

AMHERST PLANNING BOARD
Wednesday, October 1, 2008 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Jonathan Shefftz, Acting Chair; Bruce Carson, Denise Barberet, Ludmilla Pavlova-Gillham, Jonathan O’Keeffe (7:45 PM), Susan Pynchon (7:55 PM)

ABSENT: Kathleen Anderson, Richard Howland, Eduardo Suarez

STAFF: Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner; Sue Krzanowski, Administrative Assistant

With the arrival of Mr. O’Keeffe a quorum was achieved and Mr. Shefftz, Acting Chair, opened the meeting at 7:46 PM.

I. MINUTES – Meetings of September 3 & 17, 2008

Meeting of September 3, 2008

Ms. Barberet noted that she had given a few minor corrections to Ms. Krzanowski.
Ms. Pavlova-Gillham clarified statements she made on pages 3 and 4.

Ms. Pavlova-Gillham MOVED: to approve the Minutes of September 3, 2008 with the amendments and corrections. Mr. O’Keeffe seconded, and the vote was 4-0-1 (Shefftz abstained).

Meeting of September 17, 2008

Ms. Barberet noted that she had no corrections to make.

Ms. Barberet MOVED: to approve the Minutes of September 17, 2008 as submitted. Ms. Pavlova-Gillham seconded, and the vote was 4-0-1 (Shefftz abstained).

II. PUBLIC HEARING – ZONING AMENDMENTS

Mr. Shefftz read the preamble and opened the public hearing.

A-2-09 B-G & B-VC Residential Density

To amend Sections 3.322, 3.323, and footnote b. of Table 3, Dimensional Regulations, of the Zoning Bylaw to remove the Basic Minimum Lot Area and Additional Lot Area/Family square footage requirements for townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in the B-G and B-VC Districts, and to clarify the permitting board or authority for such uses.

Mr. Tucker summarized the intent of the amendment which he said was developed by the Zoning Subcommittee and incorporated comments from a recent meeting of the ZBA.

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The proposed amendment would increase density by removing minimum lot area requirements for residential uses in the downtown and village center business districts, in keeping with recommendations of the master plan. These two districts are the most appropriate for increased density, Mr. Tucker said. He told the Board that members of the ZBA had recommended adding Limited Business (B-L) and Commercial (COM) districts.

Mr. O’Keeffe said that he appreciated the feedback from the ZBA and asked if the amendment could be changed in time for Town Meeting. Mr. Tucker noted that the Board would need to hold another public hearing to increase the scope of the proposal. If the Board decided not to add the B-L and COM districts, then the last sentence of Section A could be omitted and the amendment would go to Town Meeting as drafted (9/18/08).

Pat Church, South Prospect Street, expressed concern about relaxing restrictions in the B-L District. South Prospect Street is a transition street already and this proposal would have impacts on the neighborhood, she told the Board.

Mario Depillis, Jr., 27 Gaylord Street, said he agreed with Ms. Church and said there has been a long and gradual decline in the neighborhood, which is becoming a student ghetto. Mr. Depillis described instances of student behavior and destruction in the neighborhood. The Planning Board needs to address these issues, he said, using noise regulations and codes.

Fred Hartwell, 60 North Whitney Street, longtime resident and former Planning Board and Zoning Subcommittee member, spoke against the ZBA recommendation, saying that he prefers the scope of the original article. The amendment could encourage mixed-use development, he said.

There was no additional public comment.

Ms. Pavlova-Gillham MOVED: to close the public hearing. Mr. O’Keeffe seconded, and the Motion passed 6-0.

Mr. O’Keeffe said that the original amendment makes a smaller change to the B-L District than the recommendation by the ZBA. The Zoning Subcommittee did not meet and did not make a recommendation.

Ms. Pavlova-Gillham MOVED: that the Board recommend that Town Meeting adopt the amendment except for the last sentence of Section A.

After discussion, Ms. Pavlova-Gillham MOVED: that the Board recommend that Town Meeting adopt the amendment as written.

Mr. O’Keeffe noted that Ms. Pavlova-Gillham’s first motion made quite a bit of sense, and Mr. Carson seconded that Motion. Mr. O’Keeffe summarized that the Motion was to recommend that Town Meeting adopt the amendment as written (draft 9/18/08), omitting the last sentence of Section A and keeping Sections B and C.

The Motion as summarized by Mr. O’Keeffe passed 6-0.

A-3-09 R-G & R-VC Residential Density

To amend footnote m. of Table 3, Dimensional Regulations, of the Zoning Bylaw to change the method for calculating residential density for townhouses and apartments in the R-G and R-VC districts from the current method, based on available square footage/new dwelling unit, to a method based on averaging the existing dwelling units per acre on properties within 500 feet of a subject property.

Mr. O’Keeffe said that the Zoning Subcommittee recommends tabling this proposal because of practical concerns about how it would be applied and because it needs more work.

Mr. Tucker said that the R-G District is large with a number of very different residential neighborhoods and there are lots of non-conformities that need to be dealt with. It would be better to first identify distinct sub-districts and develop dimensional regulations for them, he said.

Fred Hartwell, 60 North Whitney Street, 40-year resident of R-G District, told the Board that he was the original author of Footnote “m” through a petition article that was almost unanimously supported at Town Meeting. It did not create a single non-conformity, he said. Mr. Hartwell said that the footnote has served its purpose and has been part of the Zoning Bylaw for almost 15 years. He said there is a serious technical problem with the proposed language for this amendment, which rewards non-conformity.

