

Town of Amherst  
Planning Board/ Zoning Board Work Session  
Wednesday November 18, 2015

PB Attendees: Chair A. Rosenblatt, Ex-Officio J. D'Angelo, M. Peterman, E. Hahn, R. Hart, M. Dell Orfano, C. Harris

ZBA Attendees: R. Panasiti, K. Shea, J. Ramsay, C. Vars  
C. Mailloux- Community Development Director

### Joint Work session

#### 1. Discussion of Potential Zoning Amendments for Consideration

C. Mailloux discussed the goal for the night: to discuss what is working and what can work better. Topics for discussion are listed below. All of the proposed language came from Colleen based on discussions she has had with people. She has written down and provided this language to the boards for discussion.

##### **a. Floor Area Ratio Draft Revisions**

C. Mailloux stated the existing language has created a challenge downtown and around the lake. She asked if the intent is to limit impervious coverage. M. Peterman said the intent was to discourage oversized buildings on smaller parcels. She wondered what the ZBA is seeing for increases.

C. Mailloux stated the case last night was a lake property that requested a variance for a garage.

J. Ramsay asked what the 15% consists of because there are already setbacks and height maximums.

C. Mailloux stated the interpretation has been aggregate floor area. This can include all floors of living space, basements, garages, decks, sheds etc. The boards discussed changing the words "total floor area" to "living space".

R. Hart stated impervious cover is his concern.

The ZBA members explained that the effect of changing the language is that not as many people would be coming to the ZBA for 15% increase variances because the ones that are adding outbuilding square footage that is not counted as living space wouldn't need to come in for that reason. They would only have to come in if they were looking for a variance for another reason (setbacks etc.)

The planning board discussed a couple of options of how to address this issue.

A. Rosenblatt stated the ZBA has brought forth a problem and it seemed the planning board supported altering the wording. Now they had to decide which method they would use:

1. change the language to Living space
  2. change the language to limit the restriction to lots that are non-conforming
- The majority of the planning board was in favor of changing language to "living space".

##### **b. Northern Commercial Zone Draft Language**

C. Mailloux stated the businesses in this area are there by variance, special exception, or grandfathered in. If the desire is to keep it rural and not turn into 101A, but allow commercial agricultural uses, small retail, and restaurants how do they want to allow for that? The purpose today is to get the discussion started. This amendment would probably not be ready for the 2016 vote.

A. Rosenblatt said there are three questions:

- Should there be a northern commercial zone?
- If yes, what language?
- Where would it be?

Tonight, they board only has to answer question one. If yes, there will be further discussion on the other questions in the future. If no, then no further discussion is needed.

M. Peterman suggested a committee may be needed to even figure out if the northern commercial zone is wanted and what the ramifications of it are. Also, they need to know what the state is planning for that road in the next 20 years. She would like to know more about Bedford's corridor.

R. Panasiti mentioned the ZBA has been granting variances in that area lately and the ZBA wondered if it was worth changing the zoning in that area.

K. Shea asked if the goal is to preserve the thoroughway without adding commercial properties that slow down the traffic, or is it to commercialize it. A. Rosenblatt stated that is the struggle- there are people in favor of both.

A sub- committee was formed to research this topic over the next year: M. Peterman, R. Hart, C. Harris, R. Panasiti, and C. Vars.

#### **c. Sign Ordinance Amendments (and Town Counsel recommendations)**

C. Mailloux stated there has been a Supreme Court ruling regarding signage based on content. Temporary signs in Amherst are being regulated differently than businesses or community organizations. Currently, businesses can put up special event signs one time per year and they can stay up for 30 days. Other community organizations can have temporary signs up for 15 days and can have as many as they want per year on a rotating basis by permit. By Amherst treating the businesses and organizations differently, they are being regulated based on 'content' which is a first amendment issue. The Amherst temporary sign ordinance needs to be content neutral. C. Mailloux read her proposed language and mentioned the items for discussion. The new language would apply to every type of organization and include regulations for sign size, amount of signs allowed per year and for how long they can be up.

A. Rosenblatt asked if the board wants to change the language, does the new language satisfy the new ruling. The consensus was yes to both.

C. Mailloux said she constantly hears from the business community that one event sign per year is not enough.

M. Peterman thinks 30 days is too long for the signs to be up.

C. Harris said one sign is not enough. There are 4 quarters plus special events between. 30 days might be too much time for each sign. He is in favor of anything that supports small businesses.

