

**AMHERST PLANNING BOARD**  
**Wednesday, September 19, 2007 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Aaron Hayden, Chair; Kathleen Anderson, Jonathan O’Keeffe, Richard Howland, Ludmilla Pavlova-Gillham, Denise Barberet, Eduardo Suarez, Jonathan Shefftz (7:13 PM), Susan Pynchon (7:15 PM)

**ABSENT:** No One

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

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

**I. MINUTES – Meeting of September 5, 2007**

Ms. Barberet MOVED: to approve the Minutes of September 5, 2007 with the correction of a typo as noted on page 6. Ms. Anderson seconded, and the Motion passed 6-0-1 (Pavlova-Gillham abstained).

**II. PUBLIC HEARING – ZONING AMENDMENT**

**A-5-07 College/South East Street Rezoning**

To amend the Official Zoning Map to change the zoning designation for the following properties on Assessor’s Map 15C:

Parcels 2 and 7 – Rezone portions of these properties from R-N to COM.

Parcels 3, 4, 8 and 9 – Rezone from R-N to B-VC.

Parcel 41 - Rezone from R-N to B-VC.

Parcel 42 – Rezone from R-N and COM (portion) to R-VC.

Parcels 16 and 17 – Rezone portions of these properties from COM to R-N.

Mr. Hayden read the preamble and opened the public hearing. He noted that the changes are being proposed by the Town Manager and had originally been requested by Mr. Amir Mikhchi. Mr. Mikhchi, the owner of several lots in the area, requested the rezoning two years ago, but the article was defeated at Town Meeting.

Mr. Larry Shaffer, Town Manager, told the Board that he is looking for opportunities to increase the community’s tax base without a negative impact on the quality of life, and in ways that would sustain the service level that Amherst citizens have become accustomed to. This proposal seems consistent with expectations for the Town, he said. Mr. Shaffer said that he would defer to Mr. Tucker’s judgment as a planner in terms of the zoning details.

Mr. Amir Mikhchi, owner of AutoExpress, South East Street, described the history of the request. He told the Board that changing the zoning of lot 7 from R-N to COM would give him more flexibility than changing it to B-VC, as now proposed by the Zoning Subcommittee.

It would be easier for him to obtain financing if the parcel were zoned Commercial, he told the Board. Mr. Mikhchi said that he is interested in providing first-class development for the Town and he would appreciate the Board's assistance in the rezoning of his parcel.

Mr. Tucker added that in the last 10-12 years the Town had received numerous requests from property owners for rezoning in this area. A previous request from Mr. Mikhchi to rezone his property from R-N to COM was turned down by Town Meeting, he said.

Mr. Howland asked what the difference is between R-VC and B-VC. Mr. Tucker explained the difference in uses allowed in each district.

Mr. Suarez relayed his experience with getting his brakes fixed at AutoExpress the day before, which gave him an opportunity to do a site inspection of AutoExpress and the area, which he said he liked. Mr. Mikhchi employs six people in a "real" building, not a façade, he said. Mr. Suarez said that the Board needs to do assessments for contentious issues. He said that he talked to friends about this proposal. It's important to look at situations in a deeper fashion than just examining the maps, he said.

Ms. Pavlova-Gillham asked if the Town had done an analysis on tax revenue for this change.

Mr. Shaffer said an analysis had not been done but he would be happy to do one.

Ms. Pavlova-Gillham asked Mr. Mikhchi what Commercial zoning would allow him to do that B-VC would not.

Mr. Mikhchi said that he may want to include a complementary business to the AutoExpress. Commercial zoning would allow him more flexibility he said and make it easier to obtain financing. Whatever is proposed will need to go through the permit process, he noted.

Ms. Barberet expressed concern about commercial creep and setting a precedent which could open up other parts of town.

Mr. Tucker said that this is a small area which is completely bounded by properties whose uses will not change. That's one reason why it was selected for rezoning. There are wetlands issues, too, he said, which would prevent excessive development on individual properties.

Mr. Shaffer added that it's beneficial to keep commercial uses concentrated to support the downtown and village centers.

Mr. Hayden said that there are 23,000 auto trips per day by that area.

Ms. Pavlova-Gillham advocated for the Town including sidewalks and other amenities to create a village center.

Mr. Suarez said that he could support the amendment if the Town is really creative in sustaining the area. He said that he met Ross Chapin, an architect who builds small sustainable houses on the west coast that would be appropriate for village centers.

