

1 **AMHERST PLANNING BOARD**

2 **Wednesday May 4, 2016**

3
4 In attendance: A. Rosenblatt- Chair, M. Peterman, M. Dell Orfano, C. Harris, P. Lyon- Selectman Ex-
5 Officio, S. Wilkins, R. Hart

6
7 A. Rosenblatt called the meeting to order at 7:30pm

8 The purpose of this meeting is for the Planning Board to review potential acquisitions of two pieces of
9 property, as required by law, and offer any recommendations the Board feels are appropriate. One
10 property is Parcel # 016-024-005 on Courthouse Road (Joshua's Park); and the other is Parcel # 003-036-
11 004 on Ponemah Road.

12
13 A. Rosenblatt stated M. Peterman will vote for G. Leedy.

14 **S. Wilkins moved to open the public hearing. M. Peterman seconded. All in favor.**

15
16 Discussion

17 The board first discussed the property with parcel # 003-036-004 on Ponemah Road owned by Linda and
18 James Devine. P. Lyon clarified it is a landlocked lot of about four acres. S. Wilkins said their kids were
19 going to build a house there but didn't.

20
21 A. Rosenblatt asked what it is worth and what the town will do with it. P. Lyon said it's not worth much
22 to the town. The only access is across state land. They just want to give it to the town. S. Wilkins clarified
23 that the owners live at 21 and this lot is behind.

24
25 A. Rosenblatt asked if there is any downside to the town taking over the land other than the loss in tax
26 dollars. The taxes are pretty minimal as the lot is assessed at \$17,000.

27
28 S. Wilkins said she is never opposed to taking building lots off the market especially if there are access
29 issues. A. Rosenblatt said it seems there are no down sides for the town to have it.

30
31 R. Hart said it borders state land which they may have wanted to use for access ramps to 101. He
32 wonders what's going to happen to the state land in the future. He believes the owners came before the
33 conservation commission to sell it in the past and the Conservation Commission refused because there's
34 no access and it doesn't border conservation land.

35 **S. Wilkins moved that the Planning Board recommends that the BOS acquire the land described as**
36 **parcel 003-036-004. M. Peterman seconded. All in favor**

37
38 At this time the board discussed parcel # 016-024-005 on Courthouse Road (Joshua's Park).

39 S. Wilkins recused herself from the discussion and came around front to answer any questions the board
40 may have.

41 A. Rosenblatt said the board has already approved the plan. At this time they are clarifying their
42 recommendation to the BOS if they should accept the donation.

43 A. Rosenblatt asked if there is a downside. There is some responsibility to accepting Joshua Park rather
44 than just open space.

47 S. Wilkins said they looked at what the budgetary impact will be to the town since it will be maintained
48 by the recreation department and Craig told them it will be a relatively minor hit to that budget.
49 S. Wilkins said if the town refuses to take it, they will have to create a committee to maintain it and
50 probably gate the property and people will have to pay a membership to use it.

51
52 R. Hart asked about the controversy with the neighbor and if there was a resolution. Maybe the town
53 should not take ownership if the future will be full of lawsuits. S. Wilkins doesn't think the neighbors will
54 pursue lawsuits. They seem to have come to terms with the project.

55
56 The neighbors didn't think the buffer was big enough. C. Harris said they came to a previous meeting
57 and their concerns were heard and the conclusion was that fruit trees were added as a buffer. R. Hart
58 said he also thought it was resolved, but then letters about it started appearing in the paper.

59
60 S. Wilkins said the parking issue came up again at the Historic District meetings and the land trust
61 volunteered to add a significant amount of hedges to create more of a buffer from the parking area. The
62 hedges were not added to the plan because they didn't need to be on the plan. The neighbors were
63 concerned so they met with them and assured them that the hedges will be planted even though they
64 are not on the plan.

65 C. Harris asked how much of an issue it would be to add an 8' stockade fence. S. Wilkins said the Historic
66 District Commission is really opposed to that type of fence because they are not historic. That's why the
67 shrubbery was added.

68
69 M. Peterman said a plan was created at the HDC meeting. She asked Sally if everyone was content with
70 that plan. No, the neighbors were not, but the HDC was. M. Peterman stated that this is a public hearing
71 and the BOS will hold public hearings. The planning board doesn't have an obligation to respond to
72 letters not addressed to us. The neighbors are not here and we haven't received letters from them.
73 R. Hart commented that since they are not here perhaps their concern has lessened. M. Peterman said
74 they can go to the BOS hearing if they want to share any concerns.

75
76 M. Dell Orfano stated this plan is already approved.

77 A. Rosenblatt said the question for us is not if it's a satisfactory plan, it's if the BOS should acquire it, or if
78 it's better for another entity to own it, or do we not have an opinion as a planning board either way.

79
80 S. Wilkins said from her planning board point of view, a park/public recreation space is a good thing for
81 the town to take on based on the masterplan.

82
83 P. Lyon asked if the board wants to review the covenant. A. Rosenblatt said if the planning board was
84 reviewing it they would ask Town Counsel what he thinks and he is already reviewing them so that's
85 fine.

86
87 M. Dell Orfano said it doesn't seem so severe a covenant on this that there would be issues. If the buyer
88 violates it there's a mediation process to go through and possible damages to the town. He asked what
89 that meant.

90 S. Wilkins said if the town violates the terms of the covenant the land trust has the legal right to say they
91 are in violation of the terms and the process says if you can't solve it amicably then you go to mediation
92 and then arbitration. Whichever party loses has to pay the cost of the arbitration.

Looking at the arbitration clause, A. Rosenblatt said it's a convoluted, complex arbitration. It is disproportionately expensive because you have two arbitrators picking a third arbitrator so you're paying an hourly rate for three people. He suggested having just one arbitrator appointed from the association. It will be much cheaper. S. Wilkins said she will take that recommendation back to them.

M. Dell Orfano moved that the Planning Board recommends that the BOS acquire parcel 016-024-005 for the intended use. C. Harris seconded. All in favor

Other Business:

Minutes: April 6, 2016

S. Wilkins rejoined the board at this time.

S. Wilkins moved to close the public hearing. C. Harris seconded. All in favor

C. Harris moved and S. Wilkins seconded to approve the minutes of April 6th as submitted.

A. Rosenblatt inquired about the status of hiring a new Community Development Director as he hasn't heard anything. P. Lyon said they have conducted two series of interviews, had five applicants and it's now down to two that will be going before the BOS. He was surprised that the Planning board was not involved as there was representation from the Conservation Commission and the ZBA on the committee. A. Rosenblatt explained that he was originally asked to participate and he responded that he would, but never heard back. He is disappointed that the Planning board was not represented since they work so closely with the staff member in this position.

C. Harris moved and M. Peterman seconded to adjourn at 7:58pm. All in favor.

Respectfully submitted,

Jessica Marchant