

**AMHERST PLANNING BOARD**  
**Wednesday, September 21, 2011 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** David Webber, Chair; Jonathan O’Keeffe, Rob Crouner, Bruce Carson, Sandra Anderson, Richard Roznoy, (7:20 PM) , Connie Kruger and Stephen Schreiber ; Jonathan Shefftz (7:22 PM)

**ABSENT:** none

**STAFF:** Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner; Mike Olkin, GIS Administrator, IT Department

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Mr. Webber opened the meeting at 7:00 PM. He announced that the meeting was being recorded by town staff and by Amherst Media and was being broadcast live and would be rebroadcast by Amherst Media.

**I. MINUTES** September 7, 2011

Mr. Schreiber MOVED to approve the September 7, 2011. Mr. O’Keeffe seconded and the vote was 6-0-1 (Anderson abstained).

**II. PUBLIC HEARING**

**A-01-12 Conversion of Official Zoning Map (Planning Board)**

To amend Section 2.1, Zoning Map, of the Amherst Zoning Bylaw, and the Official Zoning Map, so as to convert the Town of Amherst Official Zoning Map from its current large-scale paper cadastre form to a electronic digital layer in the Town of Amherst Geographic Information Systems (GIS) computer mapping system.

Mr. Webber read the preamble and opened the public hearing. Mr. O’Keeffe gave a brief introduction to the topic of converting the official zoning map to GIS. He explained that the Zoning Subcommittee had received a presentation from Mr. Olkin a few weeks ago and had not taken a formal vote. The ZSC was unable to meet tonight but recent discussions indicated that the ZSC was supportive of the proposal. Mr. O’Keeffe introduced Mike Olkin, GIS Administrator, of the Town of Amherst IT Department.

Mr. Olkin presented the current Official Zoning Map, consisting of a multi-paged paper document that is revised and reprinted from time to time as zoning district boundaries change. He described the process involved in converting the Official Zoning Map to an electronic GIS version. The current Official Zoning Map is based on 1956 mapping. Mr. Olkin noted that an “unofficial” version of the zoning map has been online for 5 years. The FPC (Flood Prone Conservancy) zoning district has been the most problematic aspect of the conversion. Mr. Olkin described the process by which the FPC zoning district was mapped electronically.

The FPC zoning district is based on elevation contours. It also, sometimes, follows property lines. In addition, certain streams in town are included, along with setback buffers. In 1999 there was a detailed base map created with 2 foot contour intervals. In 2009 a new, more detailed base map was created with 1 foot contour intervals.

Mr. Olkin described four steps to modernization of the zoning map, including:

- 1) Scanning and overlaying the current paper “Official Zoning Map”;
- 2) Mapping locations of recorded FPC boundary elevations;

- 3) Generating elevation contours from the 2009 base map and converting them to the same vertical datum that was used to map the original FPC zoning district;
- 4) Re-mapping the FPC zoning district to follow elevation contours as designated on the official zoning maps, with property boundaries as transitions between elevation intervals in some places, and traced FPC boundaries in the area west of Lawrence Swamp, where the FPC does not follow elevation or property bounds.

Mr. Roznoy arrived (7:20 PM)

Mr. Olkin described the fact that stream setbacks were mapped based on the actual locations of streams.

Mr. Shefftz arrived (7:22 PM).

Mr. Olkin invited people to review the map on the town website. He also gave a summary of the number of acres of area apparently added or subtracted from the FPC zoning district.

Mr. Tucker pointed out that the changes to the FPC zoning district represent only an illustrative change. In practice there is no change. People who wish to develop their properties will have to hire a surveyor to identify where the elevation line is on which the FPC district is based, as they have always needed to do. With the conversion to GIS our Zoning Map will more accurately show where the FPC boundary line is.

Mr. Olkin noted that the map online is interactive, so that people can move it around to view their properties.

Mr. Olkin noted that the apparent loss or gain of FPC district was quantified. The result is 96.71% match of the lines from the traced line to the revised line. The difference in acreage amounts to 65.5 acres. Much of this acreage is in APR (Agricultural Protection Restriction) or is town-owned land.

When only non-protected land is considered, the difference is only 25.5 acres. This is a very small difference, he said. Mr. Olkin described how to find the FPC Viewer on the town website and showed how to view the map by adding or subtracting different types of information.