Mr. Vincent O'Connor, Summer Street, on behalf of the Coalition for Sustainable Neighborhoods (CSN), asked who the petitioner for the article would be on the warrant and suggested that Town Counsel be consulted.

Mr. Tucker said that the Planning Board sponsored the article the last time and may elect to do so again.

Mr. O'Connor cited Article 1 of the Zoning Bylaw (general purposes of zoning) and said that rezoning in this area should focus on property and uses, not the owner. He said the Building Commissioner erred in allowing the drainage for AutoExpress to be built on the rear portion of the adjacent R-N property.

Representing himself as a CPAC member, Mr. O'Connor expressed concern about putting business uses in place of residential uses. He expressed concern about displacing the family who had occupied the house that AutoExpress now occupied.

Mr. O'Connor said that the CSN disagrees with about four of the ten parcels for the proposed rezoning, which they feel should be zoned R-VC, rather than B-VC.

Mr. O'Connor, representing himself as a Public Works Committee member, said that the Public Works Committee has assigned its top priority to a project to install a sidewalk on South East Street from College Street to Colonial Village. There is no room for bike lanes on South East Street, he said. Mr. O'Connor said that it's important to preserve the neighborhood residential functions in this area. Experiment with rezoning the properties in the neighborhood incrementally, he suggested.

Mr. Bruce Klotz, Pelham, expressed concern about traffic at the intersection and losing the affordable rental housing in this area.

In response to Mr. O'Connor's earlier comment about displacing a family, Mr. Mikhchi said that he knows and is friends with the family involved, and that the AutoExpress provides needed services and complements other auto businesses in town. He provides jobs for six people, he said. There are many apartments nearby which need services. Good sustainable development includes providing services for residential housing and jobs for their residents.

Ms. Anderson said that the Zoning Subcommittee has been discussing the rezoning proposal for several weeks. Based on the need for services and the village atmosphere, the Subcommittee recommended five parcels, including lot 7, be zoned as B-VC and Map 15C/Parcel 42 be zoned R-VC.

Mr. Suarez added that the basis for the recommendation is that the proposed rezoning supports sustainable development. It could provide future jobs, he said. It would allow nearby residents to get services within walking distance. Mixed use development would increase the tax base.

Mr. O'Connor said that the Zoning Subcommittee's proposal will not succeed at Town Meeting and he hoped the Planning Board would support the CSN proposal as an alternative.

Ms. Pynchon said that she felt that it makes sense for 15C/9, 41 and 42 to all be zoned R-VC.

Mr. Hayden said there was a greater need for business-zoned property, to provide services and jobs, and to help diversify the tax base.

Ms. Anderson said that the owner of 15C/41 had not requested rezoning but concurs that it would be useful.

There was no additional public comment.

Mr. Howland MOVED: to close the public hearing. Ms. Anderson seconded, and the Motion passed 9-0.

Mr. Howland said that he was very familiar with the area, and it has always been a business area, not a neighborhood. The residential neighborhood is in Colonial Village, he said. There's not much else that could be done with this area that would be useful. This proposed rezoning could markedly improve it.

Ms. Pavlova-Gillham MOVED: that the Board recommend that Town Meeting adopt the proposal as proposed by the Zoning Subcommittee. Mr. Howland seconded, and the Motion passed 7-2-0 (Barberet and Pynchon opposed).

### **III. MASTER PLAN**

#### **A. Draft Plan Review**

#### **B. Adoption Process/Planning Board Role**

Mr. Hayden summarized the proposed motions for Town Meeting action on the Master Plan which the Comprehensive Planning Committee (CPC) has been considering. However, the CPC has not agreed on any of them.

Mr. la Cour added that the CPC has not made a decision on what to take to Town Meeting. There has been discussion about what priorities should be in the draft master plan and what should be taken out, but have not made any decisions.

Mr. Tucker noted that the Board had a copy of Town Counsel's email confirming that the Planning Board had the ultimate responsibility for the master planning process and adopting the plan.

Mr. la Cour asked what role the Board wanted to play in reviewing the draft, and if it wanted to provide guidance to the Comprehensive Planning Committee on what the approval process should be.

Mr. Howland said that he was uneasy about the Planning Board getting directly involved in the approval process and that the Select Board should decide how it gets approved.

Mr. Suarez said that it's important there be a thorough process in adopting the plan.

