

**AMHERST PLANNING BOARD**  
**Wednesday, April 1, 2009 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** Jonathan O’Keeffe, Clerk; 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

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Mr. Howland distributed copies of a “Basic Guide to Conducting Effective Meetings” and suggested that it might be a useful tool for the Board, particularly in revising their Rules & Regulations.

Mr. O’Keeffe, Acting Chair, opened the meeting at 7:08 PM.

**I. MINUTES – Meeting of March 18, 2009**

Ms. Barberet noted that there was a missing comma on page 3.

Mr. Schreiber **MOVED:** to approve the Minutes of March 18, 2009 as corrected. Mr. Carson seconded.

Mr. O’Keeffe noted that “and commercial” uses was missing from the overview of the Municipal Parking District on page 1.

The Board voted 4-0-1 (Howland abstained) to approve the Minutes as corrected.

**II. PUBLIC HEARING – ZONING AMENDMENT**

**A-10-09 B-G & B-VC Lot Frontage (Planning Board)**

Mr. O’Keeffe read the preamble and opened the public hearing for this request:

To amend footnote b. of Table 3, Dimensional Regulations, of the Zoning Bylaw to remove the requirement for minimum lot frontage 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 General Business (B-G) and Village Center Business (B-VC) districts, in order to increase development flexibility and encourage increased residential density in those districts.

Mr. O’Keeffe said that there are many properties in the General Business District which are currently non-conforming in terms of lot frontage. Under the current regulations, residential development was not permitted on lots without adequate frontage. This amendment is being proposed in order to facilitate residential development in the downtown and village centers. This change to footnote b. of the Dimensional Regulations had been overlooked last fall.

Ms. Barberet asked how many downtown properties have residential uses in them, and if there are already existing properties, why this amendment is needed.

Mr. Tucker noted that there are many existing properties that are non-conforming, particularly in the downtown core. Mr. O’Keeffe added that properties that do not have residential units in them now would not be able to add them under the current zoning. Mr. Howland said that the amendment is consistent with the intended direction of the Master Plan. Ms. Barberet said that the proposal was last-minute and that there hasn’t been enough time to look at the long-term impact. More specific numbers are needed, she said, and added that she would like to hear from the Fire Department about potential safety implications.

Mr. Tucker asked what types of public safety issues Ms. Barberet was concerned about and noted that older buildings would be replaced with more modern safer buildings that complied with current fire codes.

Ms. Barberet said that she was concerned about buildings in the back of the parking garage which fire trucks don’t have access to.

Mr. O’Keeffe noted that safety issues would be addressed in the permitting process. Mr. Tucker noted that the parking garage was designed so that emergency vehicles would have access around the garage. He described that access. Staff will ask the Fire Department for input on the amendment, he said. Ms. Brestrup said that new buildings with four or more units need to be sprinklered.

Mr. Howland spoke in favor of the amendment and said there was no reason to postpone it. Most of these buildings were up before the Bylaw was adopted, he commented.

There was no public comment.

Mr. Schreiber MOVED: to close the public hearing. Mr. Carson seconded, and the Motion passed 5-0.

Mr. Schreiber MOVED: to recommend that Town Meeting adopt A-10-09, B-G & B-VC Lot Frontage. Mr. Carson seconded, and the Motion passed 4-1 (Barberet opposed).

### **III. PUBLIC HEARING – SITE PLAN REVIEW**

#### **SPR2009-00004, Sandra Weisman, c/o Peter MacConnell, Esq.**

Request approval to convert a single-family home into a two-family home and to create additional shared parking on an adjacent lot at 197 College Street (Map 14B/Parcel 171, R-G Zoning District)

Mr. O’Keeffe said that he did not plan to open the hearing because it was his understanding that the applicant had submitted a request to withdraw the application.

Peter MacConnell, the attorney representing the applicant, told the Board that Town Counsel had recommended that a Special Permit would be needed because there is a pre-existing non-conformity. Therefore, they are asking to withdraw the Site Plan Review application with the intent to file a Special Permit application.

Mr. Howland MOVED: that the Board accept Mr. MacConnell’s request to withdraw the Site Plan Review application. Mr. Carson seconded, and the Motion passed 5-0.

Mr. MacConnell also requested return of the Site Plan Review application fee.

Mr. Howland MOVED: that the Board approve the return of the \$300 application fee. Mr. Schreiber seconded, and the Motion passed 5-0.

