

**AMHERST PLANNING BOARD**  
**Tuesday, November 6, 2007 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Aaron Hayden, Chair; Richard Howland, Jonathan O’Keeffe, Denise Barberet, Susan Pynchon, Eduardo Suarez (7:10 PM), Jonathan Shefftz (7:21 PM)

**ABSENT:** Kathleen Anderson, Ludmilla Pavlova-Gillham

**STAFF:** Jonathan Tucker, Director; Sue Krzanowski, Management Assistant; Christine Brestrup, Senior Planner

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Mr. Hayden opened the meeting at 7:05 PM.

**I. PUBLIC HEARING – ZONING AMENDMENTS**

**A-9-08 Technical/Professional Offices (Article 14)**

To see if the Town will amend Section 3.3 (Use Chart) and Footnote f. of Table 3, Dimensional Regulations, of the Zoning Bylaw to create a separate use category for technical and professional offices, add site review standards and adjust side and rear setbacks for uses in the PRP District.

Mr. Hayden opened the hearing and read the preamble.

Mr. Vincent O’Connor, spokesperson for the Coalition for Sustainable Neighborhoods (CSN), on this article and Article 1 to be brought before a special, special Town Meeting explained that Article 1 is a compromise of the petition article proposed by CSN and the original proposal by the Zoning Subcommittee. One of the Board’s options, he said, would be to ask Town Meeting to postpone consideration of Articles 13 and 14 (the original proposals) until after the special Special Town Meeting when Article 1 (the compromise article) will be considered. The Planning Board will hold a public hearing on Article 1 on November 14.

Mr. O’Connor told the Board that the CSN supports the compromise article and said that it seems that a majority of Planning Board members like it. The CSN recommends dismissal of Article 14 if Article 1 passes. He thanked Mr. Tucker and members of the Zoning Subcommittee for working on the compromise article which, he said, was a better result than they could have imagined.

In response to questions about the purpose of this public hearing, Mr. Tucker explained the background of the three articles and the compromise process.

Mr. Hayden, reporting for the Zoning Subcommittee, said that the Subcommittee recommends asking that Article 13 be dismissed if Article 1 passes. Article 1 provides the best protection that people were looking for, he said.

Mr. Hayden explained that a special Special Town Meeting had to be scheduled because Article 1 is very different from Articles 13 and 14. Mr. Hayden said that the Zoning

Subcommittee agrees that Town Meeting should be asked to dismiss Article 13 if Article 1 passes.

Ms. Barberet said that Article 1 clarifies and provides better protection.

Mr. Tucker said that since this was the public hearing for Article 14 the Board should consider making a recommendation on Article 14.

Ms. Mary Streeter, Larkspur Drive, said that she was concerned that the Board may ask Town Meeting to dismiss the article prematurely. Ms. Streeter also expressed concern about the amount of time the Chair and staff spend talking during public hearings. She felt this intimidated citizens and inhibited their participation.

Mr. Louis Greenbaum, 298 Montague Road, precinct 1, said he had a question regarding Article 1. Mr. Greenbaum was advised to wait until the public hearing which was scheduled for November 14<sup>th</sup>.

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

Mr. Howland MOVED: that the Board recommend that Articles 13 and 14 be dismissed in anticipation of Article 1 being adopted. Ms. Barberet seconded.

There was further discussion about whether the recommendation should be to dismiss or postpone the article, which option would waste less time at Town Meeting and what the Moderator would allow.

The Motion to recommend dismissal passed 7-0.

**A-6-08            Main/Dickinson/High Street Rezoning (petition)**

Mr. Hayden read the preamble and opened the hearing for this proposal to see if the Town will amend the Official Zoning Map to change the zoning designation for the following parcels, all on Assessor’s Map 14B:

Parcel 28 – Rezone from R-G to B-VC, contingent upon town meeting voting to authorize the Select Board to accept a restrictive covenant foregoing some uses allowed in the B-VC District;

Parcels 53, 56, 57 and 130 – Rezone from COM to R-G;

Parcels 58, 59 and 128 – Rezone from COM to B-VC;

Parcel 66 – Rezone from R-G to B-VC, contingent upon town meeting voting to authorize the Select Board to accept a restrictive covenant limiting future use of the property to the current use;

Parcels 129 and 234 – Rezone from COM and R-G to B-VC;

Parcel 131 – Rezone from R-G to B-VC.

The petitioners representing the Coalition for Sustainable Neighborhoods, Rob Crowner and Charles Traitor, told the Board that the rezonings would be good housekeeping and would

make the older existing zoning conform to what the property is being used for. They reviewed the list of properties and reasons for the rezoning requests.

Mr. Hayden said that the Zoning Subcommittee reviewed a similar proposal about a year ago and held public meetings. After several meetings and extensive discussion, it was decided that a more extensive review of the area was needed and the Subcommittee recommended that the Planning Board ask Town Meeting to refer the article back. Town Meeting did refer the article back to the Planning Board.

