

AMHERST PLANNING BOARD
Wednesday, March 6, 2019, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Michael Birtwistle, Maria Chao, Christine Gray-Mullen, Jack Jemsek, David Levenstein, Pari Riahi, Greg Stutsman, Chair

STAFF: Christine Brestrup, Planning Director
Pamela Field-Sadler, Administrative Assistant

7:00 pm: Mr. Stutsman opened the meeting.

I. MINUTES

Mr. Birtwistle moved to approve the Minutes of December 12, 2018 as written. Ms. Gray-Mullen seconded.

VOTE: 5-0-2 to approve

ABSTAIN: Chao, Stutsman

II. PUBLIC COMMENT PERIOD - None

While waiting to open the public hearing, the Planning Board (Board) took up these items as follows:

IV. PLANNING & ZONING

A. ZSC Report - The ZSC has not met since the last report.

B. Public Comment about ZSC Report - None

C. Other - None

V. OLD BUSINESS

B. Topics not reasonably anticipated 48 hours prior to the meeting. - None

VI. NEW BUSINESS

A. Topics not reasonably anticipated 48 hours prior to the meeting. - None

VII. FORM A (ANR) SUBDIVISION APPLICATIONS

A. ANR 2019-05 – Amherst Media – Corner of Main & Gray Streets

Upon the Board’s endorsement, Mr. Stutsman signed ANR 2019-05 relating to property at the corner of Main St. and Gray St.

VIII. UPCOMING ZBA APPLICATIONS

Ms. Brestrup provided a review of the upcoming ZBA applications.

A. Hickory Ridge Golf Course Solar Project – Changes have been made to the

Special Permit application since the Board’s review including the use of only one

bridge and one entry drive. Ms. Brestrup will confirm the date of the ZBA public hearing and notify the Board members.

- B. MA Alternative Care – Request a Special Permit for a medical and recreational marijuana facility at 55 University Drive – application not yet submitted
- C. Herbology Group – Request a Special Permit for a medical and recreational marijuana facility at 422 Amity Street.
- D. 1185 North Pleasant St. - Request a Special Permit to convert a mixed-use building into two non-owner occupied dwelling units.

IX. UPCOMING SPP/SPR/SUB APPLICATIONS - None

III. PUBLIC HEARINGS – SITE PLAN REVIEW

SPR 2019-03 – The Emily Dickinson Museum – 20 Triangle St. and 280 Main St.

Request Site Plan Review approval to convert a single-family house to administrative offices for The Emily Dickinson Museum, a non-profit museum and educational institution, under Sections 3.330.0 and 3.334 of the Zoning Bylaw, including site improvements to 20 Triangle Street and 280 Main Street, for access and parking (Map 14B, Parcels 20 & 27).

There were no Board disclosures.

7:10 pm: Mr. Stutsman read the preamble and opened the public hearing.

Mr. Tom Hartman, C&H Architects, introduced himself as the representative for The Emily Dickinson Museum and presented the application. The goal of the project is to create second floor office space and a ground floor seminar room for up to 30 people at 20 Triangle St. The applicant has requested the following waivers:

- Erosion Control Plan
- Sign Plan
- Traffic Impact Statement
- Construction Logistics Plan
- Pollution & Hazardous Materials Plan

Additionally, the applicant requests a waiver under Section 7.90 of the Zoning Bylaw for parking requirements found under Section 7.0040 to waive the requirement for six parking spaces and only provide three spaces, one of which will be a handicapped accessible/van-accessible space.

Mr. Hartman explained the project, considered as a Change of Use in the Zoning Bylaw and the Building Code, would also be reviewed by the Local Historic District Commission (LHDC). Additionally, the cost of the project is greater than 30% of the assessed value of the property and requires compliance with 521 CMR; however, an application was submitted to the Massachusetts Architectural Access Board (MAAB) requesting four variances:

1. Waive the requirement for an elevator
2. Propose the south porch be the single accessible entrance
3. Propose to locate an inaccessible toilet room on the second floor

4. Request a variance to eliminate the accessible parking at 20 Triangle St. Propose the accessible parking spaces be located at the Museum approximately 270' from the accessible entrance rather than the 200' requirement

Mr. Hartman expects MAAB will hear the variance requests within 2-4 weeks. If MAAB grants the accessible parking variance, the parking located at 20 Triangle St. will be marked for staff only, and visitor parking will be located at the museum or along Main St. All patron check-in will take place at the museum; seminar participants will then walk along a stone dust pathway to access 20 Triangle St. Mr. Hartman pointed out that the Amherst Disability Access Advisory Committee (DAAC) is agreeable to the staff only parking at 20 Triangle St. provided two accessible parking spaces are available at the museum. Mr. Hartman discussed exterior site improvements including re-building the south side porch, re-building the front steps and adding handrails, lighting, the addition of a fire alarm beacon, as well as tree removal and trimming.

