

AMHERST PLANNING BOARD
Wednesday, January 21, 2009 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Susan Pynchon, Chair; Jonathan O’Keeffe, Bruce Carson, Denise Barberet, Richard Howland

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

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

Ms. Pynchon opened the meeting at 7:10 PM.

I. MINUTES – Meetings of December 10, 2008 & January 7, 2009

Ms. Barberet noted that she gave Ms. Krzanowski some minor corrections prior to the meeting. She also noted that the December 10th meeting took place in the Pole Room at the Bangs Community Center, not at Town Hall.

Mr. Howland MOVED: to approve the Minutes of December 10, 2008 as corrected by Ms. Barberet. Ms. Barberet seconded, and the Motion passed 5-0.

Ms. Barberet made clarifications to statements made by her on pages 3 and 4.

Mr. Howland MOVED: to approve the Minutes of January 7, 2009 as corrected by Ms. Barberet. Mr. O’Keeffe seconded, and the Motion passed 5-0.

II. DRAFT MASTER PLAN

Mr. Tucker told the Board that he had inquired of Ms. Pavlova-Gillham and Mr. Suarez if they would be interested in serving on the Subcommittee. Ms. Pavlova-Gillham had said that she would like to contribute but was unable to participate as a member. Mr. Suarez did not respond. However, he had spoken with Ms. Krzanowski earlier in the day and apologized for his absences from the Planning Board meetings, which he ascribed to family matters. Mr. Suarez indicated that he intends to re-join the Board beginning in February and serve out the remainder of his term.

Ms. Barberet said that she believes Mr. Suarez is interested in serving on the Master Plan Subcommittee.

Mr. Tucker said that there was precedent for a four member Subcommittee. It was agreed by consensus that Mr. O’Keeffe, Ms Barberet, Mr. Carson and Mr. Suarez will serve on the Subcommittee. Although the first meeting is scheduled for Tuesday, January 27, the Subcommittee will usually meet on “alternate” Wednesdays, with two more meetings scheduled for Wednesday, February 11 and February 25.

Mr. Tucker noted that he drafted the review process as requested. The Board agreed with the process as written and, after discussion, the Subcommittee decided to begin with the Land Use chapter first, chapter 3.

Ms. Barberet asked if there had been any public comment. Staff said there had not.

III. OLD BUSINESS

A. Signing of Decision – SPR2009-00003, Emily Dickinson Museum - The Board signed the decision.

B. Other – None.

IV. NEW BUSINESS –

A. **Mullin Rule – Discussion** – Mr. Tucker said that the language of the statute and sample forms from several communities were included in the packet. He suggested that Town Counsel could provide additional information at the training session, which is scheduled for February 4th at 6:30 PM.

Mr. Tucker said that Town Counsel would be asked to cover the following topics: conflict of interest, conduct of a public hearing, open meeting law, and the Mullin Rule.

Ms. Barberet said that she would like to hear more about the Mullin Rule and if there are advantages or disadvantages. She said that she would like to know if towns did not adopt it, why not?

Mr. Howland said that it would help to have a formal opinion on the requirements for a decision, guidelines for executive session and information on the public records law. He did not think that other communities' experience would affect Amherst's decision—every community was different.

Mr. Tucker said that he would ask Town Counsel for written materials ahead of time. Ms. Barberet said that the training session should be limited in time. Mr. Tucker and Ms. Brestrup noted that the training session is for the boards and committees and while it is a public meeting and open to the public, it should be run for the benefit of board and committee members.

Mr. Tucker said that the Board will need to decide, probably the evening of February 4, if they want to go forward with the Mullin Rule, then check to see if other Town boards/committees are interested, and then bring an article to Town Meeting for adoption.

Mr. O'Keeffe noted that other board members could use the Mullin Rule at their own discretion, and seek Town Meeting votes to include themselves. He said that he doesn't want the Planning Board to get hung up on waiting for other boards to decide. They can always take it up at a later date, he said.

After continued discussion, staff agreed to send emails to other Boards and Committees to find out if they would be interested.

- B. Zoning Subcommittee Work List** – Mr. O’Keeffe said that the Subcommittee went through the draft work list and is recommending that the following amendments be prepared for the 2009 Annual Town Meeting: Main/Dickinson/High Street Rezoning, Expansion of the Municipal Parking District, and two technical fixes (family day care and taxi services).

The Phased Growth Bylaw replacement and brownfields incentives will not be ready for Spring Town meeting. The Subcommittee hopes to have Atkins Corner rezoning ready for fall. Mr. O’Keeffe said that adjusting the dimensional regulations in the R-G and R-VC districts need refining and further thought and so will not be prepared for Spring Town meeting.

Ms. Barberet expressed concern that work on the Phased Growth Bylaw should have begun by now. It’s extensive and should be done in advance, she said.

Mr. O’Keeffe said that he was in perfect agreement with that and the Subcommittee intends to take it up right after Spring Town Meeting.

Mr. Tucker noted that staff have been working on drafts of performance standards to replace phased growth for some time now. It’s a challenging prospect, he said, trying to take all of the incentives scattered throughout the Bylaw and put them in one place. He said he would be bringing the draft language to the Subcommittee meetings. Rather than just delaying how soon projects can be completed in the way that phased growth works, it’s important to provide incentives to get projects to meet community goals and the goals of the Master Plan, Mr. Tucker told the Board.

- C. Town Counsel Training Session** – see A. above.

- D. Town Counsel Correspondence – Public Shade Trees** – Mr. Tucker said that this is an example of the type of guidelines provided by Town Counsel.

Ms. Barberet said that she would like a written report and more participation from the Tree Warden for the next public shade tree hearing.

Ms. Pynchon said that it should be clarified ahead of time what is expected of the Tree Warden.

Mr. Tucker agreed that information from the Tree Warden would be useful to the Board, but pointed out that the Tree Warden was an independent permitting agent, not a consultant to the Board, and had his own responsibilities. He explained the Scenic Roads hearing process.

- E. Other** – None

- V. FORM A (ANR) SUBDIVISION APPLICATIONS** – None

VI. UPCOMING ZBA APPLICATIONS – None

VII. UPCOMING SPP/SPR/SUB APPLICATIONS – None

VIII. PLANNING BOARD SUBCOMMITTEE REPORTS – given above

IX. PLANNING BOARD COMMITTEE REPORTS

A. Pioneer Valley Planning Commission – No Report

B. Community Preservation Act Committee – Ms. Barberet said that next year the state match is only expected to be 35% but that could change. CPAC has received proposals for open space, the historical commission (acquisition of the Hills lot, studies for Jones Library, signs, West Cemetery). Ten percent will be set aside for affordable housing, but no specific requests have been submitted. The Committee believes it can fund all requests, she said.

C. Agricultural Commission – Ms. Pynchon said that the Commission is moving forward with plans for the Farmers Forum scheduled for March 30.

X. REPORT OF THE CHAIR – No Report

XI. REPORT OF THE DIRECTOR – Mr. Tucker reminded the Board that a Robert Burns Dinner was scheduled for Saturday, January 24 at the Deerfield Inn.

XII. ADJOURNMENT

Mr. O’Keeffe MOVED: to adjourn this meeting at 8:23 PM. Mr. Carson seconded, and the Motion passed 5-0.

Respectfully submitted:

Sue Krzanowski, Administrative Assistant

Approved:

Susan Pynchon, Chair

DATE: _____