

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

PRESENT: Maria Chao, Christine Gray-Mullen, Chair, Jack Jemsek, David Levenstein, Janet McGowan

ABSENT: Michael Birtwistle

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

7:07 pm: Chair Christine Gray-Mullen opened the meeting.

I. MINUTES

1. **October 2, 2019** – The Planning Board (Board) agreed to postpone the vote on the draft minutes for October 2, 2019. Mr. Levenstein asked the Board members to retain their paper copies so they would not need reprinting.
2. **October 17, 2019** – Ms. Brestrup reviewed edits she had made to the draft minutes for October 17, 2019. Ms. McGowan reviewed areas in the draft minutes where she would like to see additional information. Ms. McGowan will forward the suggested language to Ms. Brestrup for inclusion.

Mr. Levenstein made the motion to approve the minutes of October 17, 2019 with the additional language suggested by Ms. McGowan incorporated.

Ms. McGowan seconded the motion.

VOTE: 5-0-0 to approve

II. PUBLIC COMMENT PERIOD – None

III. PUBLIC HEARING – SITE PLAN REVIEWS AND SPECIAL PERMITS
SPR2020-02 Jonathan Gurfein – Riverside Organics – 555 Belchertown Road
Request Site Plan Review approval to construct and operate a Marijuana Product Manufacturer & Marijuana Micro-business under Section 3.363.5 of the Zoning Bylaw (Map 18D, Parcel 2, PRP zoning district)

7:25 p.m. Ms. Gray-Mullen read the preamble and opened the public hearing. There were no Board disclosures.

Jonathan Gurfein introduced himself as the owner and operator of Riverside Organics. Eric Taub, RAV & Associates, Inc. engineering consultant from Needham, MA introduced himself.

Mr. Gurfein began his presentation showing a map depicting the location of the proposed site which is accessed from Hall Road. Mr. Gurfein explained this small, private road which leads to the property will be partially barricaded with cement blocks at the entry to his property; Mr. Gurfein stated the DPW is agreeable to this plan. Mr. Gurfein shared that he will install a 6' tall gate, including a lock box for emergency personnel access, at the facility and his plan is to make it as aesthetically pleasing as he can. There will be parking outside the gated area for visitors, and employee parking inside the gated area.

Mr. Gurfein stated a full security system will be installed by a licensed professional which adheres to state and the Cannabis Control Commission (CCC) regulations. Mr. Gurfein said Police Chief Scott Livingstone is satisfied with the system. Chief Livingstone will be kept informed of the installation process and will make a final site visit when appropriate.

Mr. Gurfein explained the hours of operation will be approximately 7:00 or 8:00 a.m to 8:00 p.m. Mr. Gurfein confirmed this is a micro cannabis production operation dedicated to growing high-end product, and he expects to have only 1 or 2 employees other than himself. The facility will not extract substances from the plants or manufacture derivative products. Mr. Gurfein stated that visitors will be minimal because the facility is not open to the public. Only employees, CCC representatives and town officials will be allowed to access the site, except for those coming to pick up or deliver products.

Mr. Gurfein is proposing 3 street lights on the property. Each light will be equipped with infrared security cameras providing a 360° view of the property. Lights will be downward facing. Mr. Gurfein intends to adhere to any requirements or recommendations put forth by the Board regarding outdoor light levels for the property. Mr. Gurfein explained that there will be a garbage bin for refuse, a tight tank for green house run-off, a cistern to collect rainwater from the roof, 2 tentative soil only compost areas, a generator and a propane tank installed on the property as well. All transactions will occur inside the facility, inside the electric gate.

Mr. Gurfein reviewed the building floor plans with the Board and pointed out that the entrance to the building is at the basement level and opens directly into a sterilization area equipped with a small hand washing station to eliminate pathogen contamination from the facility. Also located in the basement level are several open work/prep stations, a utility room, two existing bathrooms and a cannabis drying room equipped with fans and a dehumidifier. The upper floor will have an open work area, a vegetative room, an office and utility room. The original house doors have been replaced with high security locking doors; the doors will be operational for safety purposes, but not intended for general use. The main entrance door and the door into the greenhouse will both be equipped with air curtain systems.

