

**AMHERST PLANNING BOARD**  
**Wednesday, October 21, 2015 – 7:00 PM**  
**Town Room, Town Hall**  
**MINUTES**

**PRESENT:** David Webber, Chair, Stephen Schreiber, Rob Crowner, Bruce Carson, and Greg Stutsman, Pari Riahi, and Christine Gray-Mullen

**ABSENT:** Richard Roznoy

**STAFF:** Christine Brestrup, Interim Planning Director

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Mr. Webber opened the meeting at 7:03 PM.

**I. MINUTES**

Mr. Schreiber MOVED to approve the Minutes of September 16, 2015. Ms. Riahi seconded and the vote was 7-0-0.

**II. PUBLIC HEARINGS – SITE PLAN REVIEW**

**SPR2016-00002 – Eliana Dabbous – Malek Shawarma Mediterranean Food Restaurant – 11 East Pleasant Street**

Request Site Plan Review approval under Section 3.352.0 of the Zoning Bylaw to install an exterior exhaust system to serve an industrial hood over cooking equipment and to install a sign for a restaurant (Map 11C/276, B-G zoning district)

Mr. Webber read the preamble and opened the public hearing.

Eliana Dabbous presented the application. She has been in business in Amherst for five years and owns and operates Eliana's Barber Shop. She is planning to open a Mediterranean food restaurant adjacent to the barber shop and needs to install an exterior exhaust system to serve the cooking equipment.

The Planning Board held a Site Visit on Monday, October 19<sup>th</sup>. Mr. Webber reviewed the Site Visit Report. Ms. Dabbous' new business will be located in the old Mercantile building, adjacent to the Pub and the barber shop. The restaurant will share an entryway with the barber shop. There is a large front window and a large parking lot in front of the building. A new sign will be installed on the front of the building.

Mr. Webber noted that the rear of the building faces the cemetery. The building is adjacent to the old Carriage Shops building where the historic mural is located. The exhaust system will come out of the building in a location where a large tree overhangs the building. At the site visit Board members asked if the tree above the exhaust system would need to be trimmed.

Ms. Dabbous stated that the installer of the exhaust system would check to see if the branches of the tree will need to be trimmed and they will be trimmed as needed.

Mr. Webber asked if there would be lights to illuminate the new sign. Ms. Dabbous stated that either the landlord or she will add lights over the new sign. The lights will be the same gooseneck style as the existing lights that shine down onto the existing barber shop sign.

Mr. Webber noted that the Fire Department had submitted comments. Among them was a statement that the exhaust system needs to be located at least 18" away from combustible material. He read the other comments that the Fire Department had submitted.

Ms. Dabbous stated that the new restaurant will serve Mediterranean food. The main offering will be "Shawarma", a sandwich-like meal made with meat from a gyro machine. Other foods

will be salad, bread and falafel, baklava, coffee and tea. There will be a counter and tables. Customers will be able to take out or eat in. There will be no waiters.

Mr. Webber reviewed the Development Application Report. He noted the following:

Parking – the property lies within the Municipal Parking District. Therefore, no on-site parking is required. However, the property and the adjacent property are owned by the same owner and contain about 43 parking spaces.

Waivers – the applicant has requested waivers for the following:

- Landscape Plan
- Lighting Plan
- Soil Erosion Plan
- Traffic Impact Statement

Lighting Plan – Mr. Crowner suggested a condition that if there is to be lighting over the sign, it should be the same as the existing lights.

Sign Plan – Mr. Webber stated that the applicant had submitted information on the proposed sign – a 20” x 80” panel sign that would be the same size as the existing barber shop sign. Therefore the requirement for a Sign Plan had been met.

Soil Erosion Plan – there will be no soil disturbance and therefore no need for a Soil Erosion Plan.

Management Plan – a Management Plan has been submitted. Mr. Webber reviewed the Management Plan. The business will close by 10:00 p.m. The applicant can come back to the Board and request a change in hours of operation at a later date, if she wishes the business to be open later. The Board expressed no concerns about the Management Plan. Deliveries will be made to the front of the building.

Drawings – Mr. Webber listed the drawings that had been submitted.

Seasonal Outdoor Dining – the applicant had not specifically applied for approval of seasonal outdoor dining and had not submitted the information required for such an application. She will need to specifically request permission to offer seasonal outdoor dining and may come back in the spring with such an application. There will be no approval of outdoor seating as part of this public hearing process.

Traffic Impact Statement – the Board had no concerns about granting the waiver for the Traffic Impact Statement.

