

AMHERST PLANNING BOARD
Wednesday, November 14, 2007, 7:00 PM
First Floor Meeting Room, Town Hall
MINUTES

PRESENT: Susan Pynchon, Acting Chair; Ludmilla Pavlova-Gillham, Denise Barberet, Richard Howland, Jonathan O’Keeffe, Kathleen Anderson, Eduardo Suarez

ABSENT: Aaron Hayden, Jonathan Shefftz

STAFF: Jonathan Tucker, Planning Director; Sue Krzanowski, Management Assistant

Ms. Pynchon served as Chair in the absence of Mr. Hayden. Due to a delay in achieving a quorum, Ms. Pynchon opened the meeting at 7:46 PM.

I. PUBLIC HEARING – ZONING AMENDMENT

**A-10-08, Technical/Professional Offices (Office Uses) – Planning Board/Coalition
for Sustainable Neighborhoods**

Ms. Pynchon read the preamble and opened the public hearing for this proposal to see if the Town will amend Section 3.3 (Use Chart), Footnote f. of Table 3, Dimensional Regulations, and Sections 7.104, 10.38, and 11.24 of the Zoning Bylaw to create a separate use category for technical and professional offices, and to amend site design requirements.

Mr. Howland MOVED: to adopt the article as explained by Mr. O’Connor at the last meeting. There was no second. Mr. Tucker explained that this was a proposed new article which needed to go through the public hearing process.

Mr. Tucker explained that this proposal (Article 1) was a combination of Articles 13 (Planning Board proposal) and 14 (Coalition for Sustainable Neighborhoods). Article 1 is a compromise which was negotiated between the Planning Board and the Coalition for Sustainable Neighborhoods.

There are three major elements to Article 1 which would be broken into 3 motions, Mr. Tucker told the Board: 1) new site design criteria, 2) amending the Dimensional Table, and 3) creating a new category of office use.

New criteria would address each use, he said. Article 1 accomplishes most or all of what 13 and 14 proposed.

Mr. Howland MOVED: that absent any objection, the Board close the public hearing. There were objections and the Motion was withdrawn.

Mr. O’Connor, spokesperson for the Coalition for Sustainable Neighborhoods, thanked the staff, Planning Board and everyone involved in negotiating the compromise article, which he said, can accomplish the Town’s goal of economic development and still protect neighborhoods. Mr. O’Connor said that he was concerned that Motion C rests on the passage of Motion A.

Mr. O'Connor said that he was unable to stay for the remainder of the hearing because he had to go to a children's concert.

Mr. Louis Greenbaum, Montague Road, Precinct 11, expressed concern that uses which are currently allowed on a property that he owns on North Whitney Street in the Light Industrial zone will not be allowed under the new proposal.

Mr. Greenbaum wanted his property removed from the proposal but was told that the language could not be changed at Town Meeting because what he wanted exceeded the scope. It would have to be revisited for the 2008 Annual Town Meeting.

Ms. Mary Streeter, thanked the Board for its willingness to compromise but said that she was not part of the coalition. Speaking for herself and a few neighbors, Ms. Streeter expressed concern about how long developers would have to submit a detailed buffer plan or Traffic Impact Statement for the entire PRP development along Larkspur Drive.

Ms. Paula Russell, 54 Larkspur Drive, said that the 100 foot buffer on the east side of Larkspur Drive has worked well, and spoke in support of Article 1. Ms. Russell had specific questions related to an office development in her area. Board members noted that abutters who have concerns should attend the permit public hearings for specific developments when they are held. Ms. Russell asked how problems are checked. Mr. Tucker said that the Zoning Enforcement Officer is the Building Commissioner, and it is the Commissioner who checks to be sure that the conditions of a permit have been met.

Ms. Streeter said that she wants to be notified of any meetings regarding PRP issues, and said the Russells should be included, too. Again, she thanked the Board for the compromise.

Mr. Howland MOVED: to close the public hearing. Mr. Suarez seconded, and the Motion passed 7-0.

Mr. Howland reminded people to check the legal postings in the newspaper for public hearing notices.

Ms. Barberet noted that a word (this) was missing in the last full paragraph on page 3. After further discussion,

Mr. Howland MOVED: that the Board recommend that Town Meeting adopt Article 1 with the correction on page 3 as noted. Mr. Suarez seconded, and the Motion passed 7-0.