Mr. Suarez said that the Zoning Subcommittee had visited the area twice and held a public hearing the last time. There were many interesting sections of the Coalition's proposal to provide neighborhoods we would like to see, he said.

Mr. Hayden said that unfortunately the Subcommittee had not had time for the study that the original article needs prior to the 2007 Annual Town Meeting, and had then been asked to take on additional articles representing the Town Manager's economic development amendments.

Mr. Crowner said that the housekeeping represented by Article 19 could be adopted now and the article could be further revised in the future.

Mr. Traitor said that this area is part of his neighborhood.

Dr. Gladstone, 15 Mt. Pollux Drive, said that he works at 12 Dickinson Street. He said he only recently became aware of this proposal and had never been invited to a meeting. The earlier proposal considered by the Zoning Subcommittee didn't include Dickinson Street, he said.

Mr. Tucker gave the background of the earlier proposal, which he said the Board continued to work on but didn't have time to complete.

Dr. Gladstone said that the Community for Sustainable Neighborhoods had not contacted him. He said he is not interested in changing the zoning on his property and is very much against the proposal.

Ms. Nancy Higgins, 558 Main Street, said that she opposes rezoning lots 14B, 129 and 134. The back lot should be the same as the front lot, she said, and she prefers residential.

Mr. Barry Simon, 18 Dickinson Street, said this proposal would make some uses non-conforming and is going in the wrong direction.

Mr. Shefftz said that he would like to hear the ultimate goal for the proposed rezoning.

Mr. Jim Oldham, 301 East Hadley Road, told the Board that he supports the proposal. All of the current uses would be grandfathered in, he said.

Mr. Gerry Guidera, Center for Cross-Cultural Studies, said that the proposal is naïve. His original request only involved 446 Main Street, he said, and he suggested going back to dealing with just that proposal.

Mr. Matthew Cornell, 34 Dickinson Street, said that he agreed with Dr. Gladstone's comments, and said that this would be a huge change. Mr. Cornell said that he had not heard compelling arguments for the change and encouraged the Board to not recommend it.

Ms. Mindy Connor, 20 Dickinson Street, talked about her property which is zoned Commercial. She operates a dance studio and said that she likes the idea of B-VC but wanted a more careful and deliberate process to be sure it met her needs.

Mr. Vince O'Connor, Summer Street, asked the Board to refer the proposal to the Zoning Subcommittee to be explored further for this Town Meeting. He said the Board should continue the public hearing to give the Zoning Subcommittee time to meet.

Mr. Howland MOVED: to close the public hearing. Mr. Suarez seconded, and the Motion failed 2-5 (Hayden, O'Keeffe, Barberet, Pynchon, Shefftz opposed).

Mr. Cornell urged the Board not to support the article and not to waste any more time on it.

Mr. Gladstone said that he agreed with Mr. Cornell and said the process had been incomplete and wrong.

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

Mr. Suarez MOVED: to refer the proposal back to the Zoning Subcommittee for further negotiation.

Mr. Howland offered a friendly amendment to recommend that Town Meeting refer the article back to the Planning Board for future action.

Mr. Suarez said he would not accept the friendly amendment.

Mr. Tucker explained that there was not enough time for the Zoning Subcommittee and others to meet in order to reach a compromise on this article. After more discussion, it was agreed that the best course of action would be to ask Town Meeting to refer the article back. Mr. Suarez accepted the friendly amendment, and the Board then took action on the motion to ask Town Meeting to refer the article back.

Ms. Barberet seconded, and the Motion passed 7-0.

### **III. NEW BUSINESS**

The Board discussed a memo related to Article 13 from 1996, which Mr. Tucker explained was a description of a complicated early proposal in which the developer at Larkspur Drive would donate unbuildable land west of Larkspur Drive to the Town as conservation land following construction of his project. Mr. Tucker said this information was being provided in response to questions that had been raised at the Zoning Subcommittee meetings. The 1996 deal had fallen through, but the developer still had the intention of donating the land.

**II. OLD BUSINESS**

- A. Town Meeting** – Mr. Hayden told the Board that the zoning articles might come up tomorrow night and reminded them that they should attend. Ms. Barberet, Ms. Pynchon and Ms. Anderson will decide who will move what articles.

Ms. Mary Streeter invited the Planning Board members to join the Town Meeting online bulletin board. It would be an opportunity to answer questions, but not engage in policy deliberations so as not to violate the Open Meeting Law. Mr. O’Keefe doubted this last assertion and raised concerns about the potential for Open Meeting Law violations, which Mr. Tucker reinforced.

- B. Master Plan Discussion** – Mr. Hayden said that the draft letter from the Board to the Comprehensive Planning Committee has not been sent and he doesn’t think it will need to be. The Review Subcommittee has been making headway, and intends to send their comments to ACP in early December and get the final edits back in early January.

**IV. ADJOURNMENT**

Mr. Howland MOVED: to adjourn at 9:31 PM. Mr. Suarez seconded, and the Motion passed 7-0.

Respectfully submitted:

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Sue Krzanowski, Management Assistant

Approved:

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Aaron A. Hayden

Date: \_\_\_\_\_