board is being asked to waive the requirement and allow sections of the roadways to be up to 10% in steepness under the Waiver of Compliance section of the Subdivision Rules and Regulations. The areas where the roadway exceeds 8% are as follows (and are shown on an attached marked up plan):

Road A – a secondary road and a through road from Market Hill Road to Flat Hills Road (4,700 FT); Road A exceeds the 8% maximum grade for two short distances (Station 19+04 to 19+76 – about 72 feet – and Station 23+56 to 24+24 – about 75 feet) and one long distance (Station 31+64 to 35+09 – about 345 feet).

Road B – a minor road and a cul-de-sac off Road A (1,400 FT); Road B exceeds the 8% maximum grade for one long distance (Station 2+62 to 8+31 – about 570 feet).

Road C – a minor road and a through road from Henry Street to Flat Hills Road (1,233 FT);

Road C exceeds the 8% maximum grade for one long distance (Station 2+92 to 9+00 – about 608 feet).

Road D – a minor road consisting of two cul-de-sacs off Road A (one is 525 FT and one is 1,042 FT); Road D exceeds the 8% maximum grade for one short distance (Station 1+34 to 3+02 – about 168 feet).

The intersection of Road B with Road F exceeds the 4% maximum grade requirement.

The intersection of Road C with Road E exceeds the 4% maximum grade requirement.

Issues to consider

Emergency vehicles, particularly fire department trucks, will have difficulty setting up on steep slopes. The preferred grade for fire department trucks to set up is considerably less steep. Therefore, if there are extended areas of steeper roadway, fire trucks will need to move to more level ground to set up their vehicles and will therefore not be able to position themselves close to structures which may need emergency services.

In addition, icy conditions may make it difficult for passenger vehicles to navigate on steeper slopes.

The Board may wish to consider not allowing roads with slopes over 8% or alternatively limiting the distance over which these roadways can exceed the 8% maximum grade.

4. Lot Layout in a Cluster Development

In order to determine how many lots are allowed in a Cluster Subdivision the applicant must go through two exercises:

a. Density

Method 1

Calculate the maximum density in accordance with Section 4.3231 of the Zoning Bylaw.

In this case the property is 146.63 acres.

Total lot acreage of 146.63 acres less 10% (or 14.663 acres) = 131.97 acres.

131.97 acres = 5,748,482.52 square feet (one acre = 43,560 square feet)

5,748,482.52 divided by 30,000 square feet (required per lot in R-O district) = 191.6 lots

Rounding up, in accordance with Section 4.12 of the Bylaw, the yield would be 192 lots.

The applicant is proposing 136 lots, 123 of them developable for housing, which is less than the 192 lots allowed by the calculation.

Method 2

Prepare a Standard Subdivision Plan to show that the number of lots that can be created using the Standard Subdivision method of development. The reason for this exercise is to show that the number of lots being proposed under the Cluster Development does not exceed the number that can be created under the Standard Development method. (Section 3.3231) The applicant has prepared and submitted such a plan and it is included in the drawing set as Sheet 3, entitled "Yield Plan and Notes". The Yield Plan shows 136 lots, with 123 lots developable for housing. The additional lots are reserved for open space and utilities and office/amenities.

Section 4.3231 of the Zoning Bylaw states that "it is the intention of this Section that the cluster subdivision not result in more lots than would be approved for a standard subdivision under a Definitive Subdivision Plan, except as may be authorized under this Bylaw."

Planning Department staff has analyzed the Yield Plan for compliance with the definition of a "Lot, Buildable" in Section 12.29. The lots on the Yield Plan appear to comply with this definition of a buildable lot.

"Lot, Buildable: Any lot meeting the minimum lot area and lot frontage requirements of the zoning district in which it is located and which contains either 90 percent of its total lot area, or 20,000 square feet, in contiguous upland acreage."

Issues to consider

The Yield Plan does not show grading and it proposes 7 wetlands crossings. The Board may wish to require that a more detailed Yield Plan be submitted with the Definitive Subdivision Plan with fewer wetlands crossings (perhaps a more realistic number) to confirm the number of lots that may be permitted under a standard Definitive Subdivision Plan.

b. Lot Area

Section 4.322 requires that a minimum of 50 percent of the total lots shall be reduced at least 25 percent in area from the minimum standard lot size requirement of the zoning district in which the parcel is located. The minimum standard lot size in the R-O zoning district is 30,000 square feet for a single family dwelling and 40,000 square feet for a duplex.

The lots in the proposed subdivision are all reduced in size. At least 50% of the total lots are reduced at least 25% in area.