Mr. Tucker acknowledged the effort that went into accurately displaying the current location of the FPC zoning district and noted that Town Meeting had appropriated funds for a study of the flood zones in town. The effort to accurately display the FPC zoning district as it currently exists is the first step in fixing the FPC zoning district.

Ms. Kruger stated that the technology and visuals are good. But she asked what will happen when people want to develop their property. Is there a way to let people know if they have "lost" a few acres?

Mr. Tucker stated that there should be an item in the paper about the conversion of the Official Zoning Map to electronic format and that we should have a process by which we can identify properties that are affected.

Mr. Olkin stated that he can identify properties that are touching the FPC zoning district. However, the largest areas of apparent changes are generally in areas of protected land and the land can't be developed by virtue of the existing protection.

Mr. Webber asked if the FPC was changing, because flood prone areas are generally not static.

Mr. Tucker stated that, in a general sense, the FPC zoning district was meant to indicate where the 100-year flood line was when it was adopted. Recent development upstream in the watershed may affect where the actual 100-year flood plain is located now.

Mr. Webber noted that streams may change course over time.

There was discussion about how decisions were made when questions arose about transitions from one contour elevation to the next or when it was unclear exactly where the original FPC map meant to show an FPC boundary. Ms. Brestrup noted that in general, where there was a question, such decisions were made in favor of keeping existing buildings out of the FPC District.

There was discussion about the fact that zoning is not generally used to define things such as flood plains. Mr. Tucker explained that this practice was not unusual in the 1970s and 1980s. Ms. Brestrup noted that the origin of the FPC zoning district was related to FEMA's requirement that cities and towns map their flood zones so that people could obtain flood insurance. In addition, the FPC zoning district was created before the advent of strong wetlands protection laws at the state level and as a result the FPC district was also an attempt to protect the environmental interests that are now protected by other means such as the Massachusetts Wetlands Protection Act, the Rivers Protection Act, and others.

Mr. Tucker noted that if the electronic GIS Zoning Map becomes the Official Zoning Map, the language being added to the Zoning Bylaw would require that there will be paper copies available at the Town Clerk's Office.

There was no public comment.

Mr. O'Keeffe MOVED to close the public hearing. Mr. Schreiber seconded and the vote was 9-0.

Mr. Schreiber MOVED to recommend to Town Meeting that this zoning change be approved. Mr. O'Keeffe seconded and the vote was 9-0.

#### **IV. OLD BUSINESS**

##### **A. Master Plan Implementation**

Mr. O'Keeffe presented a draft Charge for the Master Plan Implementation Committee (MPIC) to be presented to the Select Board by the Planning Board. He proposed that the MPIC have seven members, including one representative from the Planning Board, one from the Select Board, one from the Conservation Commission and four at-large members.

Mr. Crouner asked if the term of members of the MPIC should match the time between Master Plan updates (i.e., five years). Mr. O'Keeffe stated that 5 years is a long time to serve on a committee and that it would be better if the term for this committee was the same as other committees in town.

Ms. Kruger questioned why the Conservation Committee should be represented on the MPIC. Mr. O'Keeffe explained that he had studied the list of boards and committees in town and had come up with a list of about 6 that might be included. In the end, he chose the committees that are most prominently involved in land use decisions. The Conservation Commission is the single most important committee dealing with land use, aside from the Planning Board and the Select Board, he said.

Mr. Schreiber acknowledged that this was a "great start." He asked if the Finance Committee should be included because it sets strategic priorities for the town. He agreed that most of the committee members should be "at-large" and agreed with the proposed number of members.

Mr. O’Keeffe noted that the representatives of the three boards/commissions could be members or designates from each body. Mr. Tucker agreed that the three boards/commissions should be represented. He noted that the process of implementing the Master Plan will involve going through all of the elements of the plan and noted that other public interests and the bodies which represent them will automatically be included in the implementation.

Mr. Webber questioned why the Select Board should be the appointing authority. Mr. O’Keeffe noted that this is the normal practice for most boards and committees under the Town Government Act. The elected Select Board members are also viewed as being more accountable to the public.

Mr. Webber asked if the Planning Board could be the appointing authority since the Master Plan is under the Planning Board’s jurisdiction. Mr. Tucker stated that appointing authority is designated by the town charter. Town Meeting would need to vote on a change to the charter or the General By-Laws in order to allow the Planning Board to be the appointing authority. However, the Planning Board could offer the Select Board recommendations.

