

**AMHERST PLANNING BOARD**  
**September 5, 2007 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Aaron Hayden, Chair; Richard Howland, Vice Chair; Denise Barberet, Jonathan O’Keeffe, Susan Pynchon, Eduardo Suarez, (7:08 PM) Kathleen Anderson (7:12 PM), Jonathan Shefftz (7:17 PM)

**ABSENT:** Ludmilla Pavlova-Gillham

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

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Mr. Hayden opened the meeting at 7:05 PM

**I. MINUTES – Meeting of August 15, 2007**

Mr. Howland MOVED: to accept the Minutes of August 15, 2007 as submitted. Mr. O’Keeffe seconded, and the vote was 4-0-1 (Pynchon abstained).

Since some members had not yet arrived, the Chair moved ahead on the agenda.

**IV. NEW BUSINESS**

**A. Lot Release Request - Lot 44, Hawthorn Road – Tofino Associates, Inc.**

The Board reviewed a request to release the above lot. Mr. Tucker said that there are still many lots that haven’t been released in the subdivision, so the cost of resolving outstanding work remaining to be done on the roads and utilities was covered.

Mr. Howland MOVED: to release Lot 44, Hawthorn Road, as requested. Ms. Pynchon seconded, and the Motion passed 5-0.

The Board signed the Certificate of Performance.

**C. Planning Commissioners Journal – in packet.** Mr. Tucker suggested that members keep copies of this publication for reference as it often contains relevant information. Mr. Hayden said that the articles are often helpful.

**D. Regional Reporter Newsletter – in packet.**

**E. Other – None**

**V. OLD BUSINESS – None**

At this time, Mr. Hayden turned the meeting over to Mr. Howland and recused himself from the public hearing for Spring Street rezoning, stating that he had a conflict as an employee of Amherst College. Mr. Hayden stepped down from the Board and left the room.

## II. PUBLIC HEARING – ZONING AMENDMENT

### A-6-07 Spring Street Rezoning

Mr. Howland read the preamble and opened the public hearing for this proposal to amend the zoning permit requirements under Sections 3.327.0, Hotel/Motel, and Section 3.372.1, Inn, of the Zoning Bylaw from Special Permit (SP) to Site Plan Review (SPR) in the General Business (B-G) District, and to amend the Official Zoning Map to change the zoning designation of the following properties from General Residence (R-G) to General Business (B-G):

Assessors Map 14A, Parcels 264, 265, 266, 267, 268, 269, 270, and portions of the Town Common and Spring Street public ways, all as shown on Exhibit A.

Mr. Suarez noted that the Zoning Subcommittee discussed the proposal but did not have a recommendation for the public hearing, and wanted to hear from the petitioner first. Mr. Tucker explained that the petitioner is the Town and the amendment is being proposed at the request of the Town Manager. Mr. Tucker said that the Zoning Subcommittee and Town/Commercial Relations Committee have been meeting jointly to review the amendment.

Mr. Jim Brassord, Director of Facilities at Amherst College, presented a preliminary proposal to renovate and expand the Lord Jeffrey Inn. Under the current zoning, these changes would required a Special Permit. Under the rezoning proposal, the changes would be allowed by-right under Site Plan Review. Mr. Brassord said that Amherst College has been exploring the possibility of expanding the “Lord Jeff” for about two years and it has been a thoughtful and deliberate process. Generally, the proposed changes will be in the interior, upgrading rooms and dining, and increasing the room count from the current 48 “keys” to 65-70. He noted that the proposal is very preliminary and has not been presented to the Amherst College trustees. The final complexion of the plans could change, he said. The conversations between Amherst College and the Town Manager concerning this project spurred interest in energizing the downtown area. While Amherst College is not the petitioner, it does support the proposed zoning amendment, Mr. Brassord told the Board.

Mr. Howland asked about the timeline for the changes to the Inn and how this would fit into the master plan which may be finished soon. Mr. Brassord again said that Amherst College is not in a hurry at this time.

Mr. Suarez asked for clarification on who the petitioner is for the Spring Street rezoning.

