

AMHERST PLANNING BOARD
Wednesday, March 4, 2009 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Jonathan O’Keeffe, Acting Chair; Bruce Carson, Richard Howland, Denise Barberet, Stephen Schreiber

ABSENT: Susan Pynchon, Jonathan Shefftz, Ludmilla Pavlova-Gillham, Eduardo Suarez

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

In the absence of Ms. Pynchon and Mr. Shefftz, Mr. O’Keeffe opened the meeting at 7:05 PM.

Since Ms. Pynchon and Mr. Shefftz were not available for the meeting, Mr. Tucker recommended that the Board nominate the Clerk to serve as Acting Chair.

Mr. Carson MOVED: to nominate Mr. O’Keeffe, Clerk, to serve as Chair in the absence of the Chair and Vice Chair. Mr. Schreiber seconded, and the Motion passed 5-0.

After further discussion, the Board reconsidered the Motion. Mr. Howland MOVED: to nominate Mr. O’Keeffe, Clerk to serve as Chair in the absence of the Chair and Vice Chair. Mr. Carson seconded, and the Motion passed 5-0.

I. MINUTES – Meeting of February 4, 2009

Mr. Howland MOVED: to approve the Minutes of February 4, 2009 with any corrections made by Ms. Barberet.

Ms. Barberet noted that the only correction was to add the attendance list.

Mr. Carson seconded, and the Motion passed 5-0.

II. PUBLIC HEARING – ZONING AMENDMENT

Mr. O’Keeffe read the preamble and opened the public hearing for this proposal to amend Sections 3.340.3 and 5.013, and Article 12, of the Zoning Bylaw; amending 3.340.3 to create a taxi and limousine services use category with standards and conditions; amending 5.013 to recognize taxi dispatch offices as an accessory use, and; adding new definitions to Article 12 for limousines and taxis.

Mr. O’Keeffe outlined the process for the public hearing and briefly described the purpose of the article.

Mr. Tucker noted that the impetus for the amendment was a request from the Building Commissioner responding to an increase in the number of requests related to taxi services. This is an attempt to clarify how these services are regulated as both accessory and principal uses, he said.

Mr. O’Keeffe noted that the Zoning Subcommittee had made several minor changes to the language in the copy mailed to the members, but no substantive changes. He noted that the latest copy had been distributed to the Board at the meeting and was dated March 4, 2009.

Mr. Howland commented that the language in section 12.35 was confusing and wondered why it just didn’t mirror the language in section 12.22. Others agreed and Ms. Barberet suggested amending the first sentence as follows, Taxicab: a vehicle for hire, “garaged in Amherst”...

Other members agreed.

Mr. O’Keeffe disclosed that his father-in-law has been doing sales and consulting work for a limousine service located in Holyoke, MA. He said that there would be no financial impact to himself or his father-in-law from this amendment and no substantive impact to the limousine company. He noted that his disclosure had been submitted to the Town Manager as required.

There was no public comment.

Mr. Howland MOVED: to recommend that Town Meeting adopt this amendment as modified at tonight’s meeting. Ms. Barberet seconded, and the Motion passed 5-0.

III. DRAFT MASTER PLAN

A. Update

Mr. Tucker said that two Subcommittee members had met and considered Chapters 4 and 5, which will be further reviewed at the next Master Plan Subcommittee (MPSC) meeting on March 11. The MPSC would like comments from the rest of the Board on Chapter 3, particularly on the issue of defining the downtown and village centers and where new residential development should be directed. There have been conflicting opinions on defining the “downtown”. Some citizens are claiming that “downtown” is meant to include only the downtown business districts. Others argue that it has long been the intent, and that the Master Plan supports this intent, that new residential development would be appropriate in the large General Residence District around the downtown business districts.

Mr. Tucker has drafted language to repeat the existing phrase “and specific districts and neighborhoods” throughout the chapter as a potential solution. The subcommittee would like input from the full Board.

Ms. Barberet argued for “only the downtown business districts” interpretation and distributed an August 2007 master plan map which she said showed where new development projects should happen. Ms. Barberet said that she had also spoken with members of the Comprehensive Planning Committee (CPC) and they agreed with her.

