

AMHERST PLANNING BOARD
Wednesday, April 27, 2011 – 7:00 PM
Community Room, Police Station
MINUTES

PRESENT: Jonathan Shefftz, Chair (7:13 PM), Jonathan O’Keeffe, Rob Crowner, Bruce Carson, Richard Roznoy and David Webber

ABSENT: Stephen Schreiber and Sandra Anderson

STAFF: Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner

Mr. O’Keeffe opened the meeting at 7:06 PM. He announced that the meeting was being recorded by Planning Department staff and was being recorded and would be broadcast by ACTV.

I. MINUTES

Mr. Roznoy MOVED that the Minutes of March 30, 2011 be approved. Mr. Crowner seconded and the vote was 5-0.

II. PUBLIC HEARING – ZONING AMENDMENTS

A-13-11 Filling of Land Permitting (Planning Board)

To amend Sections 3.12 and 5.10 of the Zoning Bylaw in order to include reference to Site Plan Review approval in the regulation of filling, to update the requirements for engineered site plans associated with filling, and to allow the permit-granting body for a principal use to also grant any associated Special Permit for accessory filling of land above established thresholds.

Mr. O’Keeffe read the preamble and opened the public hearing. He explained that the Planning Board had held a public hearing on the proposed change to Section 5.10 three weeks ago, but Section 3.12 had not been included in the legal ad or in the agenda. So the hearing regarding filling needed to be held again.

Mr. O’Keeffe presented the report of the Zoning Subcommittee. He explained that filling is considered an accessory use and that if the filling is in conjunction with a principal use and is above certain thresholds (5,000 square feet x 2 feet deep or 2,000 square feet x 5 feet deep) a Special Permit from the Zoning Board of Appeals is now required. Currently an applicant would go to the Planning Board for Site Plan Review for a principal use and then go to the ZBA for a Special Permit for accessory filling.

With this change, whichever Board grants the permit for the principal use will have the authority to grant the Special Permit for accessory filling. Filling above the thresholds noted in the Bylaw will continue to require a Special Permit.

The changes proposed for Section 3.12 have to do with submittal requirements for filling regarding the interval of the contours required on the maps. Currently the Bylaw requires that 5 foot contours be shown on submitted maps. The proposed amendment would require that 2 foot contours be shown on the maps. It is not difficult to meet this requirement, since the Amherst GIS system (online) shows 1 foot contours for the entire town. The change also adds Site Plan Review to the list of permits requiring submittal of information regarding proposed grading.

Mr. O’Keeffe reported that the Zoning Subcommittee voted 3-0-1 (Roznoy abstained) to recommend to the Planning Board that it recommend approval of this zoning amendment to Town Meeting.

Mr. Webber asked if any opposition to this proposal is expected. Mr. O’Keeffe doubted that there would be opposition.

Mr. Shefftz arrived at 7:13 PM.

Mr. O’Keeffe suggested that the language of Section 5.10 could be improved by referring to the volume of filling rather than thresholds currently contained in the Bylaw. However, this would be a minor modification and could be made at a later date. These permits are not especially common, he said.

Mr. Webber asked if there had been opposition from the ZBA.

Mr. Tucker explained that the proposal had been presented to the ZBA and there had been questions, but no opposition.

Mr. Roznoy asked if the quantity were 2,000 square feet x 4’-10”, would the requirement for a Special Permit apply or not? The answer was that it would not apply.

Ms. Brestrup noted that Ms. Anderson was absent due to illness.

Mr. Webber MOVED to close the public hearing. Mr. Roznoy seconded and the vote was 6-0.

Mr. Crouner MOVED to recommend to Town Meeting that this proposed zoning amendment be adopted. Mr. Carson seconded and the vote was 5-0-1 (Shefftz abstained).

Mr. O’Keeffe relinquished the chair to Mr. Shefftz.

XI. REPORT OF THE CHAIR – Mr. Shefftz reported that although spring was welcome the tree pollen was intense; and because of the earlier sunrise his daughter now wakes up even earlier in the morning.