Mr. Tucker summarized the background of the proposal. The original discussion with the Town Manager was to expand the business district, he said. When the Masons purchased 26 Spring Street, they wanted to convert it

to a parking lot but the size of parking lot they wanted did not meet the R-G zoning requirements. Following the imposition of a demolition delay, other uses, including affordable housing, were looked at but none were financially viable, Mr. Tucker said. This amendment would allow the Masons a wider and more financially viable range of uses for the property and its historic building, he said. Mr. Shaffer, the Town Manager, is interested in creating Spring Street as an expansion of the downtown business district as well as relieving the current permitting situation for the Lord Jeffery Inn. Hotels/motels and inns—two separate lodging categories—are only allowed by Special Permit in the downtown, Mr. Tucker noted, which would be a logical place to allow them by right.

There are two major elements to the proposed amendment, Mr. Tucker said: 1) expanding the downtown business district to allow more economically viable uses of the current properties, and 2) changing the regulation of hotels/motels and inns from Special Permit to Site Plan Review.

Mr. Suarez said that it was too premature to have the hearing and MOVED: to close the public hearing. There was no second and after discussion, the Motion was withdrawn.

Ms. Barberet asked about Amherst College's intent for the three houses it owns east of the Inn. She said that Spring Street was a logical place to block off and turn into a pedestrian mall, in part because it's very narrow and not good to drive on.

Mr. Brassord said that Amherst College has no definitive plans for the buildings. There are a range of options, he said. Mr. Brassord said that closing Spring Street to traffic is a complex issue.

Mr. Richard Bentley asked if the hotel has a parking plan.

Mr. Brassord replied that Amherst College believes there is adequate space on adjacent streets and in the alumni house lot, with some adjustments made to parking within the campus.

Ms. Carol Gray, South East Street, said that the proposal should have gone through the Zoning Subcommittee first and the public hearing should be the last stage. Changing the use from Special Permit to Site Plan Review would take away the Town's ability to control development. There should not be a major zoning shift before the master plan is adopted, Ms. Gray suggested.

Mr. John Michaels, 18 North Prospect Street, told the Board he opposes the amendment because the ring of neighborhoods surrounding the downtown should be preserved. This rezoning would open the doors to development of other neighborhoods, he said, and fundamentally change the character of the Town.

Mr. Vince O'Connor said that a Special Permit allows a permitting board to deny a project if it's inappropriate and to shape it, something Site Plan

Review cannot do. He asserted that Northampton has had problems with a downtown hotel proposal that included inadequate permit control. The proposal is very premature with respect to the Inn's renovation, he said, and would affect quality of life issues for the downtown. Mr. O'Connor said the Board should review the Use Table and Table 3, all relevant information.

The Historical Commission could propose an overlay of abutting historic districts and the Lessey House (26 Spring Street) could be part of the historic district. Mr. O'Connor said that CPAC money could be used to acquire it. Don't rezone the Grace Church property, as it is an allowed use in any district. There should be a contractual agreement between the Town and Amherst College, he said, to guarantee that the college does what it says it will do with regard to the historic houses.

Mr. Mark Parent, Chair of the Town/Commercial Relations Committee (TCRC), said that the TCRC supports the zoning amendment, but they have not formally voted yet. Amherst College has been a good, long-term neighbor, Mr. Parent said, and this is an opportunity for the Town to help foster the business climate. Amherst is not Northampton, he asserted. The Special Permit process puts too much control into the hands of three individuals. Site Plan Review permit process provides adequate control and protection.

Mr. Howland asked if there was a tension between moving ahead on these amendments with deliberate speed and the master plan intentions.

Mr. Parent replied that that was the same mantra Amherst had used forever—studying things to delay them. How long should these amendments wait? They are logical changes, clear and obvious, he said. They are consistent with the recommendations in the draft master plan. The Town needs to move, not talk about it for another ten years, Mr. Parent suggested.

Mr. Gerry Weiss, Select Board Chair, said changing the use requirement would affect the entire business area. He said that he wants to understand Mr. Shaffer's request and Amherst College's needs and asked if the Lord Jeff would pursue a Special Permit if the zoning amendment was turned down by Town Meeting.

Mr. Brassord said that Amherst College supports Mr. Shaffer's rezoning proposal and would pursue the Special Permit under that circumstance. The permitting is probably a year and a half to two years away, he said.

Ms. Barberet asked why the Zoning Subcommittee didn't make a recommendations.

