

AMHERST PLANNING BOARD
Wednesday, June 5, 2019, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Michael Birtwistle, Maria Chao, Christine Gray-Mullen (7:07 PM), Jack Jemsek, Pari Riahi, Greg Stutsman, Chair
ABSENT: David Levenstein
STAFF: Christine Brestrup, Planning Director
Pamela Field-Sadler, Administrative Assistant

7:05 pm: Mr. Stutsman opened the meeting.

I. MINUTES

Ms. Riahi moved to approve the Minutes of May 29, 2019 as written.

Ms. Chao seconded.

VOTE: 5-0-1 to approve as written

ABSTAINED: Stutsman

II. PUBLIC COMMENT PERIOD – None

III. PUBLIC HEARING – ZONING BYLAW

Zoning Bylaw – Changes mandated by the Amherst Home Rule Charter

To see if the Town will vote to amend the Zoning Bylaw by repealing the Zoning Bylaw in its entirety and adopting a new Zoning Bylaw including the amendments recommended by the Bylaw Review Committee to bring the Zoning Bylaw into conformance with the Amherst Home Rule Charter, as adopted March 27, 2018.

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

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

Attorney Ritchie provided a summary of the work of the BRC and the recommended amendments to the Amherst Zoning Bylaw (Bylaw) necessary to bring them into conformity with the AHRC. At this time, the BRC, as required by M.G.L. Ch.40A Sec. 5, is submitting the proposed amendments for the Board's review. Attorney Ritchie explained the Board is responsible to review the proposed changes to the Bylaw and report their recommendations to the Town Council. Attorney Ritchie stated the revised Bylaw is expected to go before Town Council in July 2019 and expediting the Board's report will enable Town Council to act on the Bylaw.

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 He also confirmed that under Section 10.1 of the AHRC, the current Zoning Bylaw remains effective until amended or repealed.

Mr. Birtwistle moved to close the public hearing and to recommend the amendments to the Zoning Bylaw to Town Council, as well as recommend that Town Council adopt the Zoning Bylaw as amended. Ms. Gray-Mullen seconded the motion.

VOTE: 6-0-0 to approve the motion

IV. PUBLIC HEARING – PLANNING BOARD RULES AND REGULATIONS PBR-1-19 – Planning Board Rules & Regulations

(continued from April 17, 2019 and May 29, 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 noted an error on the agenda and confirmed that this Public Hearing opened on April 17, 2019.

Mr. Stutsman explained voting requirements for the Board appear in the Planning Board Rules and Regulations (PBRR) and the Zoning Bylaw (Bylaw). In regards to the Site Plan Review (SPR) decision voting requirement, Attorney Joel Bard is of the opinion that either a majority or a two-thirds (2/3) vote is correct. Attorney Bard did suggest 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.”*

Mr. Stutsman stated another option being considered is to insert a reference in the PBRR to 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. Stutsman pointed out the Zoning Subcommittee (ZSC) has agreed to make a recommendation to the Town Council to amend the Bylaw for SPR voting requirements with the language suggested by Attorney Bard.

During the Board’s discussion, Mr. Birtwistle shared that although he appreciates the potential for statewide regulations for SPR applications and voting, his opinion is the regulations could be impartial. Mr. Birtwistle believes in maintaining local authority in determining development and affirmed his support for a two thirds (2/3) majority vote.

Ms. Gray-Mullen proposes amending the PBRR with Attorney Bard’s recommended language. Ms. Gray-Mullen is of the opinion that amending the PBRR voting

requirement sets the tone for amending the Bylaw in the future. Ms. Brestrup and Mr. Stutsman agreed that having different requirements in the PBRR and the Bylaw would be confusing.

Mr. Stutsman reiterated that what is being considered at this meeting is the proposed amendments to the PBRR; recommendations for the Bylaw, such as amending the mixed-use building section, can be reviewed and discussed at a future date.