J. D'Angelo is fine with 4 signs for 30 days or 6 signs for 21 days. The board continued to discuss the options. The board came to a consensus. **C. Harris moved and M. Dell Orfano seconded for the sign language to change to 4 signs a year for 21 days each and 2 extra signs per year for new businesses in their first year. Vote: Unanimous** M. Peterman voted for Sally and E. Hahn voted for Gordon.

106 **d. Accessory Apartment Draft Language**

107 C. Mailloux stated more and more accessory apartments are being added in town. Right now they are  
108 allowed by special exception granted by the ZBA as long as they meet the criteria. The criteria states you  
109 must comply with the dimensional requirements of the zone. For nonconforming lots, that means they  
110 have to get a variance whereas others just have to get the special exception.

111 She posed the question: if the board wants to allow accessory apartments and keep all of the  
112 restrictions (size etc.), then do they want to consider just allowing them without the special exception.  
113 The property owner would still need to get the building permit and meet all of the criteria.

114 C. Vars said if the application comes through as a special exception, the ZBA can't stop it. It may as well  
115 be allowed and have the zoning administrator make the determinations.

116 C. Mailloux suggested keeping the current standards, but allowing it as a use in the zones that it  
117 currently says it's allowed by special exception.

118 M. Dell Orfano had two questions:

119 1. He mentioned the state has a statute they are pushing through and asked if this language conforms to  
120 that. Yes, even our current language is in compliance.

121 2. Would a percentage of existing living area be a better metric than the 800 sq. ft.? Colleen explained  
122 the 800 feet keeps it an apartment size. That wouldn't necessarily be the case if you took a percentage  
123 of a very large house. It could end up a much larger apartment- big enough for a family.

124 C. Harris supports the change.

125 The consensus of the board was to change the language to what Colleen suggested.

126 **e. Other Amendments for consideration**

127 None

128 The ZBA members left the meeting at this time.

129 **Planning Board Work session**

130 2. 2016 Zoning Amendments for discussion and posting:

131 a. Amendment 1 – Mobile Homes & Trailers

132 C. Mailloux said the amendment makes some tweaks and revisions that clarify the terms.

133 C. Harris stated he prefers that the words "registered vehicle" be added. **M. Peterman moved and**

134 **C. Harris seconded to post the zoning amendment for public hearing as amended per discussion.**

135 **Vote Unanimous**

136 b. Amendment 2 – IIHO Housekeeping

137 **M. Peterman moved and C. Harris seconded to post the zoning amendment for public hearing as**  
138 **amended per discussion. Vote Unanimous**

139 c. Amendment 3 – Personal Wireless Services

140 C. Mailloux stated that this amendment brings the ordinance into compliance.

141 **M. Peterman moved and C. Harris seconded to post the zoning amendment for public hearing as**  
142 **amended per discussion. Vote Unanimous**

d. Amendment 4 – Elderly Housing Density

C. Mailloux explained the reason for the amendment is because there is an unintentional double density bonus. This will eliminate that density that should have been done last year. **C. Harris moved and M. Peterman seconded to post the zoning amendment for public hearing as amended per discussion. Vote Unanimous**

e. Amendment 5 – Board of Adjustment Housekeeping

The board discussed inconsistent rules for full board members and alternates. The board discussed the language: the word “position”.

**C. Harris moved and M. Peterman seconded to post the zoning amendment for public hearing as amended to eliminate the word “position” in B1 and B5. Vote Unanimous**

f. Amendment 6 – Administration Housekeeping

**C. Harris moved and J. D’Angelo seconded to post the zoning amendment for public hearing as amended per discussion. Vote Unanimous**

g. Amendment 7 – Recreational Uses

Much discussion and clarification occurred amongst the board and C. Mailloux.

The board agreed on posting amendment 7 – Recreational Use and then posting an amendment 8 as a separate amendment that establishes the recreation and includes where it’s allowed as well as “registered nonprofit organizations”.

**J. D’Angelo moved and M. Dell Orfano seconded to post the zoning amendments for public hearing as amended per discussion. Vote: All in favor with A. Rosenblatt abstaining**

3. Other

The next planning board meeting will be December 2<sup>nd</sup>. The agenda will include a concept discussion for a LaBelle development as well as the tabled Wenzel case.

4. Minutes-September 16, 2015; October 21, 2015

This item was deferred.

**C. Harris moved to adjourn at 9:30pm. M. Dell Orfano seconded. Vote Unanimous**

Respectfully submitted,  
Jessica Marchant