Mr. Tucker noted that Jim Wald, former chair of the CPC, was present and suggested that he address the Board.

Mr. O’Keeffe said that a map from a 2004 UMass LARP study commissioned by the CPC as part of the master planning process had shown the ‘downtown’ area as part of an extended center, including the densely developed residential R-G district, as well as areas around the outlying village centers.

Mr. Tucker said that all Master Plan drafts say that new development should be directed to areas that are already built. They also stated that regulatory structures should be put in place to guide new development so that existing neighborhood areas are preserved, he said. This was a matter of balancing new development and protection of existing fabric, he said. He noted that repeating the existing phrase “and specific districts and neighborhoods” in other places in Chapter 3 would allow the community to decide on a case-by-case basis where it wanted new development to occur.

Mr. O’Keeffe asked Mr. Wald to comment.

Mr. Wald, former chair of the CPC and member of the ensuing subcommittee which had developed the Master Plan draft, described the process of the map exercise to which Ms. Barberet referred, noting that it had been a quick exercise to identify specific properties where potential redevelopment might occur. It did not constitute a map of the community’s intentions for overall areas where future development might be directed, he said. Mr. Wald said that Mr. Tucker summarized the intentions of the CPC well and many members of the CPC subcommittee agreed. The document intended to signify that the “downtown” included the larger Town center area.

Mr. O’Keeffe said that “downtown” interprets the downtown area, not a specific zoning district. He urged the Board to be flexible about this.

Ms. Barberet said that she didn’t think that people in the community want that change. She told the Board that her neighborhood (North Whitney Street) is included in the plan to increase infill and she doesn’t think people in the neighborhood would be happy about it.

Mr. O’Keeffe noted that the phrase “and specific districts and neighborhoods” was added after the Zoning Subcommittee’s discussion as an attempt to show how to clarify the intent. After further discussion, Ms. Barberet stated that she remained opposed to the draft language and noted that ZBA member Jane Ashby also opposes it.

Mr. Carson said that he agreed with Mr. Tucker and that it would not be wise to rule out anything at this point. The language should be broad so that these issues can be dealt with on a case-by- case basis.

Mr. Howland said that it shouldn’t be put in stone. He suggested that the Board was not ready to decide this, but should wait until it had read through the entire draft Plan.

Mr. O’Keeffe said that there was no immediate need to resolve the issue and it might be better to wait until more Board members were present.

Mr. Howland also commented that more regulation—which was recommended in multiple locations throughout the draft Plan—hinders the development process. There needs to be an

improved process for desirable development, he said. The number of times an applicant has to come in should be reduced.

Mr. Tucker said that the repeated calls for new or changed regulations in the draft Plan were a reflection of their current dysfunction. There are too many layers of potentially arbitrary and time-consuming discretionary review. By developing clear criteria, inappropriate discretion could be taken out of the process, he said.

It was decided that the issue would be discussed again when more Board members are available.

B. Other – None

IV. OLD BUSINESS

A. Mullin Rule – Discussion

Mr. Tucker told the Board that other boards and committees have been contacted about the possibility of adopting the Mullin Rule. There have been no responses to date, he said. Ms. Brestrup said that the Design Review Board may be interested but doesn't know if the Mullin Rule would apply to them and have asked for an opinion from Town Counsel.

Mr. Howland said that he thinks it makes sense. Mr. O'Keeffe said that he fully supports pursuing it for the Planning Board and it should be put on the warrant. Other boards and committees can be accommodated later, he said.

Mr. Howland MOVED: that the Board ask that adoption of the Mullin Rule be put on the warrant. Mr. Carson seconded, and the Motion passed 4-0-1 (Barberet abstained).

B. Planning Board Rules & Regulations

Mr. Tucker said that some minor corrections to address outdated permit application information pertaining to cluster subdivisions and Open Space Community Developments should be made to the Board's Rules & Regulations. He also recommended that the Board add language to allow the Clerk to act as Chair in the absence of the Chair and Vice Chair. A public hearing would need to be held, Mr. Tucker advised the Board

Mr. Howland suggested adding language to address procedures for accepting citizen input during the public hearing process, encourage written submissions, encourage brevity and discourage repetitions from speakers.