Design Review – the Design Review Board had reviewed the proposed sign and the exhaust system. The DRB had recommended a condition that the words “Mediterranean Food” on the sign be bolder and be written in sans serif letters. Ms. Dabbous agreed with that recommendation.

Town Engineer – there were no comments from the Town Engineer.

There was no public comment.

Mr. Webber stated that the Board’s review should focus on the exterior exhaust system and the sign. He recommended that the conditions of Site Plan Review approval include a condition that any new lights over the sign be the same as the existing lights over the existing sign and that the Fire Department’s conditions be included.

The Board found that the application meets the applicable Site Plan Review criteria in Section 11.24 of the Zoning Bylaw and is in conformance with the requirements of the Zoning Bylaw.

Mr. Schreiber MOVED to close the public hearing and to approve the Site Plan Review application with waivers and conditions as discussed. Mr. Carson seconded and the vote was 7-0-0.

**SPR2016-00003 – Ting-Wei Tang – 61-63 Main Street**

Request Site Plan Review approval to enclose an existing porch at 63A Main Street apartment (Map 14A/258, B-G zoning district)

Mr. Webber read the preamble and opened the public hearing.

Bill Rock, a local contractor, presented the application.

Mr. Tang is proposing to enclose the balcony or porch on the back of the building. He plans to make the right hand side match the left hand side by installing horizontal siding on the right hand side along the exterior of the half-height walls. Screens will be added to enclose the porch. The screens will be matched as closely as possible and will evenly divide the space above the half-height walls.

Mr. Webber read a letter from the applicant describing the materials, explaining what is being proposed and why.

Mr. Webber reviewed the Site Visit Report. He noted that the balcony or porch is on the second floor.

Mr. Rock stated that the gutter on the west side of the porch is not working properly. The applicant has hired the company called Mr. Gutter to replace the gutters and downspouts. Jon Thompson, Building Inspector, has stated that water from the gutters is the main source of the water problem.

Mr. Webber reviewed the Development Application Report. He listed the waivers that were requested including:

- Landscape Plan
- Lighting Plan
- Soil Erosion Plan
- Sign Plan
- Traffic Impact Statement

Mr. Webber recommended that the Board make a finding that the application meets all of the relevant criteria of Section 11.24 of the Zoning Bylaw, Site Plan Review Criteria.

Mr. Stutsman noted that the Board should include the conditions of the Design Review Board in its conditions, as follows:

- The half walls shall be faced with horizontal siding, either clapboard, “cedar-cement board” or vinyl siding;
- The horizontal siding shall be the same color on both sides of the porch.

Mr. Stutsman MOVED to close the public hearing, to approve the Site Plan Review application with the waivers and conditions as discussed and to find that the application meets all of the relevant criteria of Section 11.24 of the Zoning Bylaw, Site Plan Review Criteria. Ms. Riahi seconded and the vote was 7-0-0.

**SPR2016-00004 – First Baptist Church – 434 North Pleasant Street**

Request Site Plan Review approval to install an exterior exhaust system to serve an industrial hood over cooking equipment (Map 11A/29, R-G zoning district)

Mark Santos, a member of the First Baptist Church, presented the application.

The church is seeking permission to install a new exterior exhaust fan.

Mr. Webber noted that the Board had received plans and submittals describing the proposal.

Mr. Santos stated that the church had a cooking range that it was unable to use. They had the kitchen renovated to code. An exhaust hood will be installed over the existing range and it will be vented through the window at the rear of the kitchen. The exhaust vent will then travel up to the roof and the exhaust fan will be mounted on the roof. The apparatus will be black and silver.

Mr. Webber noted that the church kitchen is used for activities at the church as well as for cooking meals for the shelter that is housed in the church in the winter.

Mr. Webber reviewed the Site Visit Report for the site visit that was held on Monday, October 19<sup>th</sup>. He noted that a trailer had been installed in the parking lot to serve meals to occupants of the shelter in the hours before the shelter opens. Meals will be brought across the parking lot to the trailer for the shelter guests.

Board members asked if the Fire Department comments that were submitted for Eliana Dabbous' restaurant would apply to the church exhaust system and stated that they would like to include these comments in the conditions. Mr. Webber noted that comments 1 through 7 and 9 appeared to be applicable and asked Ms. Brestrup to check with the Fire Department. Board members agreed to include these conditions if the Fire Department said they were applicable.

Mr. Webber reviewed the Development Application Report. He noted that other permits had been granted to the church in the past. The parcel is non-conforming as to lot coverage and side setback. The lot size meets the requirements of the Zoning Bylaw.

Mr. Webber listed the waivers that had been requested, including:

- Landscape Plan
- Lighting Plan
- Sign Plan
- Erosion Control Plan
- Traffic Impact Statement

The Board expressed no concerns about granting the requested waivers. No problems were identified in the Development Application Report.

