

**AMHERST PLANNING BOARD**  
**Wednesday, November 16, 2011 – 5:00 PM**  
**Library, Amherst Regional Middle School**  
**MINUTES**

**PRESENT:** David Webber, Chair; Jonathan O’Keeffe, Rob Crowner, Bruce Carson, Connie Kruger, Stephen Schreiber, Sandra Anderson (5:05 PM) and Richard Roznoy (6:04 PM)

**ABSENT:** None

**STAFF:** Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner  
Mr. Webber opened the meeting at 5:02 PM. He announced that the meeting was being recorded by town staff and by Amherst Media and that it would be broadcast by Amherst Media.

**I. MINUTES** November 2, 2011

Mr. O’Keeffe MOVED to approve the Minutes of November 2, 2011. Mr. Carson seconded and the vote was 5-0-1 (Kruger abstained)

Ms. Anderson arrived. (5:05 PM)

**II. TOWN MEETING**

**A. Town Meeting Articles**

Mr. O’Keeffe reported that Article 16 (Conversion of Official Zoning Map) passed the previous week, at Town Meeting, without any major issues associated with it.

Board members turned to a discussion of Article 17 (Form-Based Village Center Rezoning). Mr. Webber noted that he had received information regarding potential changes to Article 17. He stated that it was likely that there would be a motion to split off the definitions of apartments and townhouses from Article 17 and to consider them separately.

Mr. O’Keeffe offered procedural information about how this motion would be made, who would speak to it and how it might be voted on at Town meeting.

Mr. O’Keeffe reported that this motion to split had grown out of a concern raised by Hilda Greenbaum, who believes that the Zoning Bylaw does not provide clear guidance on how to apartments from townhouses. Mr. O’Keeffe noted that the Zoning Board of Appeals agreed that it would be helpful to have these words more clearly defined.

Mr. Tucker offered further explanation about the procedural issues relating to the motion to split Article 17. He also explained that a phrase “where the majority of such units are designed and used for residential occupancy” will be proposed to be removed from the definition of apartments.

Ms. Kruger asked how the removal of this phrase would relate to the town’s desire to have “live-work units”. Mr. Tucker explained that “live-work units” would be a new, separate category of principle uses and therefore would not be affected by this change.

Mr. Tucker reported that it was likely that a Town Meeting member would move to not make the change to R-VC (from R-N) along Montague Road. Mr. Tucker explained various issues that would result from leaving the land along Montague Road as R-N, including the corner lot owned by Cows.

Since the corner lot is not currently proposed to be included in the new Village Center Overlay (R-VF) zoning district, it would not have any form based regulations to govern it, if it were removed from the NAVC district and returned to R-N. If the other parts of the zoning

amendment passed, the other properties on Montague Road, while remaining in the R-N zoning district, would be subject to the Village Center form-based regulations as a result of being in the R-VF Overlay district. Therefore the Cowls property would become an anomaly, remaining in the R-N district, but without the Village Center Overlay regulations.

In addition, Mr. Tucker stated that, without the change to R-VC along Montague Road, there would be another anomaly – a “vestigial lozenge-shaped” piece of land that would remain in the COM (Commercial) district, landlocked between the Puffer land along Montague Road and the new NAVC district.

On another topic, Mr. Tucker noted that there may be a motion to divide the Form-Based Village Center Rezoning proposal in two. Part one would include the Atkins Corners map and the Form-Based regulations. Part two would include the North Amherst Village Center map. The Town Moderator is inclined to accept this form of division, Mr. Tucker reported.

Mr. Tucker reminded the Planning Board that the members had heard a proposal from the Zoning Subcommittee to change the regulation of townhouses from SPR (Site Plan Review) to SP (Special Permit). He noted that if someone were to propose a large townhouse project with no mixed use buildings, and townhouses were allowed by Site Plan Review, the Board may still be able to deny the large project because it would violate the intent of the NAVC district, which is to encourage a mix of uses. However, this may be a “stretch”, he said.

Mr. Webber acknowledged that there may be a variety of motions on the floor of Town Meeting.

