

AMHERST PLANNING BOARD
Wednesday, May 29, 2019, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Michael Birtwistle, Maria Chao, Christine Gray-Mullen, Acting Chair, Jack Jemsek, Pari Riahi
ABSENT: David Levenstein, Greg Stutsman
STAFF: Christine Brestrup, Planning Director
Pamela Field-Sadler, Administrative Assistant

7:00 pm: Ms. Gray-Mullen opened the meeting and announced that in the absence of Mr. Stutsman she would serve as the Acting Chair.

I. MINUTES

Ms. Riahi moved to approve the Minutes of May 15, 2019 as written.
Mr. Birtwistle seconded.

VOTE: 5-0-0 to approve as written

II. PUBLIC COMMENT PERIOD – None

III. APPEARANCE – Attorney Bob Ritchie, Bylaw Review Committee

Attorney Ritchie introduced himself and explained that Section 10.7(v) of the Amherst Home Rule Charter (AHRC) adopted on March 27, 2018 required the Town Council to create a Bylaw Review Committee (BRC). This BRC succeeds the BRC appointed by the Select Board under Section 10.7(u) of the AHRC. Attorney Ritchie is the Chair of the active BRC.

Attorney Ritchie provided a summary of the work of the first BRC which resulted in recommended amendments to the Amherst Zoning Bylaw (Bylaw) needed to bring them into conformity with the AHRC. Although the Planning Board (Board) held a Public Hearing regarding the proposed amendments and provided recommendations to Town Council, Town Council deferred the matter until the second BRC was created. At this time, the active BRC, as required by M.G.L. Ch.40A Sec. 5, is submitting the proposed amendments to the Board for review and a new Public Hearing.

Attorney Ritchie reported the proposed amendments are non-substantive, and have not changed from the original recommendations the Board previously reviewed. Attorney Ritchie also confirmed that under Section 10.1 of the AHRC, the current Zoning Bylaw remains effective until amended or repealed.

Ms. Brestrup reported the Zoning Bylaw Amendment Public Hearing date is June 5, 2019. Ms. Brestrup will include the BRC Recommendation memo sent to Town

Council and the minutes of the December 12, 2018 Board meeting in the packet materials for the June 5, 2019. Attorney Ritchie will also be available to present the proposed amendments at the Public Hearing.

IV. PUBLIC HEARING – SITE PLAN REVIEW
SPR 2019-04 – Amherst Community Television,
d/b/a Amherst Media – Corner of Gray Street and Main Street
(continued from March 20, 2019)

Request Site Plan Review approval to construct a new building and associated site improvements, for Amherst Media, a 501(c)(3) Educational Institution, under Section 3.330.0 of the Zoning Bylaw, (B-N Zoning District, Map 14B, Parcels 250 & 251)

Ms. Gray-Mullen reported that the Board had received a request from Bucky Sparkle, PE on behalf of Amherst Community Television d/b/a Amherst Media to continue the public hearing for SPR 2019-04 to a Board Meeting in July. Ms. Brestrup suggested the Public Hearing could be scheduled for the Board’s July 17th meeting.

Mr. Birtwistle moved to continue the public hearing for SPR 2019-04 – Amherst Community Television, d/b/a Amherst Media – Corner of Gray Street and Main Street to the Planning Board meeting scheduled for July 17, 2019 at 7:05 p.m. Ms. Riahi seconded the motion.

VOTE: 5-0-0 to continue

V. PUBLIC HEARING – PLANNING BOARD RULES AND REGULATIONS
PBR-1-19 – Planning Board Rules & Regulations
(continued from April 17, 2019)

To review, update and amend the Planning Board Rules and Regulations to bring them into conformance with the Amherst Home Rule Charter, as adopted March 27, 2018

Ms. Brestrup explained Attorney Joel Bard has reviewed the proposed changes to the Planning Board Rules and Regulations (PBRR). Section 4.15 of the PBRR allows an applicant to appeal the Board’s selection of a consultant; Attorney Bard recommends these appeals should be made to the Town Council. The Board agreed with Attorney Bard’s suggestion.