XII. REPORT OF STAFF – Mr. Tucker reported that Town Meeting begins on May 2. He predicted that it would be the second or third night before Town Meeting would discuss the budget. The Conservation and Development budget is being increased slightly to hire a code enforcement inspector. There will also be \$30,000 to bolster the Planning budget since we may lose “mini-entitlement” status with regard to the Community Development Block Grant. The Department would like to start transitioning back to general fund status. The new budget will also fund clerical support, especially to help with MUNIS, which will be helpful to Inspection Services as well as to the Health and Fire Departments.

Mr. Tucker noted that the zoning articles will probably come before Town Meeting during the third week. He encouraged as many members of the Planning Board as were available to come to Town Meeting and to sit in front of the auditorium during the zoning discussions.

Mr. Tucker announced that the Gateway Visioning event would start the next evening (April 28th) and would last for three days and evenings, as follows:

- Thursday evening – Visioning
- Friday evening – Open House
- Saturday evening – Presentation of first attempt at a draft plan.

Mr. Tucker announced that the visioning and rezoning process for the Village Centers was also about to start:

- Saturday, May 7, North Amherst Village Center – all day at the North Amherst Congregational Church Parish Hall
- Saturday, May 14, Atkins Corner Village Center – all day at Franklin Patterson Hall, Hampshire College Campus

He requested the help of Planning Board members to act as facilitators for the Gateway Visioning process.

Mr. Tucker announced that the “Highland Games Season” was starting. Specifically, the Glasgow Lands Scottish Festival would take place on Saturday, July 16, at Look Park.

There would also be a Planning Board meeting on May 4, at 6:00 PM, in the Library of the Middle School.

IV. OLD BUSINESS – none

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VII. UPCOMING ZBA APPLICATIONS – none

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS

SPR2011-00008/M8844 - 351 Northampton Rd., Amherst Gourmet d/b/a Ginger Garden
– Request Site Plan Review approval for a Class I restaurant with take-out service, closing by 11:00 PM, under Section 3.352.0 of the Zoning Bylaw. (Map 13D/Parcel 5; B-L, R & D zoning districts)

Ms. Brestrup noted that the Planning Board would meet on May 4th, in the Library of the Middle School at 6:00 PM for the public hearing on the Ginger Garden application.

Ms. Brestrup noted that the Planning Board had met every week except for April 20th since its meeting on March 30th.

IX. PLANNING BOARD SUBCOMMITTEE REPORTS

Zoning – Mr. O’Keeffe reported that there had been a brief meeting of the Zoning Subcommittee that evening and Mr. Tucker had already given the report regarding “Filling”. He also noted that the ZSC would be holding a Zoning Forum on June 15 at 5:00 PM in the Town Room.

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – no report

Community Preservation Act Committee – no report

Agricultural Commission – Mr. Webber reported that the April 12th meeting had not occurred due to the lack of a quorum. Also, there would be an antique tractor show and market at the Hadley Young Men’s Club on Memorial Day.

Public Transportation and Bicycle Committee – Mr. Roznoy reported that there was a transportation component of the Public Works capital fund, for money to hire a consultant to prepare a Transportation Plan for the town that was intended to become part of the Master Plan. He expressed hope that the fund would be approved. The Transportation Plan would

be presented to the PTBC and would then come to the Planning Board to be incorporated by reference into the Master Plan.

Amherst Redevelopment Authority – Mr. Webber stated that the report on the ARA’s work had already been presented.

III. PUBLIC HEARING – SITE PLAN REVIEW

SPR2011-00007/8738 – 61 Main Street, Mango Mango, c/o Josh Breitner

Request Site Plan Review approval for seasonal outdoor dining under Section 5.041 of the Zoning Bylaw (Map 14A/Parcel258; B-G district)

Mr. Shefftz read the preamble and opened the public hearing. He stated that this was not a controversial proposal. The restaurant is close to another establishment that offers seasonal outdoor dining.

Mr. Breitner stated that he is proposing to place two tables and four chairs in front of the Mango Mango Restaurant. He had submitted a photograph of how they would look along with his application. He understood that the tables and chairs are only allowed to be outside from April to November. He will abide by the regulations governing seasonal outdoor dining. The hours of operation are 11:00 a.m. to 8:30 p.m. The tables will be out during the all of the hours of operation if the weather is good. They will be brought in each night and placed outside in the morning at 11:00 a.m.