Mr. Shefftz said that the Planning Board is the final authority.

Mr. Howland again said that the Planning Board doesn't need to be involved in the mechanics of the approval process. The Board's role is to adopt the master plan, he said.

Mr. Tucker said that Town Counsel's opinion made it clear that the approval process does belong to the Planning Board, if it so chooses. He related the history of the master planning process, beginning with the creation of a Planning Board subcommittee, and then the Select Board's appointment of the CPC as a standing Town committee (with the Planning Board's approval). Whether or not the Planning Board took a direct role, he said it had ultimate responsibility for the process and approved that process through active steps or inaction.

Ms. Barberet said that it's important to know how implementation will happen.

Mr. la Cour said that the master plan will be a very valuable document which will provide a framework for future decision-making in the community. It will establish protocols for future decisions, he said.

The discussion continued at length with various ideas tossed out.

Ms. Pynchon said that it's too early for the Planning Board to get engaged in editing the draft because it's likely to change. Maybe the next draft, she said.

Mr. Jim Wald, Vice Chair of the Comprehensive Planning Committee, said that the next draft will likely be the final product. An open house for presenting the draft master plan is scheduled for September 27<sup>th</sup>. Final comments are due October 4<sup>th</sup>. And the consultant's contract will soon expire.

Mr. Howland stepped down from the Board at 9:45 PM

Ms. Pavlova-Gillham said it would be helpful to have financial information for implementing the strategies noted in the plan.

Mr. Hayden said that the Planning Board needs to approve a process for its own adoption of the master plan.

Mr. Suarez said that he would like to see presentations on the matter and asked staff to send the CPC schedule. Mr. la Cour said that he would send the schedule to the Board.

Ms. Pavlova-Gillham noted that the Board should make use of the professional expertise available before the consultant is done with the process.

Mr. Suarez suggested that professionals at UMass could be utilized if additional help is needed.

Mr. Wald noted that the consultant's contract ends September 30<sup>th</sup>. If the plan is not ready, CPC will not go forward, he said. The master plan is very much a product of an extensive public process, Mr. Wald said, and the CPC is trying very hard to honor that process.

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## **VI. FORM A (ANR) SUBDIVISION APPLICATIONS**

The Chair endorsed the following:

ANR2008-00002, West Bay Road – Peter Kosakowski

Mr. O’Keeffe MOVED: That the Board establish October 2007 as the date that the new lots will be eligible for building permits under the Phased Growth Bylaw. Mr. Suarez seconded, and the Motion passed 8-0.

## **IV. NEW BUSINESS**

**A. Citizen Planner Training Collaborative – Fall 2007 Workshops** – brochure in packet. Although the workshops are very informative, Mr. Tucker noted that there is no training money available this year, so members would have to pay their own expenses.

**B. Other** – None

## **V. OLD BUSINESS**

**A. Signatory Authority** – Ms. Krzanowski noted that the Board needed to sign another letter (this one for the Register of Deeds), authorizing the Chair and Vice Chair’s signatures on subdivision plans. The Board signed the letter.

**B. Other** – None

## **VII. UPCOMING ZBA APPLICATIONS**

The Board decided not to review the following:

ZBA2008-00009, 37 Cosby Avenue – Daniel H. Wallack

ZBA2008-00010, West Bay Road – Peter Kosakowski

## **VIII. UPCOMING SPP/SPR/SUB APPLICATIONS**

Mr. Tucker noted that there was a possibility that a second special Town Meeting would be held because additional zoning petition articles have been submitted but sufficient signatures have not yet been verified. If that happens, he said, the Board should plan an additional meeting on October 31. After discussion, the Board members decided that they would prefer to meet on October 24<sup>th</sup> instead of the 31<sup>st</sup> if an additional meeting is necessary.

Mr. Tucker noted that public hearings on proposed research and development amendments and the continued Spring Street rezoning hearing are on the schedule for the next meeting, October 3<sup>rd</sup>. There will be zoning amendment public hearings on October 17<sup>th</sup> as well as the continued hearing for Amherst Enterprise Park Definitive subdivision, he noted.

**XIII. ADJOURNMENT**

Ms. Anderson MOVED: to adjourn this meeting at 10:15 PM. Ms. Pavlova-Gillham seconded, and the Motion passed 8-0.

Respectfully submitted:

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Sue Krzanowski, Management Assistant

Approved:

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Aaron A. Hayden, Chair

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