Mr. Gurfein showed renderings, including drawings by Kuhn Riddle Architects, of the existing building and the proposed greenhouse. The proposed greenhouse is a

steel wall construction with a glass top. In an effort to promote water-use and energy efficiency, the greenhouse will be equipped with 14 LED lights and no hydroponic processing will occur. The facility will be organic and the use of any toxic chemicals will be forbidden. A system of activated carbon filters will be affixed in the greenhouse to eliminate any smell to the neighboring area. An automatic exhaust fan system that is sensitive to heat and humidity will be installed. Mr. Gurfein does not expect the fan to be the root of any noise complaints; however, the system is equipped with regulator controls to aid in reducing any noise.

The colors of the greenhouse will match the existing building, as far as possible. There will be no large bay doors on the greenhouse. An exterior exit door is not required.

Ms. Gray-Mullen reviewed the Development Application Report and noted the applicant has requested waivers for the Landscape Plan, Soil Erosion Plan, Sign Plan and the Traffic Impact Statement.

Site Visit

The Board held a Site Visit at 9:00 a.m. on Monday – November 4, 2019. At the Site Visit, the Board observed the following:

- The proposed location for the green house is a paved area to the west of the existing building.
- The Board viewed the topography of the land surrounding the building.
- There is a wetland area to the west of the parking lot.
- The Board witnessed auger holes dug in advance for the planned fencing.
- The abutting properties are undeveloped in the immediate area with the exception of the property to the south owned by Mr. Hall. Also on the abutting property to the south, a radio tower and a wooden shed in poor condition were observed.
- The Board also toured the interior of the existing building.

The following was noted while addressing questions and comments from the Board:

- Mr. Gurfein does not foresee an overwhelming amount of soil or product waste. Although he stated that composted soil waste can't be reused by his operation, if a profuse amount accumulates, Mr. Gurfein can give it to local farmers or have it trucked away.
- Product waste will be minimal. Mr. Gurfein expects to sell 80% - 90% of the product, including plant cuttings and trimmings. Any additional product remnants will be ground up and disposed.

- The location of the compost areas, one inside the fenced area and the other outside the fencing, is an effort to use space efficiently. There is no difference in the materials that will be composted.
- The greenhouse fans will not run continuously. They will come on or shut off automatically as the humidity and heat levels dictate.
- Condensation run off from the greenhouse will go into an underground tight tank.
- The bathrooms and the handwashing sink are proposed to be connected to the existing septic system.
- A standard dumpster with regular scheduled pickup is proposed for other trash products. Mr. Gurfein proposes to locate the dumpster inside the fenced area near the parking spaces, but is willing to be flexible if the Board prefers a different location.
- Mr. Gurfein believes 3 parking spaces are required for this project. He has proposed 2 parking spaces located inside the gated area, and 3 parking spaces located outside the fencing where there is existing pavement. A total of 5 parking spaces are proposed.
- Delivery and pick-up of products will occur once or twice a week and will happen inside the security fence.
- In addition to the generator, the camera, fire and security systems have an interior battery system that will run during a power outage. The outdoor lighting will be powered by the generator during an outage.
- All the equipment used in the greenhouse and grow operation are safe, professional and meet the industry standards.
- The Board expressed concern that there wasn't enough room to walk by the dumpster and other equipment leading to the main entry door.
- The security system has battery backup in case of a power outage, enough to last for a few days.
- Outdoor lighting is connected to the generator.
- For sterility purposes, the planned entrance/exit to the greenhouse is through 1 door from the existing building. The Building Commissioner, Fire and Police believe an additional access is unnecessary, Mr. Gurfein is open to installing an emergency only exit door from the greenhouse.
- Mr. Gurfein confirmed he is proposing a 6' high chain link fence and is seeking a modification to the fence height requirement of 4' within the front setback. The fence will prohibit people from walking openly onto the property.
- The proposed outdoor lighting will be downward facing, LED and adhere to the town's recommendation for operational hours; keeping the outside light kelvin under 4000 was suggested. The greenhouse is equipped with a shade system to prohibit light leakage during dark hours.
- The Board suggested including signage at the gate to inform the public that security cameras are in use.
- The Board requested the submittal of a written Management Plan describing the operation of the building, including deliveries and pick-up of products. Mr. Gurfein has developed a number of Standard Operation Procedure

documents which he intends to share with the Board. These will be put together with the Management Plan and submitted to the Board.