Ms. Brestrup noted that the Planning Board had received a letter from the Building Commissioner stating that the tables and chairs will not impede entry or egress from the restaurant, in accordance with Section 5.0412 of the Zoning Bylaw.

Mr. O’Keeffe MOVED to close the public hearing. Mr. Carson seconded and the vote was 6-0.

The Board found under Section 11.24 of the Zoning Bylaw, Site Plan Review, as follows:

- 11.2400 – The project is in conformance with all appropriate provisions of the Zoning Bylaw;
- 11.2401 – Town amenities and abutting properties will be protected; outdoor dining will also add to the downtown ambience;
- 11.2402 – Abutting properties will be protected from detrimental site characteristics resulting from the proposed use; the applicant has provided a thorough Management Plan which describes how the property and the business will be managed to cause the least disruption to the abutting properties;
- 11.2403 – N/A
- 11.2410 – The project protects unique or important historic and scenic features because outdoor dining will add to the ambience of the downtown;
- 11.2411 – The proposed methods of refuse disposal are adequate; this topic is adequately covered in the Management Plan;
- 11.2412 – N/A
- 11.2413 – N/A
- 11.2414 – N/A
- 11.2415 – N/A
- 11.2416 – N/A
- 11.2417 – The protection of adjacent properties by minimizing the intrusion of nuisances has been determined to be adequate by the Board; no changes to lighting are proposed;
- 11.2418 – N/A
- 11.2419 – N/A

- 11.2420 – N/A
- 11.2421 – N/A
- 11.2422 – N/A
- 11.2423 – N/A
- 11.2424 – N/A
- 11.2430 – N/A
- 11.2431 – N/A
- 11.2432 – N/A
- 11.2433 – N/A
- 11.2434 – N/A
- 11.2435 – N/A
- 11.2436 – N/A
- 11.2437 – N/A.

Mr. Webber MOVED to approve the Site Plan application as proposed including the requested waivers and with the applicable usual conditions. Mr. Carson seconded and the vote was 6-0.

Ms. Brestrup stated that Mr. Breitner needs to get permission to place the tables and chairs in the town right-of-way. He will be appearing before the Select Board to obtain that permission. Ms. Brestrup offered to email the Select Board's office to notify them of the Planning Board's vote to approve this application.

Mr. Roznoy noted that Mr. Breitner would need the permission of the owner of the building to place the tables and chairs. Mr. Breitner stated that he had the permission of the property manager, Eagle Crest Property Management. Ms. Brestrup noted that property manager had signed the application on behalf of the owner. Mr. Roznoy stated that the Select Board may wish to have assurance that the owner of the building was in agreement with the proposal.

V. NEW BUSINESS

- A. Joint Meeting with Community Development Committee – begin discussion about the 2012 Community Development Strategy

Jana McClure and Mary Jane Laus appeared on behalf of the Community Development Committee, along with Associate Planner Nate Malloy who acts as staff liaison to the CDC.

Ms. McClure gave a presentation on the activities of the CDC. The CDC works with Planning Department staff to manage the Community Development Block Grant (CDBG). In the past it has also managed the community services budget, but now it makes recommendations to the Town Manager about this. Ms. Laus noted that human services had been funded by the town in the past. Now human services are funded by CDBG.

At this time, 60% of CDBG funds go to non-social service projects (capital projects and other programs) and 20% go to social services [with an additional 20% for administration]. The CDBG funds must be spent on specific targeted areas. Amherst is one of ten "mini-entitlement" communities in the state. The application process is extensive. Ms. McClure and Ms. Laus distributed written information about the CDBG process.

Last year's CDBG process was difficult. The Committee would like to have a better process this year. There is a need for a public hearing to come up with a Community

Development Strategy. This is where the Planning Board can help, since the Strategy is related to the Master Plan.

Mr. O’Keeffe noted that the Planning Board doesn’t usually get directly involved in drafting the Community Development Strategy, but it did have a major part to play in developing the Master Plan.

