

Town of Amherst
UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, December 6, 2021

6:30 p.m.

Virtual Meeting

Councilors Participating Remotely: Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz

Councilors Absent: None

Others Participating Remotely: Town Manager Paul Bockelman, Clerk of the Council Athena O’Keeffe, Superintendent of Schools Mike Morris, Library Director Sharon Sharry, School Committee Chair Allison McDonald, Minute-Taker Emily Reardon, Jones Library Trustee Chris Hoffmann, Planning Board Chair Doug Marshall, Planning Director Christine Brestrup, Senior Planner Nate Malloy

Non-Voting Finance Committee Members Participating Remotely: Bernie Kubiak, Matt Holloway, and Bob Hegner

When remote participation is used, all votes will be taken by roll call.

Per MGL Chapter 30A Section 20(f), this meeting is being recorded and broadcast by Amherst Media.

President Griesemer called the Town Council meeting to order at 6:31 pm; adjourned in executive session at 12:10 am on December 7, 2021.
Finance Committee call to order at 7:40 pm; adjourned at 8:27 pm.

5. Consent Agenda

The following items were selected because they were considered to be routine and it was reasonable to expect they would pass with no controversy. To remove an item from the consent agenda for discussion later in the meeting, ask that it be removed when the President lists the consent agenda items. The request to remove an item from the consent agenda does not require a second.

MOVED: To move the following items, and the printed motions thereunder and approve those items as a single unit:

- Suspension of Town Council Rules of Procedure rule 8.4 for the following agenda items:
 - 8.e. Amendments to the Town Council Policy Regarding Control and Regulation of the Public Ways regarding the Performance Shell on the Town Common and Delegation of Authority to the Board of License Commissioners for Lunch Carts
 - 8.h. 2022 Town Council Meeting Schedule
- 6.a. Adoption of the 2021 Human Rights Day Proclamation
- ~~8.h. Adoption of the 2022 Town Council Meeting Schedule~~ removed by Pam
- 11.a-c. Approval of the following Town Council Meeting minutes:
 - November 15, 2021 Special Town Council Meeting minutes – Financial Indicators

- November 15, 2021 Town Council Meeting minutes – Public Forum on the Budget
- November 15, 2021 Regular Town Council Meeting Minutes
- 9.a.(1) Approval of Town Manager Appointment to the Residents’ Advisory Board

Motion by: Griesemer

Seconded by: Ross

ROLL CALL VOTE: 12-1 (Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz voted Yes; Bahl-Milne voted No)

6. Resolutions and Proclamations

VOTED VIA CONSENT

a. 2021 Human Rights Day Proclamation

MOVED: To adopt the 2021 Human Rights Day Proclamation, as presented.

8. Action Items

a. FY23 Town Council Budget Guidelines

b. Public Ways Request: Placement of Performance Shell on the Town Common

MOVED: To approve the public ways request from the Downtown Amherst Foundation for the construction of a performance shell and associated site improvements on the Town Common (South Common) as presented to the Town Council on 9-27-2021 and updated at TSO on 12-2-2021 with the following conditions:

- Approval of schematic architectural plans by the Town Manager in consultation with Town staff to consider ADA accessibility, impact on shade trees, pedestrian access, and all legal and procurement requirements
- Entrance into a Memorandum of Understanding or contract with the Town to establish a management and maintenance fund and plan

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous, 13-0

c. Zoning Bylaws

(1) Amendment to Article 14, Temporary Zoning regarding Permitting for Certain Uses during the COVID-19 Emergency and its Aftermath

MOVED: To amend Zoning Bylaw Article 14, Temporary Zoning, as follows: In the first paragraph, delete the year "2021" and replace with the year "2022".

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous, 13-0

(2) Amendments to Article 7, Parking and Access Regulations

MOVED: To adopt revisions to Article 7, Parking & Access Regulations, Section 7.00, General Requirements and Section 7.9, Waivers of the Zoning Bylaw, by adding

language shown in in ***bold/italic*** and deleting language shown in ~~strikethrough~~ on pages 8-10 of the Motions sheet.