Ms. Kruger asked if there would be an opportunity for the Board to take a position at this time on the possible motions.

There was further discussion.

Mr. Crouner MOVED that the Board pro-actively change the permitting of townhouses from Site Plan Review to Special Permit, in its motion. Mr. O’Keeffe seconded.

Ms. Kruger noted that when there is an opportunity to develop more dense housing, if it is done with constraints, there is more likelihood of having the housing built. If the permitting changes to Special Permit, it is less likely to be built. She is eager to see more housing options across town and is reluctant to change the permitting of townhouses from SPR to SP.

Mr. Crouner noted that it is highly likely that a failure to make this change would result in a failure of the article. He asked how important the distinction is between SPR and SP, in the overall vision. The crucial step is promoting a mix of uses, he said. He asserted that SPR favors townhouses over mixed-use buildings. He urged the Board members to accept this change in the interest of the article.

Ms. Anderson agreed with both points of view but stated that the issue of student housing clouds the debate, even though this issue is “behavior-based” and not “zoning-based”. She suggested that it would show good faith and that the Planning Board had listened to the residents if it accepted the change from SPR to SP.

Mr. Webber read the proposed definition of townhouses. He noted that Pufton Village is technically made up of townhouses, since no unit is built over another. He agreed with the change to SP for townhouses.

Ms. Anderson also agreed to this change.

Mr. O’Keeffe noted arguments on both sides of the issue. In favor of keeping the SPR designation for townhouses is the argument that there is a mix of unit types required by the new zoning and the new zoning would prohibit units larger than 3 bedrooms. Form-Based regulations would make it more difficult to have a Pufton-type of development, he contended.

Also, the maximum density of townhouses is less than that of apartments. On the other hand, it might be possible to have something proposed that is not anticipated. The Bylaw can be changed later if it seems better to have townhouses regulated by SPR rather than SP. The proposal as outlined in Article 17 is to change the permitting of townhouses and apartments in this area of North Amherst from N to SP. Special Permit (SP) is an acceptable starting point, he said.

There was discussion about whether the zoning amendment would result in a preference for townhouses over mixed-use buildings.

There was discussion about whether townhouses should be regulated by Special Permit in the AC zoning district as well as in the NAVC district. Ms. Brestrup noted that since these are two distinct zoning districts, townhouses could be regulated differently in each district.

There was further discussion about this topic. Ms. Kruger was in favor of permitting townhouses by SPR. Mr. Crouner was asked if he would consider amending his motion to allow townhouses by SP in the NAVC district and by SPR in the AC district.

Mr. Crouner declined to amend his motion, stating that he was in favor of keeping the requirement of Special Permit for townhouses in both districts. He noted that there is more residential development in the Atkins Corners area than there is business development. The town really wants business development in Atkins Corners, more than residential development.

Mr. Carson agreed that the permitting requirement for townhouses should be the same for both districts. There was discussion about how to make the motion on the floor of Town Meeting.

Mr. Tucker explained that this was a motion to have Mr. O'Keeffe move this amendment from the floor. Mr. Crouner agreed that his intent was to move an amended motion on the floor of Town Meeting.

The vote was 7-0 to support the permitting of townhouses by Special Permit in both the NAVC and AC districts.

Mr. Crouner stated that there were other issues to consider regarding Article 17 and asked if the Board members would like to have specific responses to other possible new motions. He noted that there was a strong movement among residents of North Amherst to remove the R-VC and R-VF Overlay district proposals from Montague Road. There was also a strong movement to refer the article back to the Planning Board because it was not complete. He asked the Board to support a statement that the typographical errors in the document were irrelevant to the content of the article. There was discussion about typographical errors. Board members agreed by consensus that typographical errors did not constitute a reason to refer the article back to the Planning Board.

Mr. O'Keeffe reported that the Zoning Subcommittee had discussed the issue of minor errors and had decided not to recommend bringing a detailed list of typographical changes to the floor of Town Meeting. There will be an opportunity to fix these errors in the future, he said.