In accordance with the Dimensional Requirements for Cluster (shown at the bottom of Table 3) the lots are required to have lot areas as follows:

Single family lots – 15,000 square feet

Duplex lots – 25,000 square feet (15,000 SF + 10,000 SF for the additional unit)

The lots proposed for duplexes are shown with a "D" on Sheets 4 and 5 in the drawing set.

All of the lots comply with the lot area requirement. Single family lots contain at least 15,000 square feet and two family lots contain at least 25,000 square feet.

c. Frontage

Section 4.3232 states that “The Planning Board may reduce the frontage requirements for not more than 50 percent of the lots in the subdivision.” The Building Commissioner (Zoning Enforcement Officer) has interpreted this to mean that up to 50 percent of the lots may be further reduced from the Cluster frontage requirement of 100 feet, under Footnote “k” of Table 3.

The applicant is requesting waivers of frontage requirements for 51 lots, which is less than 50% of 123 lots (50% of 123 = 61.5), thus meeting this requirement.

However, the frontage is reduced from the required 100 feet to as little as 39 or 40 feet in some instances. A list is attached showing what appears to be the proposed frontage on the lots for which a waiver is requested.

Issues to consider

The Board may wish to consider establishing an appropriate minimum frontage for this development and not allow a modification of frontage below an established minimum.

d. Building Circle

Section 6.40 of the Zoning Bylaw states as follows:

“That portion of a frontage lot within which the principal building is to be located shall be considered the building area. The building area of a frontage lot shall be capable of containing a circle whose diameter is equal to or greater than the minimum standard street frontage required in the district where the lot has its frontage, without any portion of the circle falling outside of the property.”

For Cluster Subdivisions the Building Commissioner has interpreted the phrase “minimum standard street frontage” to be the minimum standard street frontage required for Cluster, not the standard street frontage required for standard subdivisions and not the modified street frontage that may be allowed under Footnote “k”.

In this case the minimum standard street frontage for a lot in a Cluster Development in the R-O district would be 100 feet. Therefore, all lots must be able to contain a building circle of 100 feet in diameter.

Issues to consider

Many of the lots shown on this Preliminary Subdivision Plan are not able to contain a building circle of 100 feet in diameter.

Attached is a list of lots that are not able to contain a 100 foot building circle and therefore do not comply with Section 6.40 of the Zoning Bylaw. Fifty-two out of 123 lots appear not to comply with the building circle requirement. Also attached is a plan showing lots that appear to comply and not to comply with the building circle requirement.

The Board may wish to require that the Definitive Subdivision Plan show 100 foot diameter building circles for all of the lots proposed.

e. Buildable lots

Lots in the proposed Cluster Subdivision must be “buildable lots” in accordance with the definition in Section 12.24 of the Zoning Bylaw. Once the wetland delineation has been approved by the Conservation Commission it will be easier to determine which lots are buildable according to this definition.

“Lot, Buildable: Any lot meeting the minimum lot area and lot frontage requirements of the zoning district in which it is located and which contains either 90 percent of its total lot area, or 20,000 square feet, in contiguous upland acreage.”

Issues to consider

The Board may wish to remind the applicant that all lots on the Definitive Subdivision Plan need to comply with this definition.

5. Ratio of Single-family to Two-family Dwellings required for Cluster Development

Section 4.325 of the Zoning Bylaw states the following with regard to ratios:

“A minimum of 40% of the total dwelling units shall be single-family dwellings. A minimum of 20% of the total dwelling units shall be non-zero lot line, single family dwellings. A maximum of 60% of the dwelling units may be two-family dwellings. A maximum of 30% of the dwelling units may be attached dwellings. There shall be no more than eight attached dwelling units allowed in one building”

Section 4.331 states that “Attached units shall only be allowed in cluster developments that include affordable units.” This development is not proposed to include affordable units and therefore attached units are not allowed.

The applicant is proposing 71 single family units (40.6% of 123) and thus meets the minimum 40% requirement.

The applicant is proposing 104 two family dwelling units (59.4% of 123) and thus meets the maximum 60% requirement.

The ratio of single to two family dwelling units thus complies with the requirements of Section 4.325.

The applicant is not proposing any zero lot line dwellings or any attached dwellings.

6. Street Lights

Locations for street lights have not yet been proposed for this subdivision. The developer will need to install street lights in accordance with Town standards, which typically means that streetlights are installed at intersections and possibly at cul-de-sacs. The Development Impact Statement states that the project will provide street lighting for safety and security and that there will be lighting outside of the office/amenity building and recreation area. Lighting will be downcast and will not shine onto adjacent properties.

7. Sidewalks and Pedestrian Circulation

All of the roadways are proposed to have 5 foot wide sidewalks on both sides of the road. The applicant is also showing new trails to be connected with the Robert Frost Trail that crosses the north end of the property.