Mr. Hartman addressed questions developed during the Site Visit. Mr. Hartman confirmed a variance has been requested from MAAB to connect the proposed accessible parking and the accessible entrance with a 270' stone dust pathway; the requirement is 200'. He also noted the pathway is considered accessible when maintained properly; Amherst College will be responsible for the pathway maintenance.

Mr. Hartman explained, in consideration of the plowing hazard presented by the narrow driveway, the original proposal provides for removing an existing loose Goshen stone wall on the east side of the house, regrading the area, and widening the driveway from 10' to 14'. Mr. Hartman provided two new options to the Board which demonstrate alternative parking suggestions if the stone wall were to be retained. The original plan proposes three parking spaces and the new options accommodate four parking spaces. Mr. Hartman also agreed the shrubbery along Triangle St. could be cut back to improve visibility when entering or existing the driveway.

The path from The Emily Dickinson Museum will be lit with granite bollard lights. The path will be paved with packed stone dust, which is considered to be accessible if well-maintained.

A large Oak tree on the north side of the house will be removed and a large Spruce tree, also on the north side, will be trimmed to accommodate the new path.

The Board reviewed the Development Application Report outlining items for consideration noted by the Planning Department staff, and then proceeded with a discussion. Mr. Hartman provided the following information while answering questions from the Board:

- The museum is under no obligation to provide accessible parking for museum staff; however, it would be available at the museum.

- It is probable delivery trucks would not fully pull into the parking at 20 Triangle St. but will sit in the driveway in front of the house.
- Mr. Hartman prefers the original parking plan included with the application, as opposed to either new option presented.
- Mr. Hartman agreed trees and shrubbery could be trimmed back to gain an additional 1'-2' for increasing the parking area in an effort to conform more closely to the regulation requirement of six spaces.
- The gate between the two properties will be open during scheduled seminars, and closed at other times; the gate is not intended to change the residential character of the neighborhood.

There were no public comments or questions.

The Board reviewed a list of possible conditions for the project and discussed the possibility of including a condition to require a bike rack. A feasible option could be to require a bike rack located at the museum prior to the issuance of a Certificate of Occupancy. While discussing the suggested parking options, the Board determined maximizing the parking space is a priority.

The Board drafted a list of possible conditions for this project, including:

- 1) All exterior lighting shall be downcast and dark sky compliant;
- 2) If the Local Historic District Commission recommends substantial changes to this project during its review, the applicant shall return to the Planning Board at a public meeting to review the recommended changes and determine if other action is required;
- 3) The applicant shall return to a public meeting to discuss with the Board the possibility of providing a bike rack prior to the issuance of the Certificate of Occupancy;
- 4) Landscaping shall be installed in accordance with the Site/Landscape Plan and, once installed, shall be continually maintained. All disturbed areas shall be loamed and seeded, unless otherwise specified.
- 5) If the AAB (Architectural Access Board) determines that no accessible parking space is required at 20 Triangle Street, the applicant shall return to the Planning Board for review and approval of the deletion of the accessible parking space.

The Board reviewed the comments of the DAAC (Disability Access Advisory Committee) on this project. Mr. Hartman stated that if the AAB approves the variance requests then the project will meet all of the DAAC recommendations.

There was discussion about which of the parking options to pursue and whether the last plant at the end of the hedge in front of the house should be removed to improve sight distance.

The Board acknowledged that up to 30 people would attend seminars at 20 Triangle Street, but people would be directed to park in the Alumni Lot at Amherst College or on the street at metered spaces.

There will be up to 7 staff people on the property at any given time. The staff people will also be directed to park in the Alumni Lot or on the street or to take public transit.

Ms. Gray-Mullen stated that her goal would be to maximize parking on site, in a manner that is efficient for plowing and the usability of the spaces. She considered Option A to be the best option with four parking spaces.

There was further discussion about the number of parking spaces, visibility, plowing and the stone wall.

Ms. Riahi moved to continue the public hearing for SPR 2019-03 – The Emily Dickinson Museum – 20 Triangle St. and 280 Main St. to the Planning Board meeting scheduled for March 20, 2019. Mr. Levenstein seconded. **VOTE:** 7-0-0 to continue

V. OLD BUSINESS

A. Planning Board Rules and Regulations – Review and update to bring into compliance with the Amherst Home Rule Charter and other issues.