Motion by: Hanneke

Seconded by: Schreiber

ROLL CALL VOTE: 12-1 (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; DuMont voted No)

MOVED: To amend the revisions to by deleting the following words: “public or private, on- or off-street” and “proximity to public parking, including on-street and off-street parking;”

Motion by: Schoen

Second by: DuMont

ROLL CALL VOTE: 10-3 (Bahl-Milne, Brewer, DuMont, Hanneke, Pam, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; De Angelis, Griesemer, and Ross voted No)

(3) Official Zoning Map – Map 14A, Parcel 33 Rezoning, North Prospect Street: Amendments to Article 2, Zoning Districts and Article 3, Use Regulations

MOVED: To adopt a new Parking Facility District as part of Section 2.04, Special Districts, and as Section 3.23, Parking Facility District of the Zoning Bylaw, as shown on pages 11-14 of the Motions sheet.

Motion by: Griesemer

Seconded by: Ryan

No vote taken. DuMont utilized Charter sec. 2.10(c) right to postpone to next Council meeting.

(4) Amendments to Article 3, Use Regulations, Section 3.325, Mixed-Use Buildings and Article 12, Definitions

MOVED: To adopt revisions to Article 3.325, Mixed-Use Building and Article 12, Definitions of the Zoning Bylaw, by adding language shown in in ***bold/italic*** and deleting language shown in ~~bold/strikethrough~~ on pages 15-16 of the Motion sheet.

Motion by: Griesemer

Seconded by: Hanneke

No vote taken. DuMont utilized Charter sec. 2.10(c) right to postpone to next Council meeting.

MOVED: To amend by replacing 30% Gross Floor Area with 40% non-residential use, and replace 70% with 60% Gross Floor Area for residential use.

Motion by: Schoen

Seconded by: Swartz

ROLL CALL VOTE: 6-7 (DuMont, Griesemer, Pam, Schoen, Schreiber, and Swartz voted Yes; Bahl-Milne, Brewer, De Angelis, Hanneke, Ross, Ryan, and Steinberg, voted No). **The motion failed.**

d. Proposed Bylaw Rescission/Removal: General Bylaw 3.15 Activities and Amusements

First Reading – no action

**e. Amendments to the Town Council Policy Regarding Control and Regulation of the Public Ways regarding the Performance Shell on the Town Common and Delegation of Authority to the Board of License Commissioners for Lunch Carts
VOTED VIA CONSENT AGENDA:**

MOVED: To suspend Town Council Rules of Procedure rule 8.4 for the current agenda item.

MOVED: To amend the Town Council Policy Regarding the Control and Regulation of the Public Ways by inserting the words “, including reservations of the performance shell” to section 1.a.

Motion by: Griesemer

Seconded by: Ross

ROLL CALL VOTE: Unanimous, 12-0, with 1 absent (Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Bahl-Milne was absent)

MOVED: To amend the Town Council Policy Regarding the Control and Regulation of the Public Ways by adding the following language as Section 3.e. and the renumbering of subsequent sections:

“Reservation of sidewalks for lunch carts: All reservations of sidewalks associated with the licensing of lunch carts by the Board of License Commissioners. Town Council delegates the review and action authority to the Board of License Commissioners with notification to the Town Manager of all requests and approvals for inclusion in monthly report provided to the Town Council.”

Motion by: Griesemer

Seconded by: Ross

ROLL CALL VOTE: Unanimous, 12-0, with 1 absent (Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Bahl-Milne was absent)

f. Town Manager Evaluation Memo

MOVED: To adopt the “FY21 Town Manager Performance Evaluation,” as amended.

Motion by: Griesemer

Seconded by: Schoen

ROLL CALL VOTE: 12-0-1 (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; DuMont was absent)

- g. 2022 Town Council Performance Goals for the Town Manager: Policy Goals**
Discussion only, no action.
- h. 2022 Town Council Meeting Schedule**
VOTED VIA CONSENT AGENDA:
MOVED: To suspend Town Council Rules of Procedure rule 8.4 for the current agenda item.