- Mr. Gurfein is requesting a waiver from the Landscape Plan requirement because he does not intend to make any changes. The landscape is currently aesthetic, easily maintained and meets the requirements of the CCC.
- Mr. Gurfein is requesting a waiver from the Soil Erosion Plan requirement. If the project is approved as it is proposed, there will be no change to the topography because the greenhouse will be located on top of existing asphalt and there will be no changes in the run-off. Any run-off from the compost areas will go into adjacent grass areas.
- Mr. Gurfein requested a Sign Plan waiver because he doesn't want to attract unnecessary attention to the operation. However, he agrees with the suggestion to post signage at the gate regarding security camera use on the property.
- A waiver from the Traffic Impact Report is requested because trips generated from the project will be minimal.

Ms. Brestrup reported she has spoken with the Town Engineer who said he does not have any concerns with the project as proposed. The Town Engineer agreed to send an email to verify his view; however, it has not been received yet. Ms. Brestrup will contact the Town Engineer and the Fire Department requesting their written responses for the Board. Ms. Brestrup confirmed the Conservation Commission will be reviewing this project too.

Public Comment

No one from the public came forward to offer comments.

Ms. Brestrup reported she had received one written public comment from Gordon Hall whose property abuts the property at 555 Belchertown Road on 3 of the 4 sides and he does not support this application. Ms. Brestrup confirmed that Mr. Hall has an access easement over 555 Belchertown Road and the applicant may want to consider moving the compost pile so the easement is not blocked. The applicant will show the easement on the site plan when he returns to the Board on November 20, 2019.

Ms. McGowan made the motion to continue the public hearing for SPR2020-02 Jonathan Gurfein – Riverside Organics – 555 Belchertown Road to November 20, 2019 at 7:05 pm. Mr. Jemsek seconded.

VOTE: 5-0-0 to continue

SPR2020-02 – Amherst College – Athletic Field Renovation 212 Northampton Road (Continued from October 16, 2019)

Request Site Plan Review approval for athletic field improvements, including renovation of the existing natural grass field to synthetic turf, and installation of athletic lighting, asphalt walkways and spectator seating, fencing and netting (Map 14C, Parcel 13, R-N zoning district)

8:45 p.m. Ms. Gray-Mullen explained that this Public Hearing is continued from October 16, 2019 and she read the preamble again and the project description. Ms. Gray-Mullen announced that two Board members are abutters to the project property. Both Board members have filed disclosure forms with the Town Council and the Town Council has approved them to vote on this application.

Megan Buczynski, Civil Engineer with Activitas, and Tom Davies from Amherst College introduced themselves as the representatives of the applicant. Ms. Buczynski shared that the applicant has submitted a Stormwater Report and the Town Engineer had no comments. She also shared that the Conservation Commission will review a Request for Determination of Applicability on November 13, 2019 for a small area that will require grading within the 100' Bordering Vegetative Wetland (BVW) Buffer.

Ms. Buczynski explained the proposed project is located at Amherst College's western athletic campus along Northampton Road and is broken into two parcels. The eastern parcel, containing Pratt Track and Field and Gooding Field, is located in the Educational District (ED). The western parcel (Hills Field) which contains the existing grass practice field, the grass softball field, an existing parking lot and administrative building is in the Neighborhood Residence District (R-N).

Ms. Buczynski showed an updated Setback Plan depicting 40' front setback and 30' side and rear setbacks per Section 6.6 of the Zoning Bylaw. She pointed out an existing pathway and a small amount of 6' tall fencing are touching the front setback line.

Ms. Buczynski explained the proposed project for Hills Field consists of renovating the existing natural grass practice field area to a short pile synthetic turf surface. The current field is sized for football. The proposed project will move into the approximately 15' mound that comes down from Gooding Field bringing the new field and spectator seating closer to Gooding Field. The spectator seating will be to the east and team areas will be installed to the west. The proposal includes 20' high netting and 6' high chain link fence on the field ends to aid in keeping balls within the area. An existing green electrical box will be relocated.