Mr. Webber asked why the term should be three years. This is an ongoing process, he noted. It may be logical to have longer terms for the MPIC. He expressed concern about “non-continuity”. There was further discussion about the length of terms. Mr. Tucker noted that the normal pattern of appointment for boards and committee members is three years.

Mr. Webber asked about term limits. Mr. Tucker referred to the draft version of the committee handbook, which mentions two three-year terms as having been the pattern for a long time. It has worked, he noted.

Ms. Anderson observed that if the Select Board is the appointing authority, the other four [at-large] members would be appointed by the Select Board. Mr. O’Keeffe stated that although the other three boards would each designate their own representatives, the Select Board would be the appointing authority for these representatives as well.

Ms. Anderson asked how the Planning Board could have more input. There was discussion about the Planning Board recommending at-large members as well as its own representative. Ms. Kruger noted that the Planning Board could recommend at-large members for Select Board appointment. Mr. Schreiber suggested that the Select Board could appoint members from a roster selected by the Planning Board. Mr. Crouner noted that it is not necessary to include this point in the charge. The Planning Board can still make recommendations.

Mr. Webber suggested that Planning Board members take time to mark up the document and discuss it at an upcoming meeting. Mr. Tucker suggested that Planning Board members review Chapter 10 of the Master Plan when reviewing the committee charge. The topic of the MPIC charge will be put on the agenda for the October 5 Planning Board meeting.

### **III. SIGN REVIEW**

22 University Drive (Newmarket Center) – Review of signs for Vision Source in accordance with conditions of Plan Approval #85-6

Dan Hale of Hale Signs presented the new signs for Vision Source. He stated that the same doctor would be occupying the space but that he has become affiliated with a larger organization, Vision Source. The sign that is there is 4’-0” x 14’. There is now a fluorescent light fixture over the sign. There is an aluminum frame and a flat aluminum face. The new sign will be installed over the top of the existing sign face, within the moldings that are there now. The new sign will cover both of the existing signs and the divider will be removed. There was discussion about whether the first name of each doctor should be in bold letters. Mr.

Hale stated that the franchise gives the doctors the specifications for the signs. Ms. Kruger stated that the sign did not work aesthetically.

Mr. Hale stated that the face of the sign will be 37" tall. There will be two panels, each seven feet long, with an invisible seam where the two panels are joined.

Mr. Tucker noted that the top of the "V" appears to disappear under the top border. There was discussion about this and Mr. Hale stated that at certain times of day there is a shadow, but otherwise there shouldn't be a problem.

Mr. O'Keeffe MOVED that the signs be approved. Ms. Anderson seconded and the vote was 8-1 (Kruger opposed).

#### **IV. OLD BUSINESS**

##### **B. MassWorks Grant – Support Letter**

Mr. Webber noted that the Board had voted at a previous meeting to authorize the Chair to send a letter of support for Amherst's MassWorks Grant application to the MassWorks Infrastructure Program, for funds to support infrastructure development in North Amherst Village Center. Mr. Webber reported that Mr. Tucker and he had drafted a letter and the letter had been sent with the grant application.

Mr. Tucker left (8:20 PM).

##### **C. Topics not reasonably anticipated 48 hours prior to the meeting**

Attorney General Approval – Ms. Brestrup reported that the Attorney General had approved all of the amendments to the Town bylaws adopted by the Amherst Annual Town Meeting in the spring, except for Article 32, which had to do with filling of land. The Attorney General had placed a hold on this article pending receipt of further information. The Planning Department was working with the Town Clerk to submit the required information to the Attorney General.

Letter from the Literacy Project – Ms. Brestrup also reported that the Planning Board had received a letter from Fred Meyers of the Literacy Project, encouraging the town to support its request for funds from the 2012 CDBG grant. Ms. Brestrup noted that the Planning Board did not have jurisdiction over decisions related to allocation of CDBG funds. Mr. Shefftz observed that the Committee on Homelessness had given a presentation at the public hearing held jointly with the Community Development Committee and the Planning Board. The Select Board had recently dissolved the Committee on Homelessness, he said.