Ms. Brestrup also reported that in regards to the Site Plan Review (SPR) decision voting requirement, Attorney Bard is of the opinion that either a majority or a two-thirds (2/3) vote is correct. Attorney Bard did recommend language to replace the current proposal that is more concise: *“The concurring vote of at least four (4) members of the Board shall be required for any decision on a site plan application.”*

Ms. Brestrup reminded the Board that Mr. Stutsman suggested the PBRR refer to the Article 11, Section 11.25 of the Bylaw for SPR voting requirements which currently requires at least two-thirds (2/3), but not fewer than five (5) members voting. The

Board could then consider making a recommendation to the Town Council to change the Bylaw in the future.

Mr. Birtwistle and Ms. Riahi support using Mr. Stutsman language. Mr. Birtwistle referred to Section 11.2501 of the Bylaw and shared his opinion that an SPR application can be denied by the Board. Mr. Birtwistle is of the opinion that the Special Permit and Site Plan Review decision voting requirements should be parallel.

Mr. Jemsek stated he supports Attorney Bard's recommendation for the more concise language. He noted that often Board members abstain or recuse themselves, and he feels four is a reasonable number. Ms. Chao stated she prefers the word "majority." Ms. Gray-Mullen reminded the Board that bills have been proposed for statewide legislative SPR requirements including "simple majority" and "only members present" in regards to decision voting. Ms. Brestrup will ask Attorney Bard to clarify if his recommendation is based on the full seven member Board or members present.

Ms. Riahi moved to continue the public hearing for PBR-1-19 Planning Board Rules & Regulations (Planning Board) to the Planning Board meeting scheduled for June 5 , 2019. Ms. Chao seconded.

VOTE: 5-0-0 to continue

VI. PLANNING & ZONING

A. ZSC Report

Ms. Chao reported that the ZSC did not have a quorum for their meeting. The ZSC will meet on June 5, 2019.

B. Public Comment about ZSC Report – None

C. Other – None

VII. OLD BUSINESS

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

VIII. NEW BUSINESS

Topics not reasonably anticipated 48 hours prior to the meeting:

A. Staff will create a Doodle Poll and invite the Board members to share their availability for June, July and August.

IX. FORM A (ANR) SUBDIVISION APPLICATIONS

ANR 2019-09 – 47 Red Gate Lane

Upon the Board's authorization, Ms. Gray-Mullen signed ANR 2019-09 relating to property at 47 Red Gate Lane.

ANR 2019-10 – 646 West Street

Upon the Board's authorization, Ms. Gray-Mullen signed ANR 2019-10 relating to property at 646 West Street.

X. UPCOMING ZBA APPLICATIONS

Ms. Brestrup updated the Board on the following applications:

A. Cooley Dickinson Health Care – The ZBA has requested that a Special Permit application be submitted for this project.

- B. The ZBA approved a project on Fearing St. to convert a garage to living space.
- C. The application to create a flag lot on Bay Road was withdrawn by the applicant.
- D. The ZBA approved the construction of solar arrays at 191 West Pomeroy Lane.
- E. Herbology Group – proposes to operate a Recreational Marijuana Retail and Off Site Medical Marijuana Dispensary located at 422 Amity St.

XI. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup reported she expects to receive the application for the Amherst Dog Park which is proposed to be developed on the old landfill site on Old Belchertown Rd.

XII. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission - Jack Jemsek and Christine Gray-Mullen

Mr. Jemsek reminded the Board that the PVPC Annual Meeting is planned for June 13, 2019.

Community Preservation Act Committee - Mr. Birtwistle informed the Board that there is some opposition to the recommended single room occupancy project on Northampton Road. Ms. Brestrup reported that Town Council will host a meeting on June 18th to discuss concerns.

Agricultural Commission - Pari Riahi - No Report

Design Review Board - Michael Birtwistle - No Report

Amherst Municipal Affordable Housing Trust - Greg Stutsman - No Report

Zoning Subcommittee – Maria Chao, David Levenstein, Greg Stutsman – Report provided earlier in the meeting.

UTAC (University and Town of Amherst Collaborative) - Christine Gray-Mullen and Greg Stutsman – No Report

Downtown Parking Working Group - Ms. Gray-Mullen shared the consultant continues to work on a draft report.

XIII. REPORT OF THE CHAIR - No Report

XIV. REPORT OF STAFF

Ms. Brestrup told the Board she looks forward to working with everyone in the coming year.

XV. ADJOURNMENT

The meeting adjourned at 8:10 pm.

Respectfully submitted:

Approved:

Pamela Field-Sadler
Administrative Asst.

Christine Gray-Mullen,
Acting Chair

DATE: _____