



## PLANNING AND DEVELOPMENT · CITY OF NORTHAMPTON

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### The Northampton Planning Board

#### Minutes of Meeting

September 28, 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	7:10-9
<input checked="" type="checkbox"/>	Keith Wilson	
	Kenneth Jodrie	
<input checked="" type="checkbox"/>	Jennifer Dieringer	9
<input checked="" type="checkbox"/>	Fran Volkmann	
	David Wilensky	
<input checked="" type="checkbox"/>	Paul Voss, Associate Member	
<input checked="" type="checkbox"/>	George Russell, Associate Member	

#### Staff:

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

7:00 P.M. Francis Johnson opened a joint hearing with City Council Ordinance Committee on discussion to amendments of section 6.8 (4). (Bardsley, Richards, M.LaBarge present for Ordinance Committee)

Staff described proposed changes.

David Narkewicz spoke in favor of the proposed change.

Upon motion by Keith Wilson and second by George Russell, the board voted unanimously to close the public hearing.

Upon motion by Keith Wilson and second by George Russell the board voted unanimously to recommend approval to City Council of this zoning change. (Paul Voss abstained). Ordinance Committee voted to take up the discussion at its next scheduled meeting October 10.

Francis Johnson opened the hearing on section on the proposed 11.4 changes.

Staff described reason for proposed changes.

Upon motion by George Russell and second by Keith Wilson, the boards voted unanimously to close the public hearing.

*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*

Upon motion by George Russell and second by Paul Voss the board voted unanimously to recommend the ordinance change to City Council.

7:20 P.M. Francis Johnson opened the hearing on the proposed changes to section 2.1, 5.2, 10.13. 7.2 (19) and 11.6(9).

Francis Johnson read the proposed language changes.

There was a discussion of where such establishments could be located and why zones were not created.

Staff read proposed amendment to section 10.13.

Francis Johnson opened the discussion of 2.1, 5.2, 10.13.

Teri Anderson, Economic Development Coordinator, spoke in favor of the proposed ordinances and stated the concerns regarding negative effects on adjacent businesses.

Peter Brooks spoke about constitutionality of issues. He stated that he thought the city's attempt to address signage was appropriate, but he was unsure about its ability to withstand court challenge. He voiced a concern about the language regarding "secondary effects" of adult establishments used in the ordinances and suggested that a sunset clause be included to allow time for further research.

Rev. Peter Kakos, spoke on behalf religious leaders in the community in support of ordinances tonight and those to come forward on the 12<sup>th</sup> of October.

Adam Cohen, suggested that adult theater be added to the zoning changes. Presented case study on secondary effects done in New York City.

Andrew Sirulnik, spoke in favor of the changes. He asked whether Council had considered banning private viewing booths altogether. It doesn't appear that there is any problem with this concept based on public health concerns. He suggested that the ordinance should cite studies related secondary effects of such uses and that the definition of viewing booth should be clarified.

He asked about a possible 1,000 foot setback?

Mary Jung, asked about the 500' separation and how it was determined. She spoke in favor of the ordinances.

Diana Davies, spoke in opposition to the store and its location.

Mike Kirby, spoke in favor ordinances.

Deborah Horton, spoke against the shop.

Upon motion by George Russell and second by Keith Wilson, the boards voted unanimously to close the hearing.

There was a discussion of the proposed changes based on public comments.

Upon motion by Keith Wilson and second by Paul Voss the board voted unanimously to recommend the first set of ordinances. Ordinance Committee voted unanimously to recommend approval of the change. Both votes included the floor amendment on for the change to 10.13.

Francis Johnson opened discussion of signs and site plan approval.

Andy Cohen asked about provisions for site plan and blocking windows.

Peter Brooks spoke of concerns related to regulating content of signs and blocking windows.

Teri Anderson, Economic Development Coordinator spoke in favor of the proposed ordinances.

Andy Sirulnik, stated that his research showed that this is not breaking new legal ground.

Debra Horton stated that we should regulate based on Northampton interests and standards.

Upon motion by George Russell and second by Keith Wilson the boards voted unanimously to close the hearings.

George Kohout raised concern about censorship and contents within windows as well as a concern about the individuals who would be charged with reviewing and determining content.

George Kohout stated that he did not feel comfortable voting on the content of the signs.

Upon motion by Keith Wilson and second by Paul Voss the boards voted (all but George Kohout) to recommend approval of the ordinances. The vote included the discussed changes discussed merging A and B and scriveners for A Sign....

George Kohout stepped down for the subsequent hearing.

9:00 P.M. Francis Johnson opened a request by Beaver Brook Nominee Trust & Patrick J. Melnik for Preliminary Subdivision on property located on Evergreen Rd, Leeds Map IDs 5-6,7,12; 6-18,19,30,21,58,61; 11A-3.

Pat Melnik, Jr. presented application. He stated that he is proposing a \$2,000 per "lot" payment toward bike path connection out of cul-de-sac.

Francis Johnson opened the discussion to the public.

Lorraine Himmelman, tenant of 4-unit complex spoke in favor of plan.

Sandy Glyn asked for an exemption to the 3 minute speaking rule. She submitted documents relating to waivers and Institute of Traffic Engineers statement about traditional neighborhood design. She asked the Board to describe the reasons why the subdivision rules had changed from allowing an 830' length cul-de-sac to a maximum of 500'.

Deb Jacobs, Grove Avenue raised concerns about traffic on Evergreen and Rt 9. She urged that some measures were necessary to address speeds and volumes. She also stated her concerns about how the conservation restriction boundary would be permanently marked and maintained.

Jim Montgomery spoke against the project. He raised a concern about sight lines at the intersection of Evergreen and Chestnut.

Laura Sandhusen, 32 E. Center Street, spoke against the project because of traffic safety concerns.

Julie Akarat Grove Avenue spoke against the project because of traffic safety issues.

The Board discussed conditions based on comments, Department of Public Works, Fire Department issues and zoning and subdivision regulations.

Upon motion by Keith Wilson and second by George Russell the board voted unanimously to close the hearing.

Upon motion by Keith Wilson and second by Jennifer Dieringer the board voted unanimously to approve the preliminary subdivision with conditions discussed and with waivers for road curvature only if Department of Public Works approves.

Discussion of extra Planning Board meeting for Nov 30<sup>th</sup> at 7 pm for: "What every planning board member needs to know."

Upon motion by Keith Wilson and second by George Russell, the Board voted unanimously to approve the amendment to the condition for Bear Hill estates to eliminate sprinklers.

Upon motion by Keith Wilson and second by Fran Volkmann the board voted unanimously to approve the reduction in letter of credit for the Ridge subdivision.

Minutes of 9/14 approved unanimously.

Keith Wilson updated board on the discussions relating to the River Valley Market coop driveway width.