The Board had received copies of the Management Plan and the drawings showing the exterior exhaust fan and the kitchen layout.

Mr. Webber recommended that the Board grant the Site Plan Review approval with the waivers as requested and the conditions from the Fire Department memorandum and make a finding that the project complies with all of the relevant criteria of Section 11.24 of the Zoning Bylaw, Site Plan Review Criteria.

Ms. Riahi MOVED to close the public hearing and to approve the Site Plan Review application with waivers and conditions as discussed and to find that the project meets the relevant criteria of Section 11.24 of the Zoning Bylaw. Mr. Carson seconded and the vote was 7-0-0.

### III. ZONING

- A. Discussion about goals and process; issues to consider include:
1. What works and what doesn't? Ways to improve/alternate approaches
  2. Involvement of full Planning Board
  3. Workload/pace
  4. Reconsider/re-establish priorities
  5. Outreach to Town Meeting members

Mr. Crowner noted that the Zoning Subcommittee had not met recently. He would like to discuss the best way to approach zoning amendments and to establish agreement among members of the Planning Board about a clear plan.

Mr. Crowner proposes to approach the zoning amendment process differently. He would like to establish an ambitious agenda for amending the Zoning Bylaw – both to update it and to amend it so that it is more in keeping with the Master Plan. He noted that the Planning Board had made good progress in this regard and had identified and gotten some good proposals passed, but there is a lot of work left to be done.

Mr. Crowner would like to re-focus on amendments that are necessary for the development of downtown and village centers, to bring more amendments than had been brought in the past few cycles and to address the backlog of amendments.

There are a number of issues that the Building Commissioner and staff have identified. Mr. Crowner would like to bring 3 to 5 amendments at a time to Town Meeting, 1 or 2 larger, more important articles, 1 or 2 staff identified articles and 1 or 2 relatively simple, clean-up articles. He noted that the amendment process has, to a large extent, been staff-driven and he recommended that Planning Board members take more control over drafting zoning amendment language.

Mr. Crowner recommended increasing the size of the Zoning Subcommittee and suggested the possibility of one or two members holding working sessions to draft language and then bring it to the whole ZSC and Planning Board for consideration.

Mr. Crowner noted that the Planning Board had received a recommended outline of a process for developing zoning amendments along with a matrix of priorities. He suggested that Board members review these documents for future discussions.

Mr. Schreiber thanked former Planning Director, Jonathan Tucker, for his years of incredible work with the Planning Board. Mr. Webber noted that Mr. Tucker would remain on the Planning Department staff to work on special projects.

The Board members discussed quorum issues with regard to smaller groups working on zoning amendments.

Board members reviewed the matrix that had been prepared by Planning Department staff, dated June 10, 2015.

Board members discussed the issue of Site Plan Review applicability, especially in light of the smaller projects that they had reviewed earlier in the evening. They noted that it is not easy to determine when a project should receive a public hearing. It's

difficult to develop criteria for when a project is too small to require Site Plan Review by the Planning Board. Board members discussed past scenarios with exhaust systems that were problematic, sheds that were insignificant, exit stairs and fire escapes, signs and air conditioners. Projects that may seem minor to one person may not seem minor to a neighbor and there is often a good reason to hold a public hearing. There may be criteria that can be developed to help the Building Commissioner determine if a project is so small that it does not need review by the Planning Board. These criteria may include whether the project will be visible from the street or from off-site and whether it is likely to produce noise.

Mr. Schreiber noted that the Zoning Enforcement Officer (in Amherst, the Building Commissioner) could hold public hearings and make a judgment based on the public hearing, if the Zoning Bylaw allowed. This type of process is common in other parts of the country. Mr. Webber noted that Springfield has administrative review for some types of projects.

There was discussion about how and when to involve abutters.

Ms. Riahi stated that she would be comfortable with the Building Commissioner making the correct judgment.

Mr. Schreiber suggested that the Board look into the legal right that abutters have for a public hearing. He gave an example of a project in his neighborhood that involved site work but did not require Site Plan Review. The issues were resolved without a public hearing because the property owner cooperated with recommendations from neighbors and the Building Commissioner.

Mr. Carson would like to retain control of projects that affect facades of buildings that are visible from the street.

Mr. Webber would like to ask the Building Commissioner to give examples of communities that allow administrative review.

Mr. Webber noted that there were several issues that grew out of the Planning Board's review of The Retreat – issues related to the Zoning Bylaw and to the Subdivision Regulations.