MOVED: To adopt the 2022 Town Council meeting schedule, as presented.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: 12-0-1 (Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Pam Abstained)

9. Appointments

a. Town Manager Appointments
(1) Residents' Advisory Committee

VOTED VIA CONSENT AGENDA:

MOVED: In accordance with Charter section 2.11(b), to approve the following Town Manager appointment to the Residents' Advisory Committee, as filed with the Town Clerk on November 30, 2021, and recommended by the Town Services and Outreach Committee report of December 6, 2021, effective immediately:

- For a term to expire June 30, 2022:
 - Nicola Usher

11. Approval of Minutes

VOTED VIA CONSENT AGENDA:

MOVED: To approve the following Town Council meeting minutes, as presented:

- November 15, 2021 Special Town Council Meeting minutes – Financial Indicators
- November 15, 2021 Town Council Meeting minutes – Public Forum on the Budget
- November 15, 2021 Regular Town Council Meeting Minutes

15. Executive Session

MOVED: To convene in executive session for the following purposes:

- In accordance with MGL c.30A, §21(a)2, to conduct strategy sessions in preparation for negotiations with nonunion personnel, Town Manager Paul Bockelman,
- In accordance with MGL c.30A, §21(a)2, to conduct contract negotiations with nonunion personnel, Town Manager Paul Bockelman,
- In accordance with MGL c.30A, s.21(a)7, to approve the Town Council executive session minutes of the following dates:
 - August 31, 2020
 - September 21, 2020

- October 19, 2020
- May 13, 2021
- May 18, 2021

To retain for future Town Council review the approved executive session minutes of the following dates:

- May 13, 2021
- May 18, 2021

And to release the executive session minutes of the following dates:

- August 31, 2020
- September 21, 2020
- October 19, 2020

- In accordance with MGL c.30A, §21(a)7, to consider the purchase, exchange, lease, or value of real property, as the chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body.

The Town Council will not reconvene in open session.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous

Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz

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intentionally left blank.**

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Bold/Italic text indicates proposed language.

Bold/Strikethrough indicates proposed removal from existing Zoning Bylaw.

ARTICLE 7 PARKING & ACCESS REGULATIONS

SECTION 7.0 GENERAL REQUIREMENTS

7.00 In all districts except Educational Districts *and Municipal Parking (MP) Districts*, off-street parking spaces shall be provided and maintained in connection with the construction, conversion or increase in dwelling units or dimensions of buildings, structures or use. The provisions of this section shall apply to parking spaces for cars, vans, light trucks, and similar vehicles used predominantly for personal transportation. Parking for commercial vehicles or vehicles used for private or public transit shall be governed under the provisions of Sections 7.1, 7.3 and 7.5. Except as may be required otherwise by the Permit Granting Board or Special Permit Granting Authority, as applicable, parking spaces shall be provided in ~~at least~~ the following ~~minimum~~ amounts.

7.000 For dwellings, including apartments:

7.0000 Two (2) parking spaces for each dwelling unit *shall be provided unless the Permit Granting Authority determines that an alternative ratio ensuring adequate parking for the proposed use will be provided. The Permit Granting Authority shall determine the adequate number of off-street parking spaces based on criteria such as:*

- *bedroom count;*
- *traffic impact, as identified in traffic reports;*
- *parking utilization, as documented through surveys of parking, within 800 feet of the proposed use;*
- *peak parking needs generated by on-site uses;*
- *proximity to downtown;*
- *proximity to public transit;*
- *availability of alternative modes of transportation;*
- *tenant lease restrictions relative to parking; and*
- *shared or leased parking, as regulated in accordance with Section 7.2.*

The Permit Granting Authority may require the applicant to hold sufficient land in reserve in order to provide additional parking spaces that might be required to be built at a later time (shadow parking/landscape parking reserve). All or portions of the said reserve shall be indicated on the approved site plan. As condition of the approved permit, the Permit Granting Authority shall specify the factors

that would require the shadow parking to be built. As long as the additional parking is not required to be built, the reserve shall be designed and maintained as naturally vegetated open space.

The Permit Granting Authority may require the applicant to submit a Transportation Demand Management Plan for review and approval. The said plan shall include implementation measures to be imposed by the applicant in order to reduce parking utilization and vehicle trips of tenants and visitors associated with the approved permit.

Implementation measures may include:

- *car and van pooling,*
- *offering subsidies for transit,*
- *furnishing bicycle facilities, and*
- *providing shuttle service to/from off-site parking facilities.*

Periodic documentation of reductions in vehicle trips and parking utilization, as a result of the approved Transportation Demand Management Plan may be required as a condition of any permit granted under this section.

The Permit Granting Authority shall require the applicant to submit a parking management plan for review and approval. The said plan shall explain how parking will be managed and enforced by the applicant.