Mr. Tucker explained that the proposal was discussed at a previous meeting by two of the members and noted that Mr. Hayden, the third member of the Zoning Subcommittee, couldn't participate in that discussion because he is employed by Amherst College. At that time, in response to a question by

staff the Subcommittee members had agreed to bring the proposal to the Board in its current form, he said. Staff had advised the members that there would be an opportunity to discuss the amendment at the Subcommittee meeting prior to this meeting, and the members had not done so.

Mr. Suarez said the hearing was premature and MOVED: to close the public hearing.

Ms. Ellie Manire-Gatti asked if the Town Manager could provide a statement.

Mr. Tucker agreed that a statement from the Town Manager concerning all of the zoning amendments that the Planning Board has been asked to consider would be useful. He apologized for not arranging for such a statement or presentation for the Board.

Mr. Howland said that he would entertain a motion to continue the hearing to give the Town Manager time to provide input.

Mr. O’Keeffe MOVED: to continue the public hearing to October 3, 2007 at 7:30 PM. Ms. Barberet seconded, and the Motion passed 6-0-1 (Suarez abstained).

Mr. Hayden returned to the Board.

**VI. FORM A (ANR) APPLICATIONS – None**

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

Mr. Tucker said that there are no upcoming development applications at this time. Three citizen zoning petition articles had been submitted, but they did not have enough signatures. The petitioners had indicated their intention to either resubmitt enough signatures or obtain Select Board sponsorship to enable the articles to be considered at a special, special Town Meeting. If so, then the Planning Board will need to hold public hearings on those articles in addition to the five or six zoning public hearings already scheduled. Two of the petition articles are related to the zoning amendments already proposed. These will be worked into the schedule if they go forward, he said, and noted that the Board may need to meet on October 31<sup>st</sup> in order to accommodate these hearings.

Mr. Hayden asked if the petition articles could be reviewed during the public hearings already scheduled. Mr. Tucker said two of them could, but that they have to have their own public hearing, too.

**VII. UPCOMING ZBA APPLICATIONS**

The Board decided not to review the following:

ZBA2007-00007, 390 Main Street, 25-35 University Drive LLC

ZBA2007-00008, 950 North Pleasant Street, Amherst-Presidential Village LLC

### III. ELECTION OF OFFICERS

The Board discussed the process for electing officers. Although a formalized process was discussed back in October 2005, it was never adopted. During this discussion, it was generally agreed that members preferred following the procedure under “Robert’s Rules of Order” which had been the standard tradition.

Mr. Suarez suggested that voting be done secretly but that suggestion did not receive support from the rest of the Board. Mr. Hayden noted that it would be the only action the Board does secretly. Mr. Howland raised the issue of violating the Open Meeting Law. Mr. O’Keeffe asked if elections had been done secretly in the past. Staff noted they had not. After more discussion, the Board decided to proceed with elections as customarily conducted.

Mr. Suarez NOMINATED Mr. Shefftz for Chair. Mr. Shefftz said that he did not feel he had enough experience and had not been on the Board long enough and declined the nomination.

Mr. O’Keeffe NOMINATED Mr. Hayden for Chair. Before accepting the nomination, Mr. Hayden noted that his term is up next June. He then accepted the nomination.

Mr. Howland MOVED: that nominations be closed and the clerk instructed to cast a single vote on behalf of Mr. Hayden. Mr. Suarez seconded, and the Motion passed 8-0.

Mr. Suarez NOMINATED Mr. Shefftz for Vice Chair, and said that while he appreciates Mr. Hayden’s work as Chair, the Board should be willing to change. Mr. Suarez said that he has found Mr. Shefftz to be a fair-minded person while he has been on the Board. Mr. Shefftz accepted the nomination.

Mr. Howland MOVED: that nominations be closed and the clerk instructed to cast a single vote on behalf of Mr. Shefftz. Mr. Hayden seconded, and the Motion passed 7-0-1 (Shefftz abstained).

Mr. O’Keeffe NOMINATED Mr. Suarez for Clerk. Mr. Suarez declined the nomination.

Mr. O’Keeffe NOMINATED Ms. Anderson for Clerk. Ms. Pynchon seconded.

Ms. Anderson said that she was honored but expressed concern if she could do it in addition to other committees she is on.

Mr. Howland NOMINATED Ms. Pynchon for Clerk. Ms. Anderson seconded. Ms. Pynchon accepted the nomination.

Mr. Howland MOVED: that nominations be closed and the clerk instructed to cast a single vote on behalf of Ms. Pynchon. Mr. Suarez seconded, and the Motion passed 7-0-1 (Pynchon abstained).