Ms. McClure noted that a lot of questions come from the public about how the Strategy is or was developed. It would be good to conduct a joint process with the Planning Board to develop the Strategy. This would increase credibility in the eyes of the public.

Mr. Malloy stated that the town receives \$1,000,000 of CDBG funds each year. Because Amherst is a “mini-entitlement” community, the funds come from HUD (U.S. Department of Housing and Urban Development) but are funneled through DHCD (the State Department of Housing and Community Development). The state determines if we have a need and a population deserving of the funds. Mini-entitlement is a two-year status that must be reviewed every two years by the state. The town needs to complete an annual application, which is due in December. There must be community involvement, public hearings and public meetings during the entire process.

Drafting the Community Development Strategy is the first step in the application process. It helps the town to set priorities for social service activities and capital projects. Areas that demonstrate a high need can be identified, either by the Master Plan or by other plans that have been developed by the community. The Strategy is a synthesis of community planning documents. It is limited to seven pages and contains a list of prioritized activities. The Strategy is not just a CDBG document but is really a community-wide planning document.

Other “mini-entitlement” communities have the Planning Board or the Select Board work on the development of the Strategy. Then these communities have another committee that solicits public input and establishes a list of projects.

Mr. Malloy asked that the Planning Board or a subcommittee of the Planning Board work with the CDC in the months of June, July and August to draft a Community Development Strategy and then hold a public hearing to present the draft Strategy to the community and solicit feedback from the public.

Last year there were many questions that the CDC couldn’t answer regarding why certain things were priorities. Sections of the Strategy mirror the Master Plan’s chapters. The Planning Board would add knowledge and expertise to this process. If the Planning Board held the public hearing it would let the public know that this is not just a strategy related to Community Development but is a strategy for the town as a whole.

After the jointly-held public hearing the CDC could then decide on the priorities for the grant round and solicit proposals for projects. Sometimes another public hearing needs to be held to re-examine the Strategy. It is an iterative process. The Planning Board is being asked to help to develop the Strategy, but not to develop priorities or evaluate and make recommendations on projects.

The CDC would like to start the process as early as June or early July. The emphasis is on the low-income, needy population.

Mr. Malloy stated that the Strategy could include removal of barriers to accessibility, open space, housing, historical and cultural resources, among other things. It includes a list of priorities, a timeline and a list of the parties responsible for each item. Amherst's Strategy now has about 25 priorities, many of which are overlapping, encompassing both social service and capital projects.

Mr. Roznoy asked that the CDC members identify a few of the projects in each category.

Ms. McClure stated that the CDC is not asking the Planning Board to become expert in the social services. She noted that the CDC currently supports the Survival Center, the Child Care Center and Leisure Services as examples of social services and Olympia Drive as an example of capital projects.

The CDC is well-versed in answering questions related to social services. They need help in answering questions related to capital projects.

Ms. Laus stated that the CDC has been involved in upcoming projects related to rebuilding sidewalks and handicapped ramps on Main Street. They are not asking the Planning Board to become involved in or be responsible for RFP's related to the projects. The CDC would like Planning Board collaboration on setting up guidelines, making the community more aware of what's going on and helping to hold the public hearings.

Ms. Brestrup summarized that the CDC was asking the Planning Board to establish a subcommittee to work on a bi-monthly basis with the CDC to create a Community Development Strategy and would then look to the Planning Board to hold a joint public hearing in mid-August on the draft Strategy.

Mr. Malloy noted that there is a Strategy in place from last year's grant application process that could be a foundation for this year's application. The Community Development public hearing needs to happen in mid-August to set up the timeline to meet the application deadlines. Grant applications are due in mid-December, but there are many steps that must be taken before then. The public hearings have not been well-attended in the past. If the process were more formal, the hearings might be more well-attended. Other boards and committees in town could be encouraged to attend to provide feedback.

There are officially seven members of the CDC, but only four current members. Three slots are not filled.

Mr. O'Keeffe asked about the public hearing process. Are these being held for the community to provide input on the Strategy itself or on the projects that are proposed in accordance with the Strategy?