Minutes for September 7, 2011 – Mr. Roznoy noted that he had comments on the Minutes for September 7<sup>th</sup>. These Minutes had already been approved.

Mr. Roznoy MOVED to reopen the discussion of the Minutes for September 7, 2011. Mr. Crowner seconded and the vote was 9-0.

Mr. Roznoy apologized for being late and stated that he wanted to reword the paragraph on page 3 in which he had commented about transportation issues related to the village center rezoning. He suggested that the paragraph be rewritten to reflect the following meaning:

Although there has been consideration for pedestrian, bicycle and automobile traffic in the proposed rezoning plans for North Amherst and Atkins Corners,

there needs to be much more focus in these rezoning plans on other types of public transportation options. These other types could be in the form of buses, light rail, dedicated bus lanes or a shuttle bus. Mr. Roznoy wished to convey forcefully to the consultants the need to include these public transportation options in the current rezoning plans, not merely as options for the future.

Mr. Roznoy MOVED to amend the Minutes as stated above. Mr. Schreiber seconded and the vote was 9-0 to amend.

## **V. NEW BUSINESS**

- A.** Letter from Massachusetts Historical Commission regarding The Lord Jeffery Inn – Mr. Webber acknowledged receipt of a letter from Massachusetts Historical Commission stating that The Lord Jeffery Inn had been accepted by the National Park Service for listing in the National Register of Historic Places as an extension of the previously listed Amherst Central Business District.
- B.** Planning Board Signatory Authority – The Board signed letters to the Land Court and the Hampshire County Registry of Deeds authorizing the Board's officers, Mr. Webber, Mr. O'Keeffe and Mr. Carson, to sign documents related to the Subdivision Control Law.

- C.** Topics not reasonably anticipated 48 hours prior to the meeting

Sewer Extension Master Plan – Ms. Brestrup noted that the Planning Department and Board members had received notice of public meetings on the Sewer Extension Master Plan. There will be two public presentations of the draft plan, on September 26 at 7:10 PM during the Select Board/Sewer Commissioners meeting and on October 11, at 7:00 PM, in the Town Room, with consultants, Camp, Dresser and McKee. There will be a third public discussion on October 24 at the Select Board/Sewer Commissioners meeting, at which time comments will be due.

Board members discussed the importance of the draft Sewer Extension Master Plan in terms of development issues in town. They decided by consensus to discuss it at the October 19<sup>th</sup> Planning Board meeting, after the public hearing on Form-based Zoning. Members would have an opportunity to review the plan online and to attend one of the public presentations, prior to October 19<sup>th</sup>. Comments are due by October 24<sup>th</sup>.

## **VI. FORM A (ANR) SUBDIVISION APPLICATIONS**

The Board endorsed the ANR plan for ANR2012-00002 – Carex LLC, for 15 and 17 Research Drive, Map 21B, Parcel 81.

Julie and Mickey Marcus, current owners of the property, were in attendance. Ms. Marcus noted that the building which her company, New England Environmental, had previously occupied [at 9 Research Drive] is now occupied by a company that makes innersoles for Nike Shoes.

Dr. Kate Atkinson plans to purchase the new lot from the Marcuses' and plans to build a new medical office, with construction to begin in the spring of 2012.

Ms. Marcus noted that New England Environmental had grown from 17 to 30 employees and that the company has hired several Amherst Regional High School graduates.

**VII. UPCOMING ZBA APPLICATIONS**

The Planning Board declined to review the following application:

ZBA FY2012-00006 – Winnifred Manning – 61 Fearing Street, Map 11C-99, R-G zoning district

**VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – none**

**IX. PLANNING BOARD SUBCOMMITTEE REPORTS**

Zoning – Mr. O’Keeffe reported that the Zoning Subcommittee had been meeting almost weekly to review the Village Center Form-base Code zoning amendment. The ZSC met last week [September 14<sup>th</sup>] and conducted a long and productive review of the proposed zoning district boundaries. There was a lively and active discussion, he said. Mr. Crouner had introduced a new idea to extend the R-VC (Residential Village Center) zoning district along Montague Road and to remove some of the properties from the new NAVC (North Amherst Village Center) zoning district. R-VC allows more density than the existing R-N (Residential Neighborhood) zoning district. The zoning amendment and map are “still in motion”, he said. The ZSC is not sure if the zoning amendment will be ready for Fall Town Meeting. A Special Town Meeting may be scheduled for winter for the sole purpose of taking up this zoning amendment. The ZSC and Planning Board plan to continue actively working on the amendment. The ZSC plans to continue meeting weekly.

