

## **PLANNING BOARD**

### **Minutes**

**December 10, 2018**

Members Present: Laurie, Jenks, Eiseman (recording), Wilson, Dewey

Others Attending: See attached list

**Minutes.** Approved for November 28 and December 3rd meetings.

**Overview.** Chair Abbie Jenks explained that the meeting was called in response to citizen concerns over a use allowed in the new zoning district, i.e., the Village Center Neighborhood district. Jenks provided an overview of the plan for the meeting and the history that got us to this point. The history included the following points:

1. Advent of the sewer line on Amherst Rd. moved the work of creating a Town Center forward; an idea discussed for 30 plus years. A zoning change was necessary in part because of the advent of sewers which would make large lot zoning open to legal challenge in the area of town served by town water and sewer.
2. The new bylaw represents three years of work, based on previous work (Town Center Study in 2010, Housing Needs Study, 2014, Land Inventory and Assessment, 2017)
3. Discussions with most town boards were held in advance of town meeting.
4. At least 5 public forums and hearings to solicit feedback from public.
5. Dillon Sussman of PVPC helped to develop a plan that addressed what we heard from everyone: need for more affordable housing, a place to gather for coffee/food/beer/wine, preserve the environmental and natural riches of our town, increase diversity and expand town's economic vitality.
6. Result was reduced lot sizes in town center, mixed-use district, some areas commercial development opportunity and home occupations, and greater diversity of housing.
7. Land inventory determined that only 6% of Pelham was available for development at this time. As a result we decided to make some commercial development possible within a wider area.
8. The Board feels there are sufficient conditions for any development proposal to protect neighborhoods from inappropriate uses. All conditions apply to housing as well as business. They are the guides for the special permitting process.

She emphasized that the Planning Board intended to listen and answer questions this evening but that no decisions would be reached. She also mentioned that the Board is now working on storm water management and traffic calming in the Village Center area. The attached sheet (dated February, 2018) was provided to the attendees to remind them of the intent and uses proposed for the new Zoning Bylaw prior to town meeting.

Eiseman explained the special permit process, emphasizing the importance of neighborhood input at hearings and that the overall goal and intent of the Village Center is to create

a welcoming center for the community. She noted that the reason for locating VC where it has been zoned is the presence of sewer and public water. Unfortunately, the water and sewer connections exist mostly on Amherst Road which is not ideal either in topography, certain environmental features, or for safety. Conditions for parking and screening, storm water management, noise, lighting, etc., would have to be met to ensure safety for any enterprise that is proposed. She explained that standards, guidelines and definitions could be refined and strengthened whether or not the change proposed by the residents was made. Public input will be considered at every step in the permitting process and the Board can add special conditions to any permit for further protection.

Eiseman also noted that the Storm Water Management bylaw is being readied for a vote at Spring town meeting because we recognized that, despite the location of the sewers, the Village Center area is also an area with real and major environmental constraints which must be mitigated so that water is kept on properties and not directed to storm drains or sewers as a result of too great an increase in impervious surfaces.

**Kristin DeBoer presentation.** DeBoer resides at 4 Amherst Road. She wants to keep mixed uses in the mixed use district but opposes the potential for pot shops, chain stores, strip clubs, restaurant/bar/entertainment in the neighborhood district which could be permitted if conditions are met. Wants to move forward in a spirit of problem solving and asks for the removal of the restaurant/bar/entertainment provision in the Table of Uses as a “simple” fix. She provided information about at least 14 others in the neighborhood as being supportive of her position and noted that this area was not initially designated for this use and so had escaped her attention when revisions were made prior to town meeting.

Tom Hartman pointed to three changes that could easily be made: “Your speed is signs” could be put up and police ticketing increased; reserve septic area for the school could be used now that sewer is available; change one aspect of the chart, i.e., delete restaurant/bar/entertainment from the VCN district since the uses are inappropriate for the district.

Others speaking for the change included:

Ann Foley 5 Harkness Road; agrees with Kristin. Wanted small town atmosphere and not mixed use. has seen traffic get worse over the years and its difficult to walk on the street even to the library—speed and curve of the road is frightening. Wants a speed change. Wilson, mostly traffic issues being spoken about.

John and Marianne Reiff Amherst Road hadn’t been aware of zoning passage since they were not able to attend town meeting but feels this restaurant/bar/entertainment is a bad idea. He is supportive of the mixed use concept but not in the western end of Amherst Road. Marianne Reiff thanked the Board but said location matters. She’s concerned about congestion as well as the particular use.