Mr. Malloy stated that the public hearings provide an opportunity for the community to provide input on both. There is a public hearing that is required specifically for the Strategy and a public hearing that is required seeking input on the proposals. There may be a third public hearing in which the CDC discusses and votes on their recommendations.

Mr. O'Keeffe expressed his opinion that it is reasonable, desirable and appropriate for the Planning Board to participate in the first half of the process [development of the Strategy] but the second half of the process [choosing projects] is not part of the Planning Board's role.

Mr. Malloy agreed with Mr. O’Keeffe’s statement. He further explained that the state’s guidelines state that the Strategy is a document that is accepted for a three-year period. The state expects updates every year. If the Strategy needs a complete revision, it can be revised. Otherwise it can be updated.

Ms. McClure stated that it was she who had suggested more Planning Board involvement when the CDC realized that it could not answer the public’s questions regarding parts of the Community Development Strategy.

Mr. O’Keeffe asked for examples of the types of issues that people were bringing up. Mr. Malloy stated that at the hearing the statement was made that the CDC was seeking input on the whole spectrum of goals, priorities and objectives. Consequently, there were questions from the public related to development in village centers in different parts of town, on transportation to link village centers, on economic development, questions on the Open Space and Recreation Plan and sometimes about the Master Plan.

Mr. Roznoy observed that similar questions arise during Zoning Subcommittee and Planning Board meetings and that staff members are often able to address these questions. He expressed concern that the Planning Board is already very busy and although he would be interested in the topic he would find it very difficult to become involved in another committee. He noted that Planning Board members already act as liaisons to other committees and/or serve as members of the Planning Board’s Zoning Subcommittee. They are volunteers and most of them have jobs, he said.

Mr. Webber thanked the CDC members for coming and expressed interest in their work. He echoed Mr. Roznoy’s reluctance to set up another subcommittee. He suggested that the Planning Board’s regular meetings might incorporate joint meetings with the CDC from time to time and that the work might be better conducted during regular Planning Board meetings, in June, July and August.

Mr. Malloy noted that the CDC’s public hearing for the Community Development Strategy usually lasts about two hours and is attended by 50 people or more [thus making it cumbersome to incorporate as part of a regular Planning Board meeting].

Ms. Laus noted that the work of developing the Strategy could be done during regular Planning Board meetings.

Mr. O’Keeffe summarized that the Planning Board was being asked to do two separate things – to help to develop the Strategy and to participate in the public hearings. He agreed that it would be helpful to have the Planning Board present at the public hearing on the Strategy. He suggested that a liaison to the CDC be appointed instead of establishing a subcommittee.

Ms. Brestrup suggested that the CDC could create the Strategy and that the Planning Board would periodically give them advice and feedback on the draft. Planning Board and CDC members agreed that this would work.

Mr. Malloy noted that the Community Development Strategy could be related to the work that a Master Plan Implementation Committee might do in the future and that this could work to achieve the goals of the Master Plan.

Mr. Crouner stated that he might be interested in serving as a liaison between the Planning Board and the CDC. He offered to attend a CDC meeting to get a better sense of their work. He asked that they inform him as to the date of their next meeting.

Mr. Shefftz asked if there were a place online where the public could see information about the community-wide needs score. Mr. Malloy directed him to the DHCD website and suggested that there might be a brief summary as to how the figure is derived. He stated that Amherst's status as a "mini-entitlement" community is up for renewal next year.

Mr. Shefftz noted that the Planning Board had received an advance presentation from the Survival Center on its plans for a new facility. It was "eye-opening" to find out how many people the Survival Center serves.

Mr. O'Keeffe stated that the fact that Amherst has been designated as a "mini-entitlement" community is a testimony to town staff and to the CDC who all put a lot of knowledge, time and energy into the applications and running the programs. Without their efforts the town would not be getting this \$1 million.

B. Other New Information – none

XIII. ADJOURNMENT

The meeting was adjourned at 8:21 p.m.

Respectfully submitted:

Christine M. Brestrup, Senior Planner

Approved:

Jonathan Shefftz, Chair

DATE: _____