Mr. Stutsman explained the Board began their review and discussion of the Planning Board Rules and Regulations (PBRR) at a previous meeting. Ms. Brestrup provided a summary of the Site Plan Review (SPR) approval process initially adopted by Amherst Town Meeting in 1988. When originally adopted, the SPR approval process included a two-thirds (2/3) vote requirement. In the fall of 1998, Town Meeting amended the SPR approval vote requirement to read “The concurring vote of at least two-thirds, but not fewer than five (5), of the members of the Board participating and voting shall be required for any decision on a site plan application (abstaining members being considered not to be voting)”. The SPR approval vote requirement, as amended in 1998, remains current.

Ms. Brestrup explained the Bylaw Review Committee (BRC) did not recommend any substantive changes to the Zoning Bylaw, nor has Town Council taken up the recommendations put forth by the BRC for approval. At this time, it is necessary for the Board to recommend an appropriate SPR vote requirement due to the size reduction of the Board from nine to seven members as mandated by the Town Charter. Ms. Brestrup also pointed out the SPR approval vote requirement language appears in both the PBRR and the Zoning Bylaw. The Board has the authority to amend the PBRR; however, the approval of Zoning Bylaw amendments is the purview of the Town Council. Mr. Stutsman suggested removing the current SPR vote requirement language from the PBRR and adding a new reference to the SPR vote requirements as written in the Zoning Bylaw.

The Board reviewed the suggested amendments to the PBRR drafted by the Planning Department staff (staff). Ms. Brestrup explained the difference between Site Plan Review, which is considered for a “by right” use and a Special Permit which is discretionary.

The proposed language for the PBRR regarding the SPR approval vote requirement reflects this difference. The proposed language allows for “a majority, but not fewer than four (4)” Board members to vote and make a decision on an SPR application.

During the discussion, Mr. Birtwistle shared his interpretation of the case *Osberg V. Planning Board of Sturbridge*, 44 Mass. App. Ct. 56, and suggested the Board is within their right to request a 2/3 vote requirement. Mr. Birtwistle shared his support for retaining a 2/3 vote requirement for an SPR approval. Ms. Chao, Mr. Levenstein, Mr. Jemsek and Mr. Stutsman shared their support for the proposed language as drafted by staff.

The Board agreed to hold a public hearing at their April 17, 2019 meeting to review the draft PBRR with proposed amendments to the SPR approval voting requirements, as well as other changes recommended by the Planning Department staff.

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission - Jack Jemsek and Christine Gray-Mullen - Board members should have received a link in an email to pioneervalleydata.org. Ms. Gray-Mullen encouraged the Board to visit the site. The PVPC is working on a Regional Transportation Plan and requests that everyone take the survey about transportation by 2/25 that is available on their website.

Community Preservation Act Committee (CPAC) - Mr. Birtwistle is officially sworn in as a member of CPAC. Mr. Birtwistle explained the four upcoming meetings will be dedicated to proposal presentations by applicants seeking CPAC funding.

Agricultural Commission - Ms. Riahi was nominated to this commission and is waiting for appointment.

Design Review Board - No Report

Amherst Municipal Affordable Housing Trust - Mr. Stutsman reported there has been no meeting since the last Planning Board meeting.

Zoning Subcommittee - Mr. Stutsman reported there has been no meeting since the last Planning Board meeting.

UTAC (University and Town of Amherst Collaborative) - Christine Gray-Mullen, Greg Stutsman - Ms. Gray-Mullen stated a meeting regarding UTAC is scheduled for March 25, 2019. Mr. Stutsman shared his understanding that the purpose of the meeting is to consider formerly dissolving UTAC and how it might evolve in a different form.

Downtown Parking Working Group - Christine Gray-Mullen reported the plan is to host Public Forums in the next month or two.

Mr. Jemsek and Ms. Gray-Mullen will not be available to attend the Planning Board meeting on April 3.

Mr. Birtwistle and Ms. Riahi will not be available to attend the Planning Board meeting on March 20.

XI. REPORT OF THE CHAIR - No Report

XII. REPORT OF STAFF - No Report

XIII. ADJOURNMENT

The meeting adjourned at 8:45 PM.

Respectfully submitted:

Approved:

Pamela Field-Sadler
Administrative Asst.

Greg Stutsman, Chair

DATE: _____