Nancy Gordon, 27 Pease Place, said that because of the different size of lots, the results under the proposed amendment will be variable rather than a uniform requirement.

Pat Church, 75 South Prospect Street, agreed with the above concerns and said she is concerned about the preservation of neighborhood areas.

Louise Lavigne, 1131 North Pleasant Street, told the Board that she only bought her house a year ago and never would have if she knew that the Town put student housing everywhere. The Town should retain residential neighborhoods, she said.

Mr. Tucker provided the historical context for village center zoning, indicating that it had been in place for many years and said that the purpose is trying to contain sprawl.

Mario Depillis, Jr., 27 Gaylord Street, said he supported the above comments and said that this could turn neighborhoods upside down. Large lots next to already dense areas create problems and have a disproportionate impact, he said.

There was no additional public comment.

Mr. O’Keeffe MOVED: to close the public hearing. Ms. Pavlova-Gillham seconded, and the Motion passed 6-0.

Ms. Barberet said that incremental density could be a big problem with unintended and unpleasant consequences. Mr. Shefftz agreed.

Ms. Church commented that 5 or 6 houses on her street are owned by a single realtor. These houses could be torn down and apartments built in their place, she said.

Mr. O’Keeffe noted that the goal is to increase density as outlined in the master plan. The Zoning Subcommittee recommended dismissal of the article at this time because of the technical concerns, he said.

Ms. Pynchon and Ms. Pavlova-Gillham said they agreed with the concerns stated and Ms. Pavlova-Gillham, for the record, asked when the Board is going to get the Master Plan.

Mr. Tucker said the Chair of the Comprehensive Planning Committee will make a presentation on October 15.

Mr. O’Keeffe MOVED: to recommend that Town Meeting dismiss this article. Mr. Shefftz seconded, and the Motion passed 6-0.

III. ELECTION OF OFFICERS

It was noted that Ms. Anderson has conveyed by email that she is resigning from the Board. Mr. Shefftz said that he would be happy to continue as vice chair and he would also be willing to serve as chair. He would try to speed things along by curtailing the sometimes lengthy discussions that are not necessarily relevant to the item on the agenda.

Members nominated for chair were Ms. Pynchon and Mr. Shefftz. Mr. O’Keeffe noted that both have done an admirable job on the Board and commented that members need to restrain their impulses to make personal asides, which distract from the business at hand.

Ms. Barberet said that the Board’s job is to mediate decisions, and try to appropriately represent the interests of all parties.

Ms. Pavlova-Gillham said that the Board could save a lot of time, if they simply followed their own rules.

Ms. Pavlova-Gillham nominated Ms. Barberet for clerk. Ms. Barberet declined, noting that she serves on three committees.

Mr. O’Keeffe suggested that the Board revisit Mr. Howland’s earlier memo addressing the appropriate conduct of meetings.

Ms. Pavlova-Gillham nominated Ms. Pynchon as Chair & Mr. Shefftz, Vice Chair. Mr. Carson seconded, and the vote was 6-0.

Ms. Pavlova-Gillham said that she will be teaching next spring and may not be able to attend the Planning Board meetings and said that she would resign if that would be helpful.

Mr. O’Keeffe volunteered to serve as clerk.

Ms. Pynchon Nominated Mr. O’Keeffe for clerk. Mr. Carson seconded, and the vote was 6-0.

IV. SUBCOMMITTEE ORGANIZATION/REORGANIZATION

Mr. O’Keeffe reiterated for Board members not present at the last meeting that he, Mr. Carson, and Mr. Suarez were appointed to the Zoning Subcommittee.

V. NEW BUSINESS

A. Discussion – Upcoming Zoning Amendments – Zoning Board of Appeals

Mr. Tucker said that the ZBA took no formal action regarding recommendations and the Zoning Subcommittee will consider the ZBA’s comments on other amendments.

B. Lot Release Request – Linden Ridge Road, Amherst Hills Subdivision

The Board received a request from Mr. Douglas Kohl for the release of Lot 35 on Linden Ridge Road. Staff noted that there are still many unreleased lots and the DPW Superintendent had indicated that there were no impediments to this release.

Ms. Pynchon MOVED: to release Lot 35 as requested. Mr. O’Keeffe seconded, and the Motion passed 6-0.

The Board signed the Certificate of Performance.

C. Citizen Planner Training Collaborative – Fall 2008 Course Schedule – in packet

D. Other – None

VI. OLD BUSINESS – None

VII. FORM A (ANR) SUBDIVISION APPLICATIONS

The Chair endorsed the following:

ANR2009-00002, 5 Eames Place – Deborah Kruger

VIII. UPCOMING ZBA APPLICATIONS

The Board decided not to review the following:

ZBA2009-00013, 155 Pine Street – Bruce Coldham

IX. UPCOMING SPP/SPR/SUB APPLICATIONS – None

X. PLANNING BOARD SUBCOMMITTEE REPORTS – None

XI. PLANNING BOARD COMMITTEE REPORTS – None

XII. REPORT OF THE CHAIR – No Report

XIII. REPORT OF THE DIRECTOR – No Report

XIV. ADJOURNMENT

Mr. O’Keeffe MOVED: to adjourn this meeting at 9:40 PM. Mr. Carson seconded, and the Motion passed 6-0.

Respectfully submitted:

Sue Krzanowski, Administrative Assistant

Approved:

Jonathan Shefftz, Acting Chair

DATE: _____