



## PLANNING AND DEVELOPMENT · CITY OF NORTHAMPTON

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### The Northampton Planning Board

#### Minutes of Meeting

October 12, 2006

Council Chambers, 212 Main Street, Northampton, MA.

Members Present:		Time
<input checked="" type="checkbox"/>	Chair, Francis "Frandy" Johnson	
<input checked="" type="checkbox"/>	Vice Chair, George Kohout	
<input checked="" type="checkbox"/>	Keith Wilson	
<input checked="" type="checkbox"/>	Kenneth Jodrie	
	Jennifer Dieringer	8:45
<input checked="" type="checkbox"/>	Fran Volkmann	
<input checked="" type="checkbox"/>	David Wilensky	
<input checked="" type="checkbox"/>	Paul Voss, Associate Member	
<input checked="" type="checkbox"/>	George Russell, Associate Member	

#### Staff:

<input checked="" type="checkbox"/>	Planning Director, Wayne Feiden	
<input checked="" type="checkbox"/>	Senior Planner, Carolyn Misch	

**7:05 P.M.** Francis Johnson opened the joint hearing between Ordinance Committee and Planning Board. (Bardsley, M.LaBarge, Richards present as Ordinance Committee)

Staff read proposed ordinances beginning with the amendment to §6.2 to allow heights in the Central Business District to be measured from the front façade and not the average finished grade.

David Narkewicz, Ward 4 councilor, spoke in favor.

Teri Anderson, City Economic Development spoke in favor.

Upon motion by Michael Bardsley and second by Marianne LaBarge, the boards voted unanimously to close the public hearing.

Upon motion by Keith Wilson and second by Ken Jodrie the Planning Board voted unanimously to recommend ordinance to City Council. Upon motion by Bardsley and LaBarge the committee voted unanimously to recommend to council for approval.

**7:15 P.M.** Francis Johnson opened the joint hearing on amendments to section 2.1 to add a definition of Adult Establishment with Adult Material to mean those establishments that have 1,000 square feet or more dedicated for sales/rental of such material;

*planning board · conservation commission · zoning board of appeals · housing partnership · redevelopment authority · northampton GIS  
economic development · community development · historic district commission · historical commission · central business architecture*

Amendment to section 5.2 table of uses to allow by special permit Adult Establishments with Adult Material in the Highway Business District only.

Wayne Feiden described the ordinances. The Boards discussed definitions and clarified minor changes to correct typographical errors.

Teri Anderson, Economic Development Coordinator, spoke in favor.

Lisa Fiske, asked that the city be careful about the regulations it imposes so as not to inadvertently squelch free speech.

Yoshi Bird, spoke in favor of the ordinances and described her legal experiences in regulating and observing the sex industries.

Karen Bercovici, spoke in favor of the ordinance in its balance to allow free speech but protect interests of families and children.

Mike Kirby, spoke in favor of the proposed ordinance.

Adam Cohen, spoke in favor.

Peter Brooks, identified concerns about how the content on aisles is to be defined. He raised other concerns about how the ordinance could be misinterpreted and thereby cause unintended consequences.

Courtney Suza, and of Talk Back Northampton read an article from a magazine found in CVS that could fall within the interpretation of adult material to illustrate a concern about the range of materials that could be affected by the ordinance.

Nick Pell, spoke in opposition and highlighted issues related to vagueness of the ordinance and its potential affect on a broad range of retailers.

Liz Jensen, asked the Boards to think about the ordinance in relation to other uses such as bars that can be interpreted to contribute to crime and impacts on neighborhoods.

Mary Yun, spoke in favor of the ordinance because it creates a reasonable expectation on the part of the city, neighborhoods, and operators.

Andrew Sirulnik, spoke in favor of the ordinance. He suggested additional conditions that might be applied to special permit criteria relative to hours of operation, age restrictions and imposition of renewal clause for permits as well as limiting permits to those who have not been convicted of certain crimes as described in 9A. He also suggested that the language be improved to more clearly specify definitions of adult material.

