

AMHERST PLANNING BOARD
Wednesday, June 19, 2019, 7:00 PM
Town Room, Town Hall
MINUTES

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

ABSENT: Michael Birtwistle, Pari Riahi

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

7:03 pm: Mr. Stutsman opened the meeting.

I. MINUTES

Ms. Gray-Mullen moved to approve the Minutes of June 5, 2019 as written.

Mr. Jemsek seconded.

VOTE: 4-0-1 to approve as written **ABSTAINED:** Levenstein

II. PUBLIC COMMENT PERIOD – None

**III. PUBLIC HEARING – SITE PLAN REVIEW AND SPECIAL PERMIT
SPR2019-06 & SPP2019-03 – Town of Amherst Dog Park –
95 Old Belchertown Road**

Joint public hearing to request Site Plan Review approval for construction and operation of a 1.5 acre dog park, including parking, fencing, site improvements, and placing 6,750 CY of fill on site for protection of landfill cap under Sections 3.335 and 3.122 of the Zoning Bylaw and to request a Special Permit for construction of a fence in excess of 4' tall within the front setback and placement of a shed within the front setback under Section 6.29 and Section 6, Footnote "a" of Table 3 (Map 21B, Parcel 8, PRP Zoning District)

7: 05 pm: Mr. Stutsman read the preamble and opened the public hearing.

Mr. Jemsek recused himself from this item.

Mr. Stutsman stated that with only four members present, the Planning Board (Board) is unable to vote on these applications tonight. The Board will hear the applicant's presentation and continue the Public Hearing for a later date.

Amherst Senior Planner Nate Malloy introduced himself and stated that Mike Liu, Berkshire Design Landscape Architect, will join the discussion as well. Mr. Malloy explained the Dog Park Task Force and the Town have been working to establish and develop the proposed 1.5 acre dog park for more than a year. Funds for design and development have been attained from the Community Preservation Act Committee

and the Stanton Foundation. Additionally an application will be submitted to the Stanton Foundation this summer for construction funds of up to \$200,000.

Mr. Malloy stated the proposed site for the dog park is the southern side of the capped landfill at 95 Old Belchertown Road. The park perimeter will be enclosed by a 5' chain link fence with dual-gate entry, and provide separate sections for small (<30 lbs.) and large (>30 lbs.) dogs. The plan includes accessible walkways, benches, shade sail structures, water stations, waste/recycling stations, dog-waste bag stations, and a storage shed. Mr. Malloy added, if possible, an irrigation system is also planned; however, the existing cap on the landfill cannot be penetrated. There will be no tree plantings on the landfill cap. The existing perimeter trees will remain. Approximately 3.5' to 4' of fill will be needed for grading and to protect the cap; however, the general character of the park will not change. The areas within the walking loops will be topped with pea stone while other areas will be grass seeded.

Mr. Malloy explained that 22 parking spaces, including two accessible spaces, bike racks and an informational kiosk at the front gate for posting the park rules and regulations and contact information are also included in the plan. The park will be open from dawn to dusk; illumination is not included in the plan. The park is intended to be seasonal; there are no plans for snow removal.

Mr. Liu arrived and apologized to the Board for being late, and stated that determining the traffic expected to be generated by the proposed dog park is difficult. The Berkshire Design Group used the Institute of Transportation Engineers (ITE) Trip Generation Manual for comparison data. They found the closest use to be a regional park that is traditionally 40 acres, however, there is only one study available. The dog park is significantly smaller. Mr. Liu stated that in comparing the dog park to the ITE data, the number of trips generated by the dog park and any effect on the level of service to surrounding roads during peak use times can be anticipated to be minimal.

Mr. Stutsman asked if there was a smaller category in the ITE Trip Generation Manual for comparison, and what category was used to analyze Groff Park. Mr. Liu explained there are smaller park environments in the ITE Trip Generation Manual; however, they include components such as a playground or splash pad which are unsuitable for comparison. Mr. Malloy stated Groff Park was already a heavily used park and is not considered a change of use so there was no traffic impact statement done for Groff Park.

Ms. Chao asked about the location of the shed and the fence. Mr. Malloy explained the 100' wetland buffer applies to the pond across the street. In the new plan, the shed and the fence will be set back farther away from the pond. Mr. Malloy stated the Wetlands Administrator has approved the revised placement of the shed and the fence.

Mr. Stutsman noted that during the Site Visit questions were raised regarding maintenance. Mr. Malloy stated that the Town's DPW would be responsible for tasks such as grass care and flushing water systems. The expectation is that the Dog Park Task Force will transition to the Friends of the Amherst Dog Park, members of which will be responsible for daily tasks such as restocking dog waste bags and sweeping.

Mr. Levenstein asked about rule enforcement. Mr. Malloy said the Stanton Foundation best practices are guiding the development of the park's Rules and Regulations, and the expectation is the park will be self-policing. The Rules and Regulations and emergency phone numbers, such as the Animal Control Officer, will be posted on the Information Kiosk. Mr. Malloy reiterated the park will be open from dawn to dusk, and all visitors will enter the park through the entry gate which should be locked when the park is closed. There will be rules about how many dogs are allowed per owner, no treats will be allowed, and no glass bottles.

Ms. Gray-Mullen asked who would determine when the park closes for the season. Mr. Malloy responded saying it will really be dependent on the weather. The park will not be shoveled or plowed.

Mr. Malloy added that there are five existing trees along the roadway. One of the trees is in decline and will be removed. The Tree Warden believes two or three of the trees can be relocated, and there is the possibility to plant two new trees outside the cap near the parking area.

There will be a 10' wide gate in the fence for Fire Department access.

The Dog Park design has been reviewed by the Conservation Commission, the Design Review Board and the Disability Access Advisory Committee. The DAAC asked that the gate in the fence be "self-closing".