There was discussion about the proposal not to change the zoning along Montague Road, and north of the Mill River, and to leave it as R-N. Mr. O'Keeffe stated that the Zoning Subcommittee had been unanimously in favor of the proposal to leave the Montague Road properties in the R-N district. Mr. Webber read from the Minutes of the Planning Board meeting of November 2<sup>nd</sup> regarding this issue. Mr. O'Keeffe noted that this proposal would not make changes to the proposed NAVC district boundaries.

Mr. Tucker stated that he understood that the proposal was to retain the R-VF Overlay along Montague Road.

There was further discussion about the proposal to leave the properties along Montague Road as R-N.

Ms. Kruger stated that she questioned the “deconstruction” of the article before Town Meeting took up the article. She suggested that Planning Board members might explain at Town Meeting the discussion that had taken place about the issue of the zoning along Montague Road.

Mr. Webber asked why this area was designated to become R-VC. He noted that on the map it looked like it belonged in NAVC. Mr. O’Keeffe explained the discussions that had led to the proposed boundaries along Montague Road. Mr. Webber stated that he was inclined to present the article as a whole, but he understood that Town Meeting members may want to make improvements.

Ms. Anderson noted that she had abstained from voting on October 19<sup>th</sup>. Now she would be in favor of not changing the zoning along Montague Road and keeping it R-N.

Board members acknowledged that some landowners in the Village Center and some residents of North Amherst had spoken in favor of the rezoning [to R-VC with the R-VF Overlay along Montague Road].

Mr. Webber noted that the Planning Board had already recommended approval of the document as a whole.

Mr. Schreiber said that he “stands by his motion to do nothing” [as stated on November 2<sup>nd</sup>.]

Ms. Kruger agreed to stand by the current vote.

Mr. Crowner said that it makes sense to let Town Meeting decide on the changes. The Planning Board has already proposed what it thinks would be best for this area.

Mr. Tucker noted that a Planning Board member could always move to refer the article back to the Board. Ms. Kruger stated that this would be a better solution than chopping up the article beforehand.

Mr. Crowner asked whether the Board would like to take a position on changing the proposed zoning for the east side of West Street, removing it from the new AC zoning district, either above or below the roundabouts. He also mentioned the field at the northeast corner of the intersection, which is somewhat removed from the rest of the Village Center. He noted that there were objections to rezoning the area on the east side of West Street, south of the roundabouts because of the streams, the residential character of the street and the shooting range. He noted that he did not think that these properties were crucial to the success of the Village Center.

Ms. Kruger stated that she would not support this change to the Atkins Corners district. It’s been in the planning process for 12 years and is a solid plan, she said.

Ms. Brestrup noted that there is very little of the property on the east side of West Street that is developable, in the opinion of Planning and Conservation Department staff members, because of the perennial designation of the streams.

Mr. O’Keeffe agreed that the proposed AC district should be left intact. The map has already been revised in response to the concerns expressed by neighbors, he said.

Mr. Roznoy arrived (6:04 PM).

There was further discussion about the rezoning proposal for the east side of West Street. Mr. Webber observed that the Board was less inclined to support changes to the proposed rezoning of the Atkins Corners area than it was to support changes to the North Amherst area.

Mr. Crowner MOVED that the Planning Board supports the amendment to the definition of

apartments. Mr. O’Keeffe seconded. (Mr. Crowner noted that the Moderator would decide on the separation of the definitions from the main body of Article 17.)

There was discussion about the motion.

The vote was 7-0-1. (Roznoy abstained; he had voted against the original article.)

Mr. Carson suggested that the Board discuss a possible motion to split Article 17 into North Amherst and Atkins Corners. There was discussion about this suggestion.

Ms. Anderson said that this article was the beginning of the implementation of the Master Plan. She recommended keeping it as a whole.

Mr. O’Keeffe noted that the Zoning Subcommittee had recommended that the article be split, with Mr. Carson and Mr. Crowner voting “yes” and Mr. O’Keeffe voting “no”.

