

AMHERST PLANNING BOARD
Wednesday, May 17, 2006 – 5:10 PM
Town Room, Town Hall
MINUTES

PRESENT: Aaron Hayden, Chair; Chris Boyd, Mary Scipioni, Rod Francis, Paul Bobrowski, Carl Mailler (5:21 PM), Leandro Rivera (5:30 PM)

ABSENT: Adrian Fabos

STAFF: Jonathan Tucker, Director; Niels la Cour, Senior Planner; Sue Krzanowski, Management Assistant

Mr. Hayden opened the meeting at 5:18 PM.

I. MINUTES – Meeting of April 5, 2006

Mr. Boyd and Mr. Hayden noted that Mr. Boyd was incorrectly shown as the member voting in opposition to the Board's recommendation to oppose amendment A-13-06, South East Street PURD Rezoning. It was Mr. Hayden who had opposed that Motion and wanted the article referred back.

Mr. Bobrowski MOVED: to adopt the Minutes of April 5, 2005 as corrected. Mr. Francis seconded, and the Motion passed 6-0.

II. PUBLIC HEARING – ZONING AMENDMENT

A-15-06, Drive-Through Facilities

Mr. Hayden read the preamble and opened the public hearing for this request to establish regulations for drive-through facilities.

Mr. Tucker noted that all abutting property owners in the B-VC District had been notified of the public hearing. He explained that this second public hearing was being held because of a request from the Finance Committee to reconsider one aspect of the proposal and to make drive-through facilities allowable by Special Permit in the B-VC District rather than prohibit them, which some members of the Finance Committee felt would be an unreasonable burden on business. After reflection, he said, another option was also possible. The village centers in North Amherst and East Amherst are in/near historic districts, while none of the other village centers are, Mr. Tucker told the Board. Over the long term, the B-VC Districts will redevelop and will become more pedestrian-friendly, he said.

The resulting choices are to (1) leave the proposed amendment as is, which is No in B-VC, or (2) change the regulation of drive-through facilities in the B-VC District from No to Special Permit, as Finance Committee members had suggested, or (3) make a distinction between B-VCs that coincide with National Historic Register Districts (where drive-throughs would be prohibited), and those that don't (where drive-throughs would require a Special Permit). Mr. Tucker said there was precedent in the Bylaw for recognizing historic districts as part of zoning regulations. He also pointed out that the amendment now made it clear that stand-alone drive-through facilities would be regulated under this new section.

Mr. Mailler asked how the areas could/would be shown on the zoning map.

Mr. Francis said he had a similar concern and said that an exclusive emphasis on pedestrian areas could be a mistake—the pedestrian malls of the 1970s had failed because drivers couldn't use them. There's no way of knowing if the effect will ultimately be what we want, he said. Ms. Scipioni said that drive-throughs don't belong in village centers. They resulted in inefficient use of land, occupying space that could be better used for other purposes.

Mr. Tucker indicated that the National Historic Register Districts boundaries are in the GIS system and could easily be overlain on the B-VC Districts.

Mr. Bobrowski asked if the Town Moderator would allow the amendment. Mr. Tucker said that the Town Moderator has judged the amendment to be within the scope of the article. Mr. Bobrowski said that the Zoning Subcommittee had discussed the amendment and believe it's getting too complicated and it should just be "No" in village centers. Mr. Mailler agreed, saying that there's no sense of scale about would be affected. He said that the Board should be able to answer questions about what the impact would be. Mr. Tucker described some drive-through examples, including in Pomeroy Village and the Florence Savings Bank at the corner of College and South East Streets. Ms. Scipioni said it would be helpful to show a graphic of the Florence Savings Bank to Town Meeting to illustrate how the drive-through facility affected the entire layout of the site negatively and wasted space.

Mr. Walter Wolnik, 8 Hillcrest Place, said that it's important for village centers to be pedestrian friendly. He added that there are new Town Meeting members who are in favor of economic development and might be supportive of this proposal for that reason.

There was no additional public comment.

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

Mr. Bobrowski MOVED: to recommend that Town Meeting adopt A-15-06, Drive-Through Facilities, in its original form but with the addition of the provision for stand-alone facilities. Mr. Francis seconded, and the Motion passed 7-0.

III. NEW BUSINESS

A. ACTV Discussion

Mr. Hayden said he wanted to hear the rest of the Board's response to the opportunity of having the Planning Board meetings televised.

Mr. Walter Wolnik, 8 Hillcrest Place, had requested that the Board consider televising their meetings. He said that the previous public hearing might be an example of an opportunity for the public to learn how the Board operates. The Cable Access Advisory Committee is renegotiating the contract with ACTV, he said, and there is interest in more televising of meetings.

Mr. Bobrowski said that there are issues to consider if the Board decides to have the meetings televised. While he said he was initially against televising the meetings, he has since changed his mind and thinks they should be. The meetings are public, he noted, but the televising of them shouldn't be intrusive and place an additional burden on staff. There are legal concerns such as what effect a video would have on the minutes if they were used as evidence. Staff already provide excellent minutes, he said. Would the meetings have to stop in order to set up maps, plans, etc. for the camera? Who would set up the equipment and/or do the taping? These impacts at least need to be considered, he said.

Mr. Rivera said that the Board should establish a methodology to review the pros and cons of this issue.

Mr. Boyd said that when people attend the meetings, the Board knows that they're interested. The Board won't know if people are watching or not, he said.

There was general agreement that many or most government meetings will be televised at some point and the ultimate decision may not rest with the Board. Mr. Hayden said that he is against having the meetings televised because there are quality issues which seem insurmountable at this time. The quality of the telecast affects the public's comprehension of issues, he commented. Also, it's important that the public take an active interest by participating in the process personally, rather than passively watching it on television.