Bill Dwight, spoke in opposition to the ordinance based on the vagueness of the language and the broad net that would capture retailers beyond the purported intended target.

Audrey Hoshimeyer, suggested that the square footage threshold for permitting be reduced below 1,000 square feet.

Upon motion by George Russell and second by Michael Bardsley, the board voted 7-1 (David Wilensky) to close the public hearing.

The Board discussed the square footage requirements.

Wayne Feiden addressed the issue of definitions and described reasoning for utilizing the language in state statute.

There was further discussion about the validity of the ordinance.

Fran Volkmann stated her concern with the Building Commissioner being the sole individual making a decision.

David Wilensky stated discomfort with way that ordinance is going and the reactionary nature of the ordinance.

Bardsley emphasized Yoshi Bird's statements about the negative activities that such stores foster and that the size of stores make a difference.

There was further discussion about the appropriateness of the ordinance.

Upon motion by Keith Wilson and second by Paul Voss the board voted 5-3 (Fran, David, George Kohout opposing) to recommend approval of the ordinance.

The ordinance committee voted unanimously to recommend approval to City Council.

**9:00 P.M.** Francis Johnson opened a continuation of a public hearing for an open space cluster development requested by Jim Harrity on 360 North King Street.

Mark Tanner, applicant's counsel, gave an overview of the changes.

Aharon Sharff described site specifics and clarified that there had been no formal response from Mass Highway to the request for a center turn lane within the Route 5 right-of-way. Verbal comments given to the applicant related to widening the driveway to 24' with yellow lane line separation and stop bar with stop sign at the entrance.

Francis Johnson asked for Department of Public Works comments to be reviewed.

Francis Johnson asked applicant if all issues have been addressed from July 13 hearing.

Ken Jodrie asked how many trees will be protected.

The applicant clarified that PL-2 plan sheet holds for tree protection fencing.

Ken Jodrie asked how any parking spaces were removed.

Sharff showed that there were 18 removed and placed in a reserved spot.

Tom Wooster, 32 Stonewall, spoke in opposition to project and read letter submitted to record from Engineer James Smith.

Virginia Wooster, 32 Stonewall, spoke as former teacher about concern of impact on schools.

Rick Desgres 409 N. King St, spoke in opposition to the project.

Kimberly Lambert, 97 Pines Edge, suggested that a buffer be located along southern boundary and the quarry edge.

Suzanna Wilbur, 93 Pines Edge spoke in opposition.

Jason Niles, 360 N. King spoke in favor of project based on the inclusion of affordable units.

John Skibiski of 426 Hatfield Street stated concerns about impact to Fitzgerald Lake conservation area and spoke in opposition to the plan.

Wayne Thibeault, spoke in favor of the application.

Bruce Young, stated the position of the Conservation Commission and changes to detention pond. He stated that the Commission recommended that no dumpsters or large receptacles be allowed on site in order to eliminate prospects of attracting wildlife.

George Kohout gave a pitch to increase the buffer along the quarry edge and to provide a second access from King Street.

Upon motion by David Wilensky and second by Keith Wilson the board voted unanimously to continue the hearing to 8:30 PM on Nov 9.

**10:30 P.M.** Francis Johnson opened a request by Sequoia Properties for Site Plan Approval to create a 4-unit condominium at 84 Round Hill Rd, Northampton, Map ID 31B-004.

Jay Vinski, Berkshire Design Group described the project details.  
Board discussed Department of Public Works comments.

The owner of 88 Round Hill owner spoke about concerns of the dumpster.

Robert Jones 83 Bancroft Rd., stated concerns about the parking lot and use of a dumpster.

The Board discussed possible permit conditions.

Upon motion by David Wilensky and second by Ken Jodrie, the board voted unanimously to close the hearing.

Upon motion by David Wilensky and second by Keith Wilson the board voted unanimously to approve site plan with conditions discussed.

Upon motion by Keith Wilson and second by Ken Jodrie, the board voted unanimously to recommend discontinuance of a portion of Arnold Ave.