Ms. Buczynski pointed out the elevation of Hills Field will remain very similar to the existing condition. The proposed short pile turf will have an irrigation system which uses municipal water. Heads, 3 along each sideline and 1 behind each goal, will be placed around the field perimeter to throw water 100' across the field surface in order to maintain a high quality playing area. The irrigation system is used to wet the field to slow down the ball. This type of synthetic turf field doesn't get filled with sand or rubber pellets, like other fields do.

Ms. Buczynski showed a proposed lighting plan and stated Gooding Field is currently lit by 4 light poles. Poles S3 and S4 will remain as they are and poles S1 and S2 will be removed because of the expansion of Hills Field. Four new pole lights are proposed: 2 poles on the western perimeter of Hills Field and 2 poles between the fields. The poles between the fields will be double lit in order to provide new lighting for Hills Field and support the existing lighting at Gooding Field. The lamps at Gooding Field will remain Metal Halide and the Hills Field lamps will be LED

5700K. The lighting system will provide an average light level of 70 foot-candles (for streaming capabilities) with the ability to decrease them to 30 foot-candles (for recreational play). The LED lighting will cut off at the edge of the field and will be 0.1 to 0.2 at the property line. There will be no light spill across the street.

Ms. Buczynski described some of the proposed materials. The bleachers will match the existing Gooding Field bleachers utilizing aluminum colored seat boards and green kickboards. The proposed shed will be a prefabricated wooden shed to house only portable athletic equipment. A concrete 15' retaining wall is proposed for behind the spectator seating at Hills Field to separate the two athletic fields. Modular block walls will be located at the remainder of the retaining wall north and south of the bleachers and behind the team areas. The proposed team structures are portable and are weighted down to the concrete. A 4' chain link fence is proposed at the field edge to separate spectators from the field. A new 18' wide by 11' tall scoreboard is proposed for Hills Field.

Site Visit

The Board held a Site Visit attended by Ms. Brestrup, Ms. Gray-Mullen, Ms. McGowan and Mr. Levenstein. At the Site Visit, the Board observed the following:

- The mounded area between Gooding Field and Hills Field.
- The area of mounding which will be cut into for locating the proposed shed.
- The athletic fields.
- The 4 existing pole lights and the 2 poles which will be replaced. They observed the proposed area on the western side of Hills Field for 2 new pole lights expected to be the same height as the existing poles.
- The proposed 15' wall between the two fields.

Ms. Gray-Mullen pointed out a Stormwater Report has been submitted and the applicant has requested the following waivers:

- Site Management Plan – The management of the site is not changing.
- Traffic Impact Statement – The traffic at the site is not changing.
- Pollution & Hazardous Materials Plan – N/A to the proposed site; however, the project will require a National Pollutant Discharge Elimination System (NPDES) Construction Permit which will address pollution and storage of hazardous materials during construction.
- Demolition & Historic Preservation – N/A to the existing and proposed site.

The following information was provided while addressing questions and comments from the Board:

- A new scoreboard/sign is proposed for the southern end of Hills Field and will be similar to the existing scoreboards at Gooding Field and the Softball Field. The proposed scoreboard will be approximately 18' wide x 11' high and the bottom of the board will be about 8' off the ground.

- The existing drainage ditch at the back of the property near the rail trail has been flagged as wetland. The applicant has submitted a Request for Determination of Applicability to the Conservation Commission for work within the 100' wetlands buffer zone related to the regrading of the mound. The natural slope of the area prevents anything from the site from reaching the wetlands.
- Hills Field is currently lit by small, temporary lighting. There is potential for nighttime use of the field for games or practice. The permanent lighting is expected to create less glare, noise and exhaust, and like Gooding Field, the lighting will have a hard turn-off time of 10:00 p.m.
- Amherst College has engaged with neighbors through outreach; the neighbors have been agreeable to the project plans.
- There is not a preference to plant deciduous trees around the field; the slope of the area would make it difficult to develop a shade canopy.
- It is unknown if the Amherst High School will be permitted to use the field.
- The proposed fencing will restrict the use of Hills Field by the public.
- It is possible all 3 fields could be used for practices simultaneously; however, it is unlikely that 3 games would occur at the same time.
- The lights will be shut off at 10:00 p.m. Amherst College Athletic Director Don Faulstick stated that when early morning practices are scheduled, the use of music is not allowed.
- The parking and access at the site is not expected to change. Parking will continue to be in the same locations.