**V. NEW BUSINESS**

**A. Lot Release Request – Lot 3, Lawrence Circle Development**

The Board received a request for the release of Lot 3, Lawrence Circle. Ms. Brestrup said that this would be the last lot to be released. She noted that the Town is holding \$20,000 in surety and the Town Engineer believes that amount is adequate to complete the road and final record drawings.

Mr. Tucker added that since this is the last lot to be released, it is likely that a request will be submitted to have the Town accept Lawrence Circle as a public way.

Mr. Howland MOVED: that the Board grant the release of Lot 3, Lawrence Circle from the Approval with Covenants Contract. Mr. Carson seconded, and the Motion passed 5-0. The Board then signed the Certificate of Performance.

**B. Movers/Speakers – Zoning Amendments**

Mr. Tucker and Mr. O’Keeffe noted that the public hearings have been held for the three zoning amendments being sponsored by the Planning Board. No citizen zoning petition articles had been submitted.

Mr. O’Keeffe noted that there was a list of the articles in the packet and he said that he would be willing to move the articles, unless Ms. Pynchon was available.

The Board decided on the following:

<u>Article</u>	<u>Mover</u>	<u>Speaker</u>
6 Zoning Amendment – Taxi Services	O’Keeffe	O’Keeffe
7 Zoning Amendment – Municipal Parking District	O’Keeffe	O’Keeffe
8 Zoning Amendment – B-G, B-VC Lot Frontage	O’Keeffe	Howland
9 Mullin Rule	O’Keeffe	Howland

Mr. O’Keeffe reminded the Board members of the importance of being present at Town Meeting when the zoning articles are considered.

**C. Publication – “In Common” UMassAmherst Outreach – in packet**

**D. Other** – Mr. Tucker reminded the Board members that they would not meet on April 15. The next meeting is scheduled for April 29, 2009. The next regular meeting after that would be May 6<sup>th</sup> which is a Town Meeting night. The Board decided to tentatively schedule an early meeting at the Middle School on May 6<sup>th</sup>, around 5:30 PM. If there are no applications for that night, the meeting may be cancelled.

If the Planning Board meets, the Zoning Subcommittee will be cancelled. If the Planning Board meeting is cancelled, the Zoning Subcommittee will meet because of their heavy schedule of work aimed at the fall town meeting.

Mr. O’Keeffe summarized the discussion: There will be no Planning Board or Zoning Subcommittee meeting on April 15. The Planning Board will meet on April 29, and then on May 6, at 5:30 at the Middle School, if necessary.

Mr. Howland said that it would be difficult for him to make a 5:30 PM meeting.

**VI. OLD BUSINESS – None**

**VII. FORM A (ANR) SUBDIVISION APPLICATIONS**

Mr. O’Keeffe endorsed the following:

ANR2009-00009 - 195-197 College Street, Sandra Weissman

**IV. PUBLIC HEARING – PLANNING BOARD RULES & REGULATIONS**

**PBR-1-09 Planning Board Rules & Regulations**

Article I. Organization – Amendments to authorize the Clerk to act as Chair in the absence of the Chair and Vice-Chair, and clarify the nomination process for Design Review Board representatives.

Article II. Applications – Amendments to correct outdated permit application information pertaining to cluster subdivisions and Open Space Community Developments.

Article III. Public Hearing – Amendments to clarify public hearing procedures.

Mr. O’Keeffe read the preamble and opened the public hearing for consideration of amendments to the Board’s own rules and regulations, which Mr. O’Keeffe noted the Board is able to modify as necessary.

Mr. Tucker summarized the changes and said they are organized into three sections. Under Article I-Organization, the election process for officers and their duties would be clarified. Mr. Howland asked for clarification on several of the items and had issues with how the role of the Chair was defined. At the beginning of the meeting he had distributed copies of a “Basic Guide to Conducting Effective Meetings” for the Board to consider and said that he would ask to continue the public hearing so that Board members would have time to become familiar with the document and incorporate useful parts of it into their Rules and Regulations.

Mr. O’Keeffe noted that the Board needed to confine its comments to the amendments before it.

The Board discussed how the Chair should be chosen if all officers were to be unavailable, and if elections should be done at a particular time of year, and when.

Walter Wolnik, 8 Hillcrest Place, told the Board that Northampton requires electronic submissions of permit applications, and suggested that Amherst should do the same. Mr. Wolnik also encouraged the Board to have the Planning Board meeting materials posted on the website as the Select Board does.

Mr. Wolnik commented that members of the public may wish to review documents that the Planning Board would be discussing.

Mr. Wolnik suggested that the Board add a requirement to the Planning Board's Rules & Regulations for electronic submissions.