Mr. Roznoy asked about the potential for a citizen’s petition coming from W.D. Cowls regarding North Amherst. Mr. O’Keeffe stated that to his knowledge, no citizen’s petition had been submitted and the deadlines had passed to submit such petitions.

There was discussion about what happens if the zoning amendment reaches Town Meeting without being ready. Ms. Brestrup stated that there could be a motion on the floor of Town Meeting to refer the zoning amendment back to the Planning Board for further study.

There was discussion about what might happen if the motion to refer were defeated. The motion to refer is approved by simple majority, Mr. O’Keeffe said. But he acknowledged that there is a possibility that the motion to refer might be defeated.

Mr. O’Keeffe further noted that as of October 7<sup>th</sup> the warrant language will be final. However, Town Meeting members may propose amendments on the floor of Town Meeting, if they do not exceed the scope of the warrant language. Mr. O’Keeffe further noted that the language of the Village Center Form-based Code amendment can be changed up until the warrant is signed on October 7<sup>th</sup>. He noted that the Planning Board often holds public hearings on zoning amendments after the warrant is signed.

**X. PLANNING BOARD COMMITTEE & LIAISON REPORTS**

Pioneer Valley Planning Commission – no report; the next meeting of the PVPC will be October 16<sup>th</sup>.

Community Preservation Act Committee – Ms. Anderson reported that CPAC had met last Thursday [September 15<sup>th</sup>]. There are four new appointees on the committee. The committee reviewed a draft of the letter that is sent to entities that normally submit proposals to CPAC. No other substantive work was done.

Agricultural Commission – no report

Transportation Plan Task Force – Mr. Roznoy reported that he has not yet been officially appointed to the Task Force. He noted that the PTBC is no longer listed on the Planning

Board agenda's list of committees and liaisons. Board members determined by consensus that it was appropriate to leave the PTBC off the list, even though Mr. Crowner attends the meetings fairly regularly. Mr. Crowner suggested adding "Other Committees" at the end of the list on the agenda, to give Board members an opportunity to report on the work of other committees. Board members agreed.

Amherst Redevelopment Authority – Ms. Kruger reported that she attended her first meeting of the ARA on September 7<sup>th</sup>. There was a debriefing on the new Form-based Code (FBC) amendment. Ms. Kruger noted that John Coull, Chair of the ARA, had attended the recent presentation before the Planning Board of the FBC. The ARA had discussed next steps on the Gateway plan. Funds will be requested from Town Meeting to move ahead with the planning process for Gateway. The ARA is interested in knowing if there is a role for the ARA in helping the Planning Board to educate the public about Form-based Code. Mr. O’Keeffe stated that he is not aware of a specific role for the ARA at this time, but the need for the ARA’s assistance may become clearer as we move forward.

Design Review Board – Mr. Schreiber reported that he has asked some people about their interest in serving as the Planning Board’s representative on the DRB. One person has expressed interest. He will encourage that person to submit a Citizen Activity Form (CAF).

There was discussion about whether someone who is already on the DRB can act as the Planning Board’s representative. Ms. Brestrup listed the people who are currently on the DRB and what their roles are with respect to Section 3.201 of the Zoning Bylaw. Board members agreed to continue to discuss this issue.

Other – Mr. Shefftz announced that he had been serving on the Finance Committee of the Jewish Community of Amherst (JCA) and had recently been asked to serve as Treasurer of the JCA. Given this new level of responsibility, Mr. Shefftz announced his intention to resign his position on the Planning Board.

Mr. Webber expressed congratulations and wished Mr. Shefftz good luck in his new role. Ms. Anderson noted that Mr. Shefftz will be missed. Ms. Anderson announced that she will be absent from the Planning Board meeting on October 5<sup>th</sup>.

**XI. REPORT OF THE CHAIR – none**

**XII. REPORT OF STAFF – none**

**XIII. ADJOURNMENT**

The meeting was adjourned at 9:10 p.m.

Respectfully submitted:

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Christine M. Brestrup,  
Senior Planner

Approved:

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David K. Webber, Chair

DATE: \_\_\_\_\_