Public Comment

No one from the public came forward to offer comments.

Ms. Chao made the motion to close the public hearing and grant approval, pending a positive outcome from the Conservation Commission review, for SPR2020-02 – Amherst College – Athletic Field Renovation located at 212 Northampton Road finding all relevant requirements of Section 11.24 are met, and that the conditions for the previously approved SPR2007-00004 do not apply, and to grant the waivers as requested. Mr. Jemsek seconded the motion.

VOTE: 5-0-0 to approve

SPR 2019-08 – Javier Campos of Adams & Ruxton for Bank of America

360 College Street (*continued from July 24, 2019 and September 18, 2019*)

Request Site Plan Review approval to install new light posts and fixtures to provide better illumination, safety & security for Bank of America ATM (COM Zoning District, Map 15A, Parcel 28)

9:40 p.m. Ms. Gray-Mullen explained this Public Hearing is continued from July 24, 2019 and September 18, 2019. Ms. Gray-Mullen reported the applicant has requested this public hearing to be continued to November 20, 2019.

Mr. Levenstein made the motion to continue the public hearing for SPR 2019-08 – Javier Campos of Adams & Ruxton for Bank of America - 360 College Street to the Planning Board meeting scheduled for November 20, 2019 at 7:15 p.m. Ms. Chao seconded.

VOTE: 5-0-0 to continue

IV. PLANNING & ZONING

A. ZSC Report

Mr. Levenstein reported the ZSC is working to determine the best strategy to consider possible zoning revisions. The ZSC is looking for direction as to focus on larger zoning areas or to take a smaller, incremental approach. The ZSC will present any recommendations to the Board and the Town Council for consideration when deemed appropriate. The ZSC has also asked the Planning Department staff and the Building Commissioner for a list that prioritizes zoning areas where revisions are consider necessary.

The ZSC also discussed the proposed Supplemental Dwelling Unit zoning amendment and reviewed revisions for the Inclusionary Zoning developed by Ms. McGowan. This discussion will continue at the next ZSC meeting as well as a discussion regarding In-fill and small scale development.

B. Public Comment about ZSC Report – None

C. Other - None

V. OLD BUSINESS

A. Amherst Housing Policy (Draft) – John Hornik, Chair of the Amherst Municipal Affordable Housing Trust (AMAHT) – Discussion and Recommendations

John Hornik introduced himself and thanked those Board members who attended the recent Housing Forum. Mr. Hornik asked the Board if they support expanding affordable housing in Amherst, and to share comments regarding the draft Housing Policy and how it relates to Planning and Zoning.

When asked by the Board if he had received comments from the Town Council, Mr. Hornik responded by saying he had received questions from the Finance Committee. Mr. Hornik responded in a note, as well as had some discussion during the Finance Committee. Mr. Hornik provided information regarding the number of affordable units developed over the last 5 years and where there exists potential for more affordable housing development in the next 5 years. To answer another question from the Finance Committee, Senior Planner Nate Malloy has been asked to provide information regarding the total number of housing stock in Amherst and how it has changed over the last 5 years. Mr. Hornik reported there was also some discussion of other potential strategies.

Mr. Hornik reiterated his view is that this policy would be a town policy and the Board, Town Council, AMAHT and the Community Preservation Act Committee should all be contributors. He suggested the Board could choose 2-4 areas they

intend to explore in an effort to ease the development of affordable housing in Amherst.

Ms. Chao shared her appreciation for Mr. Hornik bringing the draft policy to the Board. The draft Housing Policy presentation has initiated the Zoning Subcommittee (ZSC) to study housing options and affordability. Ms. Chao shared the ZSC is considering specific zoning amendments and invited Mr. Hornik to attend the next ZSC meeting.

Ms. McGowan shared her opinion that the Board's purview is not limited to zoning. Ms. McGowan pointed out the possibility to utilize the website to provide greater public communication regarding zoning or other areas the Board identifies as tools.