Mr. Tucker said that the Department has been considering digital submissions for quite some time. However, it's a very extensive and complex process, and, given that for several years the Planning Department had not been fully staffed, it was not something that staff had been able to work on. It would be beneficial for the Town, and the Planning Department would like to head in that direction. However, given the multiple applications that would be affected, it will likely not happen quickly.

Mr. Tucker attempted to summarize the Board's discussion on the proposed amendments to the Rules & Regulations. He suggested that the Board at least adopt the changes to Article II, Applications, which attempt to address Cluster & OSCD corrections. The Board generally agreed with the idea of splitting the proposal so that they could adopt the changes to Article II and continue the hearing to consider Articles I and III. Mr. Tucker noted that this had not been anticipated to be a major overhaul of the Rules & Regulations, but an attempt to make minor changes.

Mr. Howland MOVED: to divide the amendment to the Rules & Regulations into two parts, for the purpose of adopting the proposed changes to Article II in its entirety at tonight's meeting and postponing consideration of Articles I and III until the next meeting. Ms. Barberet seconded, and the Motion passed 5-0.

Mr. O'Keeffe suggested that the Board close the hearing and discuss the changes to Article II.

Mr. Schreiber MOVED: to close the portion of the public hearing for the consideration of Article II. Mr. Carson seconded, and the Motion passed 5-0.

Mr. O'Keeffe then asked Mr. Tucker to speak to the efforts to require digital submission of permit applications. Mr. Tucker said that staff has considered and reviewed the possibility of instituting a process for digital submissions but it requires more work, needs to be linked to MUNIS, and cannot be done at this time. However, he said, that doesn't mean that the Planning Board packets couldn't be put on the website.

Ms. Barberet commented that if materials are posted online, there should be clear caveats that materials are "subject to change".

Mr. Howland MOVED: that the Board adopt Article II as amended and strike the words "and original mylar" from the requirement for Site Plan Review Submittals. Mr. Schreiber seconded, and the Motion passed 5-0.

Mr. Howland MOVED: that the Board postpone further consideration of Articles I and III and continue the hearing for those amendments to April 29, 2009 at 7:30 PM. Mr. O'Keeffe seconded.

Mr. O'Keeffe asked if further substantive changes would be proposed. After further discussion, Mr. Tucker invited Mr. Howland to work with staff prior to the April 29<sup>th</sup> meeting to prepare revised amendments.

Ms. Barberet asked for an explanation of Town Counsel's opinion that the Planning Board should not receive new materials/information outside of the public hearing. Mr. Tucker explained the purpose and processes for public hearings and deliberations.

The Motion passed 5-0.

**VIII. UPCOMING ZBA APPLICATIONS – None**

**IX. UPCOMING SPP/SPR/SUB APPLICATIONS – None**

**X. PLANNING BOARD SUBCOMMITTEE REPORTS**

**A. Zoning** – Mr. O’Keeffe said that the Main/Dickinson/High Street rezoning proposal will not be on the warrant for the 2009 Annual Town Meeting. Although it is pretty far along, it needs more work and will likely be ready for Fall Town Meeting. The Subcommittee is also working on simplifying the Phased Growth Bylaw which is due to expire on November 15, 2009. The Subcommittee also discussed flood prone conservancy issues and the idea of using the GIS instead of paper zoning maps.

Mr. Tucker said that there are funds in the proposed FY10 budget for undertaking a wholesale revision of the Zoning Bylaw and Subdivisions Regulations but that proposed funding for flood prone zoning is being postponed.

**B. Master Plan** – Mr. Tucker said that Chapter 6 and most of Chapter 7 have been reviewed by the Subcommittee. The revisions will be reviewed at the next meeting and the Subcommittee will finish Chapter 8. The work is moving right along, he said.

**XI. PLANNING BOARD COMMITTEE REPORTS**

**A. Pioneer Valley Planning Commission** – No Report

**B. Community Preservation Act Committee** – Ms. Barberet said there is a meeting scheduled for April 15.

**C. Agricultural Commission** – No Report

**XII. REPORT OF THE CHAIR – No Report**

**XIII. REPORT OF THE PLANNING DIRECTOR** – Mr. Tucker noted that Monday, April 6 is Tartan Day.

**XIV. ADJOURNMENT**

Mr. Howland MOVED: to adjourn this meeting at 9:06 PM. The vote was unanimous.

Respectfully submitted:

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Sue Krzanowski, Administrative Assistant

Approved:

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Jonathan O’Keeffe, Acting Chair