### IV. NEW BUSINESS (continued)

**B. Signatory Authority** – The Board signed correspondence to the Land Court authorizing the Chair (Mr. Hayden) and Vice Chair (Mr. Shefftz) to endorse approval not required plans.

**IX. PLANNING BOARD SUBCOMMITTEE REPORTS**

- A. Zoning** – Ms. Anderson said that the Board had discussed the zoning changes being prepared for Town Meeting. Mr. O’Keeffe asked if the Zoning Subcommittee is required to make a recommendation on proposed zoning amendments and how tonight’s confusion could be avoided. Mr. Hayden said that it was not required, but they should make a recommendation and that it helps the Board to thoroughly review proposals. The Planning Board doesn’t have to agree with the recommendation, he said.
- B. Atkins Working Group** – No Report

**X. PLANNING BOARD COMMITTEE REPORTS**

- A. Pioneer Valley Planning Commission** – No Report
- B. Community Preservation Act Committee** – No Report
- C. Agricultural Commission** – No Report
- E. Flood Prone Conservancy Task Force** – No Report
- B. Community Preservation Act Committee** (continued)

Mr. Hayden said that the Board needed to appoint a representative to the Community Preservation Act Committee (CPAC). Mr. Tucker briefly summarized the Committee’s role and its normal meeting schedule.

Mr. Suarez MOVED: to appoint Ms. Barberet as the Board’s representative.

Ms. Barberet said that she wanted to warn the Board that she’s very frugal.

Mr. Howland MOVED: that the Board appoint Ms. Barberet as its representative to CPAC. Ms. Anderson seconded, and the Motion passed 7-0-1 (Ms. Barberet abstained).

- D. Comprehensive Planning Committee (CPC)** – Mr. Hayden asked the Board members to read the draft master plan which he said is available on the website. Mr. Hayden said that the CPC is considering two motions to bring to Town Meeting. One would have Town Meeting accept the plan, element by element, before it comes to the Planning Board. The second motion would have Town Meeting review the plan as a whole and have input before it’s submitted to the Planning Board. Mr. Hayden noted that under state law the Planning Board is required to adopt the master plan. Another possibility, Mr. Hayden said, is to let the process go forward and the Board could vote on what comes before it.

A discussion on the master plan adoption and adoption process was scheduled for the next meeting (September 19).

Mr. Howland suggested that members should read the plan and react with an eye toward what should be in a master plan.

Mr. Hayden suggested concentrating on the eight elements whose organization he described. Then read the Implementation Chapter and keep in mind what the members would want to see in a master plan they could accept. He suggested members answer the following questions for that purpose:

- what do you like?
- what is missing?
- what is unacceptable?

Ms. Anderson commented that the draft was derived from numerous public meetings held over the last 4-5 years. There has been extensive community participation, she said.

Mr. Hayden and Mr. Howland offered more guidelines for reviewing the plan and both said it needs to be condensed some and include more graphics.

Mr. Suarez said that he thought the Board needed to recommend names now for the Master Plan Implementation Committee.

Mr. Tucker summarized the background and activities of the CPC. He noted that it is the Planning Board's responsibility to adopt the plan according to state law. The Master Plan Implementation Committee was an initiative of the Select Board. Its composition and charge were not yet resolved, and that approach to implementing the master plan had not yet been accepted by either the CPC or the Planning Board. The Planning Board can be involved in helping to shape the process for adopting the plan if they choose, he said. The draft plan is a result of an exhaustive public process, he said.

After more discussion, Mr. Suarez MOVED: that the Board should discuss implementation of the master plan at an upcoming meeting. There was no second.

Mr. Hayden said that two items for discussion at an upcoming meeting should be: 1) the process for adopting the master plan, and 2) implementation.

Mr. Howland noted that the plan is just a concept of how Amherst will go forward.

Ms. Pynchon left the meeting at 9:39 PM.

Mr. Tucker said the draft master plan is loosely organized statement of community intention at the moment.



**XIII. ADJOURNMENT**

Mr. Howland MOVED: to adjourn this meeting at 9:40 PM. Ms. Anderson seconded, and the Motion passed unanimously.

Respectfully submitted:

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Sue Krzanowski, Management Assistant

Approved:

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Aaron A. Hayden, Chair

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