Ms. Brestrup suggested that the Policy as it is currently written is long, and perhaps adding an Executive Summary at a length of 1 page, or paragraph statement would be more understandable. Items removed from the summary deemed important could be gathered in an appendix. Ms. McGowan suggested the policy statement could focus in what the town should focus on over the next 5 years to promote greater affordable housing. Mr. Jemsek suggested the Housing Market Study of 2015 has a good summary format.

The Board requested to see the draft memo the Community Resources Committee and the minutes from Town Council discussions on this topic. Board members can forward their comments to Ms. Brestrup for compiling.

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

VI. NEW BUSINESS

A. Discussion of Massachusetts House Bill 3507

Ms. Gray-Mullen suggested the Board read pages 1 – 5 for a future discussion.

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

Mr. Levenstein proposed for the Board's consideration to have a future discussion regarding the development of an explicit timeline to receive applicant materials. Documents submitted to the Board with less than 24 hours before a meeting are difficult to review thoroughly. Ms. McGowan shared her support for Mr. Levenstein's proposal. Ms. Gray-Mullen also supports the proposal and she explained she has discussed with Ms. Brestrup that packet documents, in addition to the mailing of hard copies, be available to the Board electronically.

VII. FORM A (ANR) SUBDIVISION APPLICATIONS

A. ANR 2020-08 – Map 5B Parcels 3 and 4, 124 Summer Street

Upon the Board's authorization, Ms. Gray-Mullen signed ANR 2020-08 relating to property located at 124 Summer Street.

VIII. UPCOMING ZBA APPLICATIONS

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

- A. ZBA FY2020-13 – You-Pan Tzeng** - Request a Special Permit to modify the previously approved Special Permit ZBA FY1996-39 and ZBA FY1993-62 in order to remove the condition that requires the premises to be owner occupied, located at 321 Lincoln Avenue
- B. ZBA FY2020-14 - Mass Alternative Care, Inc.** – Request a Special Permit for a modification, under Section 10.33 of the Zoning Bylaw, of the existing Off-Site Medical Marijuana Dispensary (OMMD, Section 3.363.1, Zoning Bylaw), to the previously approved Special Permit ZBA FY2016-24 to modify the Conditions 1, 6, 7, 9, 14, 15, 16, 17, 20, and 22, located at 55 University Drive
- C. ZBA FY2020-15 - Mass Alternative Care, Inc.** – Request a Special Permit for the use of a Recreational Marijuana Retailer, under Section 3.363.2, co-located with the existing Off-Site Medical Marijuana Dispensary, located at 55 University Drive
- D. ZBA2020-16 – Yosrex Limited Partnership** – Request an extension to the previously approved Special Permit ZBA FY2018-21 in order to allow additional time to commence construction beyond the July 2, 2020 expiration, under M.G.L. 40A Section 9 and Section 10.33 of the Zoning Bylaw, located at South Point Apartments, 266 East Hadley Road

IX. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup reported the Enterprise Rent-a-Car will come before the Board in December to request a Site Plan Review to construct a small carport style structure behind the building in order to be protected by the weather while preparing cars for rental.

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission - Jack Jemsek and Christine Gray-Mullen: None
Community Preservation Act Committee - Michael Birtwistle: None
Agricultural Commission – David Levenstein: None
Design Review Board - Michael Birtwistle: None
Zoning Subcommittee – Provided earlier in the meeting.
Downtown Parking Working Group – Ms. Gray-Mullen – Ms. Gray-Mullen reported the recommendation report has been delivered to the Town Council. The Downtown Parking Working Group will be meeting to review and possibly except the report and recommendations. Ms. Gray-Mullen will provide an Executive Summary of the report for the Board.

XI. REPORT OF THE CHAIR – No Report

XII. REPORT OF THE STAFF

Ms. Brestrup thanked the Board for the long night of work.

XIII. ADJOURNMENT

The meeting adjourned at 10:05 p.m.

Respectfully submitted:

Approved:

Pamela Field-Sadler
Administrative Asst.

Christine Gray-Mullen, Chair

DATE: _____