

AMHERST PLANNING BOARD
Wednesday, April 29, 2009 – 7:00 PM
Town Room, Town Hall
MINUTES

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

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

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

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

I. MINUTES – Meeting of April 1, 2008

Mr. Schreiber MOVED: to adopt the Minutes of April 1, 2008. Mr. Howland seconded.

Ms. Barberet noted that the word “the” was missing in the second paragraph from the bottom on page 2 and said that “return” should be substituted for “withdrawal in the first sentence on page 3. She also noted that her statement on page 5 had been misinterpreted. There was general agreement that it could just be omitted.

The Motion passed 5-0.

II. PUBLIC HEARING – THE MULLIN RULE

Mullin Rule Adoption

To see if the Town will vote to accept, for the following boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of M.G.L. c.39, §23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions as established by said statute are met.

Boards & Committees Affected:

- Planning Board
- Conservation Commission
- Historical Commission
- Select Board

Mr. O’Keeffe read the preamble and opened the public hearing. He noted that copies of an email from Carol Gray to the Board had been distributed, and also noted that the Board had a draft of revised text for the motion which had been suggested by the Town Moderator. The modification would basically change where the affected boards and committees were listed. Mr. O’Keeffe summarized the proposal for the Board.

Mr. Tucker explained the process for utilizing the Mullin Rule and noted that members would be required to certify under penalty and pains of perjury that they have met the conditions.

Mr. Howland said that while he understands Ms. Gray's concerns, adoption of this proposal would benefit the applicant, who has no control over maintaining a quorum of board members. It is the business of the Town to serve its citizens, he said, and adopting this provision would help the process.

Mr. Howland MOVED: that the Board recommend that Town Meeting adopt this article as amended by the moderator. Mr. Schreiber seconded.

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

Ms. Barberet said that she shares the concerns Ms. Gray raised, particularly those involving poor attendance and participation. The Board has had a lot of attendance problems over the last several months, she said.

Mr. Carson noted that the Mullin Rule would only apply to a member missing just one session of a public hearing. It's very different from the attendance issue, he said.

Mr. Howland commented that while there may be good reasons for being absent, the frequent absences hinder the Board's ability to do business

Mr. O'Keeffe agreed that they are two separate issues. Having the Mullin Rule available provides an opportunity for board members to participate, not an obligation. They don't have to use it, he said. Some towns require attendance at the first session, he said. This could be added to the Planning Board's own Rules & Regulations if the Board wanted, he said. Mr. Tucker noted that draft language for this purpose had been added to amendments to the Rules and Regulations.

The discussion continued about frequent absences, allowing for leave of absences, the use of alternates, how the Mullin Rule would apply and how it would be utilized.

There was no public comment.

Mr. Howland repeated his previous Motion: that the Board recommend that Town Meeting adopt the Mullin Rule. Mr. Schreiber seconded, and the vote was 4-0-1 (Barberet abstained).

III. PUBLIC HEARING – PLANNING BOARD RULES & REGULATIONS

PBR-1-09 Planning Board Rules & Regulations, Articles I & III *(Continued from April 1, 2009)*

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

Mr. Tucker explained the revisions he had put into the language since the last meeting and said that he had been unable to get together with Mr. Howland but had attempted to put Mr. Howland's comments in the revised draft. He suggested that the Board consider continuing the hearing until after Town Meeting had voted on adopting the Mullin Rule. He reviewed the proposed changes with the Board and discussion centered on when to hold election of officers. Since the hearing was going to be continued, the Board decided to postpone further discussion and move on.

Mr. Howland MOVED: to continue the hearing to May 20. Mr. Carson seconded, and the Motion passed 5-0.

IV. NEW BUSINESS

- A. Warrant Review** – Mr. Tucker summarized the warrant for the Board. The Board did not select any additional articles to speak to.

Mr. O'Keeffe reminded Board members that Town Meeting would begin Monday night. The zoning articles are expected to come up that night and the Planning Board should plan on being there.

- B. Other** – None

V. OLD BUSINESS – None

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – None

VII. UPCOMING ZBA APPLICATIONS – The Board decided not to review the following:

ZBA2009-00034, 205 Triangle Street - Amherst Baseball Leagues
ZBA2009-00035, 95 East Pleasant Street- Tim Corley
ZBA2009-00036, 63 South Pleasant Street - Martin Carrera

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – No applications.

IX. PLANNING BOARD SUBCOMMITTEE REPORTS

- A. Zoning Subcommittee** – Mr. O'Keeffe said that the Subcommittee is planning a walkabout and a neighborhood meeting on June 10th to be held at the VFW Hall (assuming it could be reserved) for the Main/Dickinson/High Street rezoning proposal. The Subcommittee also discussed the Phased Growth Bylaw, he said.

- B. Master Plan** – Mr. O'Keeffe said that the Subcommittee is almost through Chapter 8.

Ms. Barberet asked how people will be notified about the June 10th meeting. Mr. Tucker said that notices will be mailed to a list of neighboring properties that the department had developed.

X. PLANNING BOARD COMMITTEE REPORTS

A. Pioneer Valley Planning Commission – No Report

B. Community Preservation Act Committee – Ms. Barberet said that the Committee is committed to the whole process being very transparent. They also discussed the CPAC's report to Town Meeting.

C. Agricultural Commission – No Report

XI. REPORT OF THE CHAIR – Mr. O'Keeffe noted that the Planning Board will not meet on May 6, but the Zoning Subcommittee will meet at the regular time at Town Hall. May 6 is a Town Meeting night. The next Planning Board meeting is scheduled for May 20, 2009 at 7:00 PM in the Town Room, Town Hall. Mr. Carson noted that he will be away from May 10 to May 26.

The next Master Plan Subcommittee meeting is scheduled for May 13.

XII. REPORT OF THE PLANNING DIRECTOR – No report.

XIII. ADJOURNMENT

Mr. Howland MOVED: to adjourn this meeting at 8:17 PM. Mr. Schreiber seconded, and the Motion passed 5-0.

Respectfully submitted:

Sue Krzanowski, Administrative Assistant

Approved:

Jonathan O'Keeffe, Acting Chair

DATE: _____