Francine Ozereko concurred and with others cited the traffic increases and speed increases over the years as reasons these uses would be inappropriate. She has

seen traffic get worse over the years and it is difficult to walk on the street even to the library—speed and curve of the road is frightening.

Board member Pete Wilson noted that traffic had been emphasized as a key issue by most speakers.

Wendi Weinberg, stated that she is not concerned that a cafe will bring more people going faster, She believes that speed is an issue, but doesn't see relationship between having a cafe and speed. She would like to see more communal space for vibrancy in the town and sees an economic benefit in commercial growth. She does not oppose the restaurant/bar/entertainment use but noted that as she lives further east on a cut de sac she is not affected by the zoning.

John Trickey, Finance Committee Chair, spoke briefly about the financial plight of the town. He pointed out that more revenue is needed to run the town and that last year's revenue increase was only \$11,000. He encouraged people in the neighborhood to consider what might be the case after they no longer owned the property and that other owners might be able and willing to allow a business district to grow. He wants to limit restrictions so that future development might include other uses.

Jenks pointed out that the vision hadn't originally included mixed use for the area west of the new Village Center Mixed Use area and sees potential for changes or clarification in definitions and descriptions.

Fred Englander raised a question about alternatives to business for revenue. Jim Duda wonders why bar/restaurant/entertainment use is needed in the west end of Amherst Road given that the intention is to create a center. Board member Pete Wilson noted that traffic had been emphasized as a key issue by most speakers. Wilson said he was always expecting this to be far in the future and it being a slow process—he's OK with including mixed uses up to the town line assuming all standards were met.

John Hondrogen, Cadwell St, saw little potential for those uses being suitable or able to reach the standards set in the bylaw.

Eiseman explained that there is not necessarily much economic benefit in having business since businesses are not taxed differentially although some improvements might result in higher assessments. Jenks noted that with twenty or more houses for sale or empty in town, creating a vibrant center might make Pelham a more attractive place to live and revenue would be increased incidentally as a result of additional amenities.

Eiseman also noted that businesses have to have a reasonable possibility of making money and that some uses that folks seem to fear will have to be analyzed by an applicant to that end. Once an applicant understands the obstacles that must be cleared, the applica-

tion he submits must satisfy the Planning Board that all conditions can be met to ensure that the use is appropriate where he desires to .

Wilson noted that bringing lots into conformity as a result of the new zoning, rather than having them continue as non-forming uses brings value to the homes in the Village Center and fewer problems to do simple things like adding a deck since no ZBA hearings are required to seek variances or other approvals.

Ralph Faulkingham sees nub of the issue as confidence in the hearing process. As a ZBA member he feels the Special Permit process has worked well for all concerned. While the ZBA has always handled Special Permits and the Planning Board will be taking on a new role in the Village Center, he feels the record has been good in Pelham for protecting the citizens' and neighbors involved. He sees that guidelines need to be developed but he has no problem with hearing process as outlined. Jenks indicated that the Planning Board will be seeking guidance from the ZBA as we enter into this new role. The Planning Board decided that since it is usual for that board to manage special permits in some other towns and because this board has been involved with its planning and inception, it made sense to give it the special permitting role.

Dan Robb, Town Moderator rose to suggest that if citizens wanted to bring an article to town meeting, signatures are needed and it can be put on the warrant at town meeting. Jenks noted that the Planning Board would have to hold a public hearing and that there are time periods that must be met.

Selectman Bob Agoglia indicated that he understands the neighbors' concerns because he used to live on Amherst Road. However, what he loves about New England towns is that there is mixed use and a center. Vibrancy comes with mixed use he said and that Pelham similar to Petersham where not too much can be expected but something is needed. Petersham has a general store/eatery which was created by a citizen buy in to keep it running

Select Board member Karen Ribiero rose to note somewhat sadly that the "your speed is" sign is broken and she hopes to see that remedied soon.

Village Center resident Cam Weimar checked to make sure that current zoning for mixed use areas would not change and was not being proposed. He was reassured on that point by Jenks.

Jenks indicated that there will be more meetings where this will be discussed on January 7 and 14 and encouraged people to attend to listen to the board deliberate. Eiseman indicated that since any warrant articles for May town meeting will likely have to be prepared by February, these meetings will be critical decision making meetings.

Adjourned 8:16 pm

Attachment:

12/10/18

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