The Board discussed whether they would support each section as it came up and what would happen if part of the article passed and the other part did not pass. The Board also discussed the possibility of separating the article into three parts.

The Board agreed by consensus that if Article 17 is split into two parts (the Atkins Corners map plus the Form-Based regulations; the North Amherst map) and the first part fails, Mr. Webber would move to refer back the second part.

Ms. Kruger asked if the first parts passed (Form-Based regulations and map of Atkins Corners) and Town Meeting arrived at North Amherst separately, would the Board support the rezoning of North Amherst. The Board members agreed by consensus that the parts of the article did not need to be presented together or in order for them to support all of the parts of the article.

Mr. Webber noted that parts of the article could be referred back.

Mr. O’Keeffe noted that there was discussion on the Town Meeting LISTSERV about passing the Form-Based Code text and then moving to refer the North Amherst and Atkins Corners maps.

Mr. Webber and Mr. O’Keeffe observed that the text had been developed with the North Amherst and Atkins Corners areas in mind and that the text contains references to North Amherst and Atkins Corners. Mr. Webber asked what would happen to the R-VF Overlay. There was no response to his question. The discussion ended.

**B.** Topics not reasonably anticipated 48 hours prior to the meeting – none

### **III. OLD BUSINESS**

#### **A. Signing of Decisions**

SPR2012-00001 – Amherst Inn Company, The Lord Jeffery Inn – 30 Boltwood Ave.  
SPP2012-00001 – Amherst Inn Company, The Lord Jeffery Inn – 30 Boltwood Ave.

The Board members signed the decisions.

**B.** Letter from Milton Cantor regarding Boltwood Place – Mr. Webber acknowledged receipt of the letter. There were no comments.

**C.** Topics not reasonably anticipated 48 hours prior to the meeting – none

### **IV. NEW BUSINESS**

**A.** Letter from PVPC – regarding technical assistance – Mr. Webber acknowledged receipt of the letter from PVPC, dated October 27, 2011, offering free technical assistance. After discussion, the Board chose three categories in which Amherst

might benefit from free technical assistance. The categories are as follows:

- Transfer of Development Rights
- Bylaw/ordinances to promote green building, solar or wind power
- Other Valley Vision strategy (facilitation of the development of the Town's Transportation Plan)

Ms. Anderson MOVED to approve the three strategies that had been chosen and to appoint the existing liaison to the PVPC as contact person. Ms. Kruger seconded. The vote was 8-0.

Mr. Schreiber is currently the PVPC representative from the Amherst Planning Board. He stated that he is willing to serve as contact person. Mr. Schreiber noted that Amherst was the first community to approve the Valley Vision Update.

**B. Upcoming Planning Board Schedule**

December 7<sup>th</sup> – Ms. Brestrup noted that on December 7<sup>th</sup> the Board would be holding a public hearing on a Site Plan Review application to expand the Montessori School. In addition, the Board would be hearing a presentation from a potential redeveloper for the BioShelter site in North Amherst. The Board would also be discussing whether to incorporate by reference the Gateway Visioning Report into the Master Plan.

December 21<sup>st</sup> – The Board agreed by consensus not to hold a meeting on the 21<sup>st</sup>. January 4<sup>th</sup> and January 18<sup>th</sup> will be the first meeting dates in the new year.

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

**V. FORM A (ANR) SUBDIVISION APPLICATIONS – none**

**VI. UPCOMING ZBA APPLICATIONS – none**

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

**VIII. PLANNING BOARD SUBCOMMITTEE REPORTS**

Zoning – none

**IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS – none**

Pioneer Valley Planning Commission

Community Preservation Act Committee

Agricultural Commission

Transportation Plan Task Force

Amherst Redevelopment Authority

Design Review Board

Other Boards and Committees

**X. REPORT OF THE CHAIR – none**

**XI. REPORT OF STAFF – none**

**XII. ADJOURNMENT**

The meeting was adjourned at approximately 6:44 p.m.

Respectfully submitted:

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Christine M. Brestrup,  
Senior Planner

Approved:

\_\_\_\_\_  
David K. Webber, Chair

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