II. Joint Meeting with Zoning Board of Appeals – Discussion of Zoning Articles

Ms. Pynchon welcomed members of the ZBA—Barbara Ford, Jane Ashby, Hilda Greenbaum, Al Woodhull. Also present for this discussion were Select Board members Gerry Weiss and Rob Kusner.

The ZBA had prepared a memo for Town Meeting (Memo to Town Meeting, November 7, 2007) stating their positions on the Fall 2007 Town Meeting Articles. The major issue was the Planning Board's proposal under several amendments to change some selected uses from

Zoning Board Special Permit to Planning Board Special Permit or Site Plan Review in order to facilitate economic development in specific areas.

The ZBA members generally did not believe that the Special Permit process represented an impediment to economic development, and cited high rates of permit granting and what they believed to be a more rigorous review process. Planning Board members and staff responded to these assertions.

After extended discussion,

Mr. Howland MOVED: that the Planning Board not object to the amendment to Section 3.372.2 of Article 11 being offered by the ZBA, changing the regulation of manufacturing uses in the LI District from SPR to SP, rather than SPP. Mr. Suarez seconded.

Mr. Tucker recommended an adjustment in the language of the motion to include the recommendation that Town meeting adopt Article 11 as amended, to which Mr. Howland agreed. The Motion passed 6-0-1 (Anderson abstained).

Mr. Kusner asked the Board to clarify the amendment just made.

Mr. Tucker said that the proposed Special Permit by the Planning Board for manufacturing uses in the LI District would be changed to Special Permit by the Zoning Board of Appeals.

The discussion turned to Article 12. Ms. Ford said that she wanted to retain the original language in the Bylaw and keep the added phrase “as an amendment to the principal use”. She said that she liked that wording but wanted to hear more about the rest of the amendment from the Planning Board.

Ms. Greenbaum said that bigger issues should go to the ZBA. She said that she couldn’t figure out the meaning of the proposed language and said it seemed to give the permitting body too much discretion

Ms. Ashby asked what the rationale for the change was. Mr. Tucker explained that it is intended to make sure that this kind of accessory manufacturing use requires the same permit as the principal R & D use with which it is associated. The amendment both facilitates these “prototype” accessory manufacturing uses and adds new protective regulations.

Issues raised by ZBA members and addressed by the Planning Board and staff included confusions about the language, how much discretion the amendment would give the permitting body, whether the proposed amendment would make it more difficult for businesses, and which permitting board has more experience. Ms. Holstein noted that the Planning Board and Zoning Board of Appeals share the same space and staff—each board receives the same technical support and has access to the same professional expertise. Mr. O’Keeffe asked the ZBA what their intent was with regard to Article 12, and there was a lack of unanimity among the ZBA members.

Mr. Kusner said there was confusion about proposed new Section 5.0714 and how it regulated the percentage of gross floor area of a principal R&D use that could be occupied by an

accessory manufacturing use. Mr. Tucker explained. Mr. Kusner said the current language of this section only mentioned property that was owned by a business and not leased property.

Mr. Howland MOVED: to add “or leased” to the end of 5.0714, and recommend that Town Meeting adopt Article 12 with that amendment. Mr. O’Keeffe seconded, and the Motion passed 6-0-1 (Pavlova-Gillham abstained).

The discussion turned to Article 15, Spring Street Rezoning and General Business Lodging Uses. The ZBA had voted to support extending the B-G District to Spring Street (Motion A) but wanted to divide Motion B to allow inns by Site Plan Review (as proposed) but retain the Special Permit process for hotels, which would be in new buildings. They agreed that inns in existing older buildings could be subject to Site Plan Review by the Planning Board. Once again, the issues raised included the differences between the Site Plan Review and Special Permit processes, the need to retain control over new development, and which board was better qualified to undertake the task of reviewing and issuing permits.

III. NEW BUSINESS

A. Lot Release Request/Certificate of Performance – Amherst Hills Subdivision

The Board reviewed a lot release request for Lot 27, Linden Ridge Road.

Mr. Howland MOVED: to release Lot 27, as requested. Ms. Anderson seconded, and the Motion passed 7-0.

The Board signed the Certificate of Performance.

XII. ADJOURNMENT

Mr. Howland MOVED: to adjourn this meeting at 10:20 PM. Ms. Pynchon seconded, and the Motion passed 7-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Aaron A. Hayden

DATE: _____