Board members listed the following issues:

1. Yield Plan – required for Cluster Subdivision; criteria are not clear;
2. Non-owner-occupied duplexes – permit requirements are not clear for Cluster Subdivision; one-half of each duplex should be required to be owner-occupied in Cluster Subdivisions; non-owner-occupied duplexes should require Special Permits;
3. Rental by the bed;
4. Amenity uses – related to Cluster Subdivisions;
5. Academic residential use – a potential new development method;
6. Flag lots in Subdivisions – permit requirements;
7. Problems in Subdivision regulations include:
  - A. Lack of criteria for maximum slopes
  - B. Lack of criteria for maximum heights and lengths of retaining walls
  - C. Maximum lengths of loop roads and cul-de-sacs
8. Definition of student housing;
9. Mix of bedrooms in certain types of developments such as mixed-use buildings.

Board members discussed the level of staffing they would need to work on zoning amendments. They would like to work on zoning amendments at the Board level rather than the staff level. They noted that it is often hard for Board members and the public to keep up with the speed of changes to zoning amendments as they are being prepared and reviewed. They would like to be able to work in small groups of two to draft amendments and then share the drafts with the ZSC and/or Planning Board. They would like to sit around a table without microphones and cameras rather than holding meetings in the formal setting of the Town Room.

The Board members discussed the requirements for Minutes. Ms. Brestrup stated that the minimum requirements for Minutes for public meetings include who was present, the date, time and place of the meeting, a general description of what was discussed and any votes that were taken.

The ZSC plans to do more outreach to Town Meeting members.

- B. Public comment period – none

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

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

#### **V. NEW BUSINESS**

- A. Warrant Review – Board members decided not to present a report to Fall Special Town Meeting under Warrant Article 1.
- B. Planning Board schedule for November – Board members decided not to hold a Planning Board meeting on November 4<sup>th</sup> because it is a Town Meeting night. The next Planning Board meeting will be held on November 18<sup>th</sup>. Ms. Riahi stated that she may not be able to attend on the 18<sup>th</sup>. Board members discussed scheduling the upcoming public forum on the North Amherst Village Center Intersection. Mr. Webber stated that Thursday evenings are not good for him, but that early December seems like a good time to hold the meeting.
- C. Preparation for Joint Meeting on Downtown Parking with Select Board, Planning Board and Transportation Task Force scheduled for Select Board meeting on October 26 – Board members discussed the preliminary agenda for the upcoming meeting on Downtown Parking. They expressed support for a short term working group to be established to study and work on issues. Mr. Crouner volunteered to speak at the joint meeting on behalf of the Planning Board.

Mr. Crouner reported that the Transportation Task Force has been working on how to constitute themselves to implement the Transportation Plan going forward. One of the ideas is a “super-committee” made up of other committees that are working on aspects of the Transportation Plan. Mr. Crouner noted that a member of the Select Board is a liaison to the Transportation Task Force and is therefore aware of the TTF’s work.

Mr. Webber suggested including someone from UMass in the downtown parking working group. Mr. Schreiber suggested an alternative which would be that someone from the working group report to the UMass Campus Planning Committee. Geri Baker who is on that committee is a parking expert. Mr. Schreiber stated that if a parking task force is formed he would not be opposed to being considered as a member.

- D. Topics not reasonably anticipated 48 hours prior to the meeting – Mr. Schreiber stated that the Annual Trivia Bee would be held on Thursday, October 29<sup>th</sup> from 7 to 9. Members of the Zoning Subcommittee have formed a team. The ZSC team won the Trivia Bee in 2011.

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

**VII. UPCOMING ZBA APPLICATIONS – none**

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

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

Pioneer Valley Planning Commission – Bruce Carson – no report  
Community Preservation Act Committee – Pari Riahi – no report  
Agricultural Commission – Stephen Schreiber – no report  
Transportation Task Force – Rob Crowner – report previously given  
Design Review Board – vacant  
Housing and Sheltering Committee – Greg Stutsman – no report  
Zoning Subcommittee – Rob Crowner, Bruce Carson, Greg Stutsman and Stephen Schreiber – report previously given  
UTAC – Mr. Webber reported that UTAC would be starting to meet soon. The first meeting of the steering committee was scheduled for October 28<sup>th</sup> at 5:00 p.m. in the Campus Center. There will be three subcommittees – Economic Development, Housing and Culture, Arts and Living.

**X. REPORT OF THE CHAIR – none**

**XI. REPORT OF STAFF – none**

**XII. ADJOURNMENT**

The meeting was adjourned at 9:15 PM.

Respectfully submitted:                      Approved:

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Christine M. Brestrup  
Interim Planning Director

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David Webber, Chair

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