Ms. Barberet commented that it is really the responsibility of the person conducting the meeting, e.g., the Chair, to run the meeting in an appropriate manner.

Mr. Tucker said that he would draft some language to address the conduct of a public hearing.

The Board agreed to hold a hearing on the amendments to its rules and regulations.

C. Signatory Authority – ANR Plans

Mr. Tucker noted that staff are recommending that the Board vote to authorize the Clerk, in addition to the Chair and Vice Chair, to endorse ANR Plans.

Mr. Howland MOVED: that the Board authorize the Chair, Vice Chair and Clerk to endorse ANR plans on behalf of the Board. Mr. Carson seconded, and the Motion passed 5-0.

D. Citizen Planner Training Collaborative – Ms. Krzanowski noted that the deadline for registration was March 13.

E. Other - None

V. NEW BUSINESS

A. Appointment to Master Plan Subcommittee - Mr. Schreiber indicated that he would like to join the Master Plan Subcommittee. Initially Mr. Tucker expressed reservation about having five (a quorum) of Planning Board members on one subcommittee, saying that it could cause confusion—exactly who would be taking an action or recommending a change, the Subcommittee or the Board? The Board would end up recommending changes to itself. Current members are O’Keeffe, Barberet, Carson and Suarez. Mr. O’Keeffe said that he didn’t share those concerns. He and Mr. Schreiber each offered to serve as alternates. After further discussion, Mr. Tucker said it was up to the Board, and staff would work with a 5 member Subcommittee.

Mr. Carson MOVED: to appoint Mr. Schreiber to the Master Plan Subcommittee. Mr. O’Keeffe seconded, and the Motion passed 4-0-1 (Schreiber abstained).

B. Other – The Board received a memorandum from Town Counsel with information on the Green Communities Act and Energy Audit Program.

VI. FORM A (ANR) SUBDIVISION APPLICATIONS

Mr. O’Keeffe endorsed the following:

ANR2009-00005, Palley Village Place – Gordon Palley.

VII. UPCOMING ZBA APPLICATIONS – None

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS

Mr. Tucker noted that a Site Plan Review Application had been filed for a duplex on College Street. The public hearing is scheduled for April 1. Ms. Brestrup will contact the Board about scheduling a site visit.

Mr. Howland noted that he will not be at the March 18 Planning Board meeting.

IX. PLANNING BOARD SUBCOMMITTEE REPORTS

- A. Zoning Subcommittee** – Mr. O’Keeffe said that the subcommittee discussed the taxi cab amendment, changes to the Municipal Parking District, and an amendment to modify regulations in the B-G and B-VC districts. Mr. Tucker has drafted the language of the latter amendment, he said, and it will be put on the initial list of warrant articles. It will be reviewed by Town Counsel and discussed further, he said. The Main/Dickinson/High Street rezoning was also discussed and may be amended by changing some properties on Dickinson Street, including the car dealership, to Limited Business, he said.
- B. Master Plan Subcommittee** – given under III. DRAFT MASTER PLAN above.

X. PLANNING BOARD COMMITTEE REPORTS

- A. Pioneer Valley Planning Commission** - Mr. Howland said that he didn’t attend the recent meeting but Ms. Brestrup had. Ms. Brestrup reported on the presentations and distributed information on the Community Planning Act (CPA-2) and LUPA, proposed changes to the state planning and zoning enabling legislation which Ms. Brestrup said have been in the works for years and are expected to be taken up by the legislature in the next year and a half. Ms. Brestrup urged the Board to become familiar with the proposals and to write to their legislators.
- B. Community Preservation Act Committee** – Ms. Barberet said that the public hearing had been held to review various FY10 CPA funding requests. The hearing had been closed and the Committee will decide on the allocation on March 17.
- C. Agricultural Commission** – No report

XI. REPORT OF THE CHAIR – No Report

XII. REPORT OF THE DIRECTOR – No Report

XIII. ADJOURNMENT

Mr. Howland MOVED: to adjourn this meeting at 8:50 PM. Ms. Barberet seconded, and the Motion passed 5-0.

Respectfully submitted:

Sue Krzanowski, Administrative Assistant

Approved:

DATE: _____