Issues to consider

The Board may wish to require that the Definitive Subdivision Plan also show pedestrian links to Henry Street and the Cushman Store. It is likely that residents of this new development will want to walk to the Cushman Store and may not choose to walk along the roadway but would prefer to walk through the woods.

8. Parking

a. Numbers of Parking Spaces

Section 7.0000 of the Zoning Bylaw requires 2 parking spaces for each dwelling unit. The applicant is proposing to build 175 dwelling units to house 641 residents. In accordance with Section 7.0000, 350 parking spaces would be required ($2 \times 175 = 350$).

The applicant is proposing to provide 768 parking spaces. This amounts to 1.2 parking spaces per resident.

Issues to consider

The Board may wish to consider whether it is necessary to provide as many as 768 parking spaces to serve this development or whether a smaller number might be more appropriate.

b. No On-site Parking

Section 7.00 of the Zoning Bylaw requires that “off-street parking spaces shall be provided and maintained in connection with the construction, conversion or increase in dwelling units or dimensions of buildings, structures or use.” Usually this is interpreted to mean that parking is required to be provided on the lot where the associated use occurs.

In this case the applicant is not proposing on-site parking (or associated driveways) for the dwelling units.

Issues to consider

A waiver of the off-street (on-site) parking requirement will be required under Section 7.9 of the Zoning Bylaw.

c. Location of Parking Spaces

Parking spaces are proposed to be located along the roadways in an arrangement that is perpendicular to the line of travel. Parking spaces are also proposed to be located in small lots scattered throughout the property, located on parcels where dwelling units are proposed.

Issues to consider

1) Perpendicular parking – It is not typical in Amherst to see perpendicular parking along a roadway edge. However, one example of perpendicular parking is the upper portion of Spring Street in the Town Common in Downtown Amherst. More typical is parallel parking. Perpendicular parking allows more cars to be parked in a given length of roadway, but it requires that cars back out into the traveled way. This may cause a conflict with cars traveling along the roadway. If bicycles are to use the roads, they are also potentially in danger of being hit by cars that are backing up. The Board may wish to consider recommending that parallel parking along roadways be provided in place of perpendicular parking, in order to reduce conflict.

Other issues associated with parking along the street include providing sufficient landscaping and appropriate pedestrian access to the dwelling units from the roadway.

2) Landscaping in Parking Lots – Section 7.11 of the Zoning Bylaw requires landscaping in parking areas. The amount of landscaping is associated with the number of parking spaces being proposed. The Site Plan Review application should provide information on landscaping as require in Section 7.11.

3) Pedestrian Access across Parking Areas – Access is also an issue when parking spaces are arranged along the edge of a roadway. The Site Plan Review application will need to show how pedestrians and emergency workers will be able to access the dwelling units from the street. For instance, if an ambulance is parked in the street (since there are no driveways) how will the EMTs bring their equipment into the dwelling units. The plans currently show a continuous line of parking spaces with only a few landscaped islands. This access issue applies to cul-de-sacs as well as the main part of the roadway edges.

4) Parking within Front Setbacks – The applicant will need to obtain a waiver from the requirement that no more than 2 cars may be parked within the front setback of a dwelling unit. In this case the front few feet of numerous parking spaces are proposed to be located within the front setbacks of numerous dwelling units.

5) Parking Lots on Residential Parcels – It is not typical in Amherst to see parking lots in residential neighborhoods associated with dwelling units that are not located on the same parcel as the building. Section 7.201 allows the Planning Board under the Site Plan Review process to authorize “Leased Parking. The Board may wish to ask the applicant to provide information about how the proposed parking lots comply with Section 7.201. Otherwise parking facilities, as described in Section 3.384 of the Zoning Bylaw, are not permitted in the R-O Zoning District.

6) Handicapped Parking – The Zoning Bylaw requires that Handicapped Parking be provided in accordance with Section 7.6. The Site Plan Review application will need to show the appropriate number and location of Handicapped Parking spaces in accordance with this section of the Bylaw.

9. Snow Storage

When the roadways are plowed where will the snow be piled? Even if the applicant proposes to cart the snow away, it needs to be stored on site until it can be carted away. The Site Plan Review application should show locations for snow storage.

10. Pedestrian and Bicycle Facilities

Although both sidewalks and pedestrian trails are shown on the preliminary plan, it includes no proposal for dedicated pedestrian connections to Cushman Village Center and the store. If no pedestrian connections are provided for this purpose, residents will create their own, with attendant problems of public safety on roads, impacts on undeveloped lands (which in this case include the areas of salamander habitat), and the potential for trespass or related conflicts with adjacent property owners.