Mr. Mailler said that he believes it could get in the way of the Board's deliberations; he is also concerned about public perception.

Mr. Bobrowski said that although he's in favor of it, he's concerned about the impact on staff. All meetings are open, he said, and this could be an opportunity for a broader range of people to see what the Board does. A small drawback is that the Board would have to be more formal in its conduct of the meetings, he added.

Mr. Rivera said that while he is supportive of the idea, he cautioned that it would create an incredible amount of work for the Chair in running the meetings. He also expressed concern that people will grandstand and may use the "stage" created by the broadcast as a platform.

Ms. Scipioni said she wondered how many people would actually watch televised meetings. She listed the pros as: (1) accountability, (2) participation/ access (3) procedural discipline, and the cons as (1) legal exposure, (2) burden on staff (3) interruptions, (4) quality of equipment, (5) politicization. She wondered if the Special Municipal Employee issue could be affected. Ms. Scipioni said she really didn't care if the meetings were televised or not.

Mr. Mailler commented that the Board should at least decide tonight if it's in favor, or not, of having the meetings televised, rather than drag it out and just discuss it again two months from now.

Mr. Tucker reviewed the reasons why the Board was considering the issue. Some months ago, Mr. Walter Wolnik had requested that the Board consider having the meetings televised. Approximately a month or so ago, Mr. Tucker received an email from ACTV about television the meetings. He offered to put together a summary statement for the Board's consideration at the next meeting.

Mr. Boyd spoke in favor of the Board taking a position tonight and suggested a straw poll. Mr. Mailler agreed. After further discussion it was decided to take a straw poll on the following choices: (1) Yes, with conditions, (2) No, with reasons, (3) a simple yes or no.

Mr. Boyd MOVED: that the Board tell ACTV, yes. There was no second and Mr. Boyd withdrew the Motion.

The Board then did a straw poll with the following results: (1) Unconditional Yes = 0, (2) Yes, with conditions = 6-1 (Hayden opposed), (3) No = 0.

Mr. Francis listed potential conditions:

- 1) Visual props and displays shall be appropriately accommodated.
- 2) Audio equipment shall be simplified and improved.
- 3) Camera angles shall be checked and established so as to ensure adequate coverage of the audience as well as the Board.
- 4) Potential legal and evidentiary issues shall be clarified by Town Counsel.
- 5) Proposed coverage shall be reviewed for its potential workload impact for staff.
- 6) Adequate technical staffing shall be provided to maintain and operate the equipment.

Ms. Scipioni said that the Board will need to formalize a process for things like stating a conflict of interest up front.

Mr. Boyd MOVED: that the Board accept having their meetings televised provided the following conditions are met. Mr. Mailler seconded.

- 1) Visual props and displays shall be appropriately accommodated.
- 2) Audio equipment shall be simplified and improved.
- 3) Camera angles shall be checked and established so as to ensure adequate coverage of the audience as well as the Board.
- 4) Potential legal and evidentiary issues shall be clarified by Town Counsel.
- 5) Proposed coverage shall be reviewed for its potential workload impact for staff.
- 6) Adequate technical staffing shall be provided to maintain and operate the equipment.

Mr. Wolnik noted that the contract with ACTV still needs to be negotiated.

The Motion passed 7-0.

B. Upcoming & Summer Meeting Schedule

The Board decided on the following meeting schedule:

June 7 5:10 PM Town Room, Town Hall

June 21 7:00 PM^{***} Town Room, Town Hall

^{***}(will need to be changed to earlier time because of Town Meeting)

July 12 7:00 PM Town Room, Town Hall
(Mr. Hayden will be gone July 19th)

August 9 7:00 PM First Floor Meeting Room, Town Hall
(Mr. Bobrowski will be gone August 11-26th)

C. Planning Commissioners Journal – in packet

D. Other – None

IV. OLD BUSINESS

A. Town Meeting – Mr. Tucker noted that Article 19, Drive-Through Facilities has not come up yet.

B. Other – None

V. FORM A (ANR) SUBDIVISION APPLICATIONS – None

VI. UPCOMING ZBA APPLICATIONS - None

VII. UPCOMING SPC/SPP/SPR/SUB APPLICATIONS

Mr. la Cour noted that public hearings have been scheduled as follows:

June 7, SPR2006-00007, Knights of Columbus

June 21, SUB2006-00009, Haskins View Definitive

VIII. PLANNING BOARD SUBCOMMITTEE REPORTS – No Reports

IX. PLANNING BOARD COMMITTEE REPORTS

A. Pioneer Valley Planning Commission – No Report

B. Community Preservation Act Committee – Mr. Francis said that he had been unable to attend the meeting so Mr. Tucker provided the report. He said the Committee declined to change the appropriation to accommodate the fixing of the Jones Library roof. Regarding the surcharge increase, the Committee had voted to support a motion to increase the surcharge by ½ percent so that it could be considered by Town Meeting and the voters.

- C. **Farm Committee** – No Report
- D. **Comprehensive Planning Committee** – Mr. Hayden said that the Committee is finalizing the contract with the consultant. They also discussed Select Board concerns about who will be staffing the master plan and how much it will all cost.
- X. **REPORT OF THE CHAIR** - Mr. Hayden thanked the members for attending Town Meeting for the review of the zoning articles.
- XI. **REPORT OF THE DIRECTOR** – Mr. Tucker said that he received a call from Mr. Mikhchi thanking the Planning Board for their support of his rezoning request. He also gave an update of a recent Historical Commission meeting.

XII. ADJOURNMENT

Mr. Francis MOVED: to adjourn this meeting at 7:10 PM. Mr. Boyd seconded, and the Motion passed 7-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Aaron A. Hayden, Chair

DATE: _____