Ms. Brestrup reminded the Board that Attorney Bard also recommended that any administrative appeal under Section 4.15 should be made to the Town Council.

Mr. Birtwistle moved to close the public hearing and approve the Planning Board Rules and Regulations as amended. Ms. Riahi seconded.

VOTE: 5-1-0 to approve

Opposed: Gray-Mullen

V. PLANNING & ZONING

A. ZSC Report

Mr. Stutsman reported that the ZSC will submit the Supplemental Dwelling Units article, the Marijuana Buffer Zone article, and the Voting Requirement article to the Board for review and a Public Hearing. The ZSC also intends to recommend that Town Council amend the Site Plan Review voting requirement in the Bylaw with Attorney Bard's proposed language.

Ms. Brestrup suggested scheduling a Public Hearing for the articles after the Town Council acts on the current amendments proposed for the Bylaw. Mr. Stutsman stated his opinion that the Board should move forward and plan for a Public Hearing. The Board agreed to schedule the Public Hearing for July 3, 2019.

B. Public Comment about ZSC Report – None

C. Other – None

VI. OLD BUSINESS

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

VII. NEW BUSINESS

A. Signing of Letters to Register of Deeds and Land Court Recorder regarding signatures of Planning Board officers.

The Board authorized its officers, Mr. Stutsman - Chair, Ms. Gray-Mullen – Vice Chair and Mr. Jemsek - Clerk, to sign any documents relating to subdivision. The letters of authorization will be filed with the Register of Deeds and the Land Court.

B. Topics not reasonably anticipated 48 hours prior to the meeting

1. Ms. Brestrup reported that the second Smart Growth Program Community meeting was held on Tuesday, June 4, 2019 and was attended by approximately 45 people. The consultants discussed the 40R Site Selection criteria and presented areas in the Town Center, North Amherst and the

Pomeroy Village area that could potentially be designated as 40R districts. Attendees had the opportunity to participate in small group discussions and analyze the proposed locations. During the meeting, additional areas on University Dr., Atkins Corner, and the vicinity of the Florence Bank on College St. in East Amherst were also suggested as possible 40R districts. Ms. Brestrup will notify the Board when future meetings are scheduled.

VIII. FORM A (ANR) SUBDIVISION APPLICATIONS - None

IX. UPCOMING ZBA APPLICATIONS

Ms. Field-Sadler updated the Board on the following applications:

- A. The ZBA approved the Recreational Marijuana Retail and Off Site Medical Marijuana Dispensary permits for the Herbology Group.
- B. Echo Hill Townhouse Condominium Trust is requesting a De minimus change determination in regards to Condition 5 of their Special Permit. They are proposing sidewalk and lighting improvements within the Bedford and Chadwick Court areas.
- C. Jason Edwards – proposes a single family home on an existing nonconforming lot in relation to the building circle at 1530 South East St.

X. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup reported on the following applications:

- A. The application for the Amherst Dog Park proposed to be developed on the old landfill site on Old Belchertown Rd. has been submitted and will come before the Board on June 19, 2019.
- B. Amir Mikhchi’s application proposing a mixed use building on South East St. should be submitted soon.
- C. Amherst Media will return to the Board on July 17, 2019.

XI. 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 - Michael Birtwistle – No Report

Agricultural Commission - Pari Riahi - No Report

Design Review Board - Michael Birtwistle - No meeting since last report.

Amherst Municipal Affordable Housing Trust - Greg Stutsman - No meeting since last report.

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

Downtown Parking Working Group – Christine Gray-Mullen – No meeting since last report.

XII. REPORT OF THE CHAIR - No Report

XIII. REPORT OF STAFF

Ms. Brestrup reviewed the Board member’s summer availability.

XIV. ADJOURNMENT

The meeting adjourned at 8:00 pm.

Respectfully submitted:

Approved:

Pamela Field-Sadler
Administrative Asst.

Greg Stutsman, Chair

DATE: _____