Similarly, while the Development Impact Statement states that the applicant will encourage the residents of this project to use bicycles, there are no bike lanes or separate bike paths shown on the plan.

Issues to consider

The Board may wish to ask the applicant to consider planning for on-site pedestrian connections in a subsequent Definitive Plan, as well as working with DPW and other Town staff to develop appropriate off-site pedestrian paths to accommodate the impacts of pedestrian travel by residents of the project.

The Board may wish to inquire if the applicant is proposing to construct bike lanes or bike paths. The Board may also wish to inquire how the applicant will work to mitigate conflict between cars backing out of perpendicular parking spaces into the traveled way and bicycles traveling along the road.

11. Utilities

The proposed development will be served by new sewer and water lines installed by the developer. The sewer and water lines are proposed to be taken over by the Town if the development is built.

Conceptual information about the location of sewer and water lines is shown on Sheets 6 and 7, Conceptual Utility Plans. Detailed information about the size and construction of the proposed sewer and water lines will need to be shown on the Definitive Subdivision Plans.

12. Stormwater Management

The applicant is proposing to install a drainage system in the roadways. Stormwater is proposed to be detained on site in stormwater detention basins located throughout the site. The proposed location for these basins is shown on the plans and labeled as “Proposed Stormwater Management Facility”. A detailed Stormwater Management Plan will need to be submitted along with the Definitive Subdivision Plan.

13. Development Impact Statement

Although not required as part of the Preliminary Subdivision Plan application, the applicant has submitted a Development Impact Statement. The statement is included in the attached materials. It appears to cover the issues listed in the Rules and Regulations Governing the Subdivision of Land in a general manner. More detail will be required for the Development Impact Statement that is submitted with the Definitive Subdivision Plan.

14. Town Engineer’s Review

The Town Engineer has submitted comments on this Preliminary Subdivision Plan. His letter is attached.

15. Conservation Commission Review

Wetland resource areas have been flagged on this site. The proximity of the development to streams and wetlands resources will necessitate extensive review by the Conservation Commission for the Definitive Subdivision process. Conservation Commission review will also be required for the development of lots that lie within the 100 foot buffer of wetland resource areas where work is proposed in the 100 foot buffer.

The Wetlands Administrator has submitted comments on the Preliminary Subdivision Plan. Her comments are attached.

16. Fire Department Review

The Assistant Fire Chief has submitted comments on the Preliminary Subdivision Plan. His comments are attached.

17. Building Commissioner’s Review

The Building Commissioner has reviewed the Preliminary Subdivision Plan with Planning Department staff and his comments are incorporated into this Development Application Report.

18. Board of Health/Health Department Review

The Health Inspector has not submitted comments on the Preliminary Subdivision Plan. The development is proposed to be served by new town sewer and water lines and therefore no septic systems or wells are proposed. The Health Inspector asked that the Definitive Subdivision Plan contain information on trash disposal, such as location of dumpsters, if any, and plans for enclosure and screening of trash receptacles and dumpsters.

19. Common Land Requirements

Section 4.34 of the Zoning Bylaw sets forth Common Land Standards. The Definitive Subdivision Plan must show that the proposed common land meets these standards.

One of the standards is set forth in Section 4.344, which states that “at least 2000 square feet per dwelling unit must be usable open space for active and passive recreation. Such space shall not include parking space, roadway, sidewalk area, land within the FPC district or Wetlands as determined by the Conservation Commission. Usable open space shall be defined to include such facilities as contiguous open space available for play, tot lots, gardens, hiking/jogging trails, tennis courts or similar facilities.”

The Preliminary Subdivision Plan proposes 175 dwelling units. At 2000 square feet per dwelling unit the required Common Land would be 350,000 square feet or approximately 8 acres.

The plans show 75.57 acres of open space, of which some is wetland. It appears that more than 8 acres of non-wetland area is available to meet the common land requirements.

Section 4.35 of the Zoning Bylaw sets forth various options for common land ownership. In this case the developer has stated that the common land will be conveyed to the Town of Amherst if this project goes forward.

Section 4.38 of the Zoning Bylaw sets forth design requirements for Cluster Development. These design requirements will be reviewed during the Site Plan Review and Definitive Subdivision Plan application processes.

Additionally, during the process of removing the subject properties from their MGL Ch. 61 tax status, the Select Board and W.D. Cows entered into an agreement requiring the preservation of large, usable areas of contiguous open space as part of any subsequent development of the properties. The layout of roads and proposed building lots under the proposed Preliminary Plan results in a potential 75.5 acres of preserved land.