There were no Public Comments regarding this item.

The Board discussed the following conditions for this project:

1. The kiosk plan and details will be subject to the Board's review.
2. The shed should be located entirely within the parcel.
3. The fence should be placed within the property line.

Ms. Gray-Mullen moved to continue the public hearing at the Planning Board meeting on June 26, 2019 at 7:05 pm. Mr. Levenstein seconded the motion.

VOTE: 4-0-0 to continue

IV. PLANNING & ZONING

A. ZSC Report

Mr. Stutsman reported that the ZSC and the Community Resources Committee (CRC) held a joint meeting earlier. The ZSC and the CRC will continue to hold joint meetings to discuss zoning. The ZSC looks forward to receiving feedback regarding the three zoning articles recommended to the Town Council for adoption, as well as discussing larger zoning items with the CRC.

Mr. Stutsman also shared that the ZSC received correspondence from a group of Fort River school students who recommend adopting a zoning ordinance that would require developers of any non-agricultural parcels larger than 1.5 acres to preserve 30% of the tree canopy. The ZSC will consult the Tree Warden and the Public Shade Tree Committee while considering the feasibility of this request.

B. Public Comment about ZSC Report – None

C. Other – None

V. OLD BUSINESS

A. Planning Board Rules and Regulations – Final Version

The Board received the final version of the Planning Board Rules and Regulations as amended June 5, 2019. Ms. Brestrup reported this official version was filed with the Town Clerk and posted on the website.

B. Report to Town Council on Zoning Bylaw amendment to bring the Bylaw into conformance with Amherst Home Rule Charter – delivered to Town Council on June 13, 2019

The Board received the report to Town Council prepared by staff, and Ms. Brestrup stated the report has been delivered to Town Council. Mr. Levenstein asked when Town Council expects to review this item. Ms. Brestrup reported that she and Bob Ritchie had met with Town Council and they asked many questions regarding the process of adopting a zoning amendment. Ms. Brestrup, the Town Council President and the Town Clerk will meet to confirm this process. The plan is that the Town Council will hold a Public Hearing and vote on the Zoning Bylaw amendments on July 1, 2019.

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

VI. NEW BUSINESS

A. Pioneer Valley Planning Commission (PVPC) Representative and Alternate – Nomination and Election

Ms. Brestrup reported that this action usually happens after July 1st. Town Council requested the Board take this up now because PVPC is preparing to choose a new Executive Director. Mr. Jemsek and Ms. Gray-Mullen are willing to continue to serve as representatives to the PVPC.

Mr. Levenstein made the motion to nominate and elect Mr. Jemsek as the PVPC Commissioner. Ms. Chao seconded the motion.

Vote: 5-0-0 to approve the motion

Mr. Levenstein made the motion to nominate Ms. Gray-Mullen as the PVPC Alternate Commissioner, and recommend the Town Manager make this appointment. Ms. Chao seconded the motion.

Vote: 5-0-0 to approve the motion

B. Summer Meeting Schedule

The Board will meet on June 26, 2019, but will not meet on July 3, 2019. Ms. Brestrup will send a Doodle Poll to the Board to determine possible summer meeting dates. Mr. Stutsman reviewed several community meetings next week and determined the ZSC will not meet next week.

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

VII. FORM A (ANR) SUBDIVISION APPLICATIONS - None

VIII. UPCOMING ZBA APPLICATIONS

Ms. Brestrup apprised the Board of one ZBA Application:

Tip Up, LLC is requesting a Special Permit to allow a non-owner occupied duplex at 119 North Whitney Street. There is an existing single family home on the parcel.

IX. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup reported on the following applications:

- A. Amir Mikhchi's application proposing a mixed-use building on South East St. has been received and will be placed on an upcoming agenda. Ms. Brestrup is consulting with the Town Manager regarding the tree hearing which the Board referred to Town Council and hopes to have an answer prior to the public hearing.
- B. The Bank of America will be requesting additional lighting at their ATM located across the street from the Florence Savings Bank on College St.
- C. Amherst Media is scheduled to return to the Board on July 17, 2019; however, Amherst Media may not be ready, nor is a quorum available.

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

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

Mr. Jemsek reported that the PVPC Annual Meeting was very informative and a great event to attend. Mr. Jemsek shared that the Executive Committee elections were held and noted many of the PVPC Commissioners have served for 10 – 20 years. PVPC is a well-run organization and the staff provided outgoing Director Timothy Brennan with a great send off.

Community Preservation Act Committee - Michael Birtwistle – No Report

Agricultural Commission - Pari Riahi - No Report

Design Review Board - Michael Birtwistle - No Report

Amherst Municipal Affordable Housing Trust - Greg Stutsman – The Trust continues to revise the Housing Policy which will come to the Board for review and Town Council for adoption. The Trust also discussed the Valley CDC Northampton Rd. project. The Trust did vote to send a letter to Town Council expressing concern regarding the level of scrutiny that a project recommended for CPA funding is required to endure. Town Council is hosting a public meeting on June 24, 2019 regarding this project, and the Town Council packets for this meeting will be available on the website. Additional information regarding this project is available on the Amherst Affordable Housing Trust page of the website.

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

Downtown Parking Working Group – Ms. Gray-Mullen shared that the consultant continues to work on the draft report, and the second parking forum has been postponed for a date to be determined.

XI. REPORT OF THE CHAIR - No Report

XII. REPORT OF STAFF

Ms. Brestrup reported there is much going on right now.

XIII. ADJOURNMENT

The meeting adjourned at 7:55 pm.

Respectfully submitted:

Approved:

Pamela Field-Sadler
Administrative Asst.

Greg Stutsman, Chair

DATE: _____