In addition, the amount of parking spaces provided for each dwelling unit shall satisfy the provisions of Section 10.38 and 11.24, as applicable.

7.0001 Parking spaces for cars or similar vehicles shall be on a paved surface such as concrete, bituminous asphalt, masonry pavers, oil and stone, gravel, trap rock, or a similar material (see Section 7.101).

7.0002 In any residential district, there shall be a maximum of two (2) cars or similar vehicles allowed to be parked in the front setback of any property. Parking in the front setback shall be on paved surfaces only. Where five (5) or more cars are regularly parked on a given property in association with a residential use, parking in the front setback shall be designed so as to ensure free passage at all times for regular users and unrestricted access for emergency vehicles.

SECTION 7.9 WAIVERS

7.90 Any section or subsection of Article 7.0, Parking Regulations, may be waived or modified by the Permit Granting Board or Special Permit Granting Authority authorized

to act under the applicable section of the Bylaw for compelling reasons of safety, aesthetics, or site design.

7.91 Parking space requirements under Sections ~~7.0~~ 7.001, 7.002, 7.003 and 7.004 may be modified when one or more of the following conditions are met to the satisfaction of the Permit Granting Board or Special Permit Granting Authority:

7.910 Peak parking needs generated by on-site uses occur at different times.

7.911 A significant number of employees, tenants, patrons or other parking users of the site are common to and shared by more than one use on the site.

7.912 A parking management plan approved by the Permit Granting Board or Special Permit Granting Authority is implemented with occupancy of the building or buildings. Said plan shall include the implementation of such measures as car and van pooling, bicycling and public transit use sufficient to reduce the need for parking. Periodic documentation of reductions in vehicle trips and parking utilization as a result of the parking management plan may be required as a condition of any permit granted under this section.

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PROPOSED ZONING BYLAW LANGUAGE
ARTICLE 2, ZONING DISTRICTS AND ARTICLE 3, USE REGULATIONS

ARTICLE 2 ZONING DISTRICTS
SECTION 2.0 ZONING DISTRICTS
SECTION 2.04 Special Districts

PFD Parking Facility District

The Parking Facility District is an overlay district that applies only to the municipally owned parcel 14A-33 on North Prospect Street as this property's location and size is an appropriate location for a parking facility.

ARTICLE 3 USE REGULATIONS
SECTION 3.2 SPECIAL DISTRICTS
SECTION 3.23 Parking Facility District (PFD)

3.23 Parking Facility District (PFD)

3.230 Purpose

To allow the development of a public and/or private parking facility in the Town center in proximity to uses—institutional, entertainment, commercial, retail, and residential—that generate demand for parking.

3.231 Applicability

This Parking Facility District (PFD) shall apply only to parcel 14A-33 along North Prospect Street.

The provisions of this section shall only apply to uses authorized in the PFD identified below as Allowed Uses. The requirements of the underlying zone (General Residence) shall apply to all other uses. Unless specifically replaced or modified herein, the provisions of Article 6, Article 7, and Article 8 will apply to the proposed parking facility.

3.232 Allowed Uses

Parking facilities identified in Section 3.384 of the Zoning Bylaw, including sections 3.3840 (commercial parking lot or parking garage) and 3.3841 (public parking lot or garage) shall be permitted in the PFD by Site Plan Review in accordance with Article 11.

3.233 Dimensional Standards

The following dimensional standards shall apply and replace Section 6.17 and Table 3 in their entirety:

- 1) Basic Minimum lot area: 0
- 2) Basic Minimum Frontage: 0
- 3) Frontage zone: 15 feet between the property line along the right of way and closest point of any structure or parking space.
- 4) Side and rear setbacks: 5 feet from property line abutting a residential use in a residential district. Otherwise no setback is required.
- 5) Maximum Building Coverage: 90%
- 6) Maximum Lot Coverage: 95%
- 7) Height: maximum of 40 feet, measured as the vertical distance from the average finished grade on the street side of the structure to the highest point of the parking structure including the parapet wall or any wall, screening or vertical element extending from the uppermost parking level. The maximum height shall not apply to stair and elevator towers or mechanical equipment including solar panels.

3.234 Standards and Conditions

The Permit Granting Authority (PGA) shall apply the requirements of Sections 3.204 Design Review Principals and Standards, Section 7.1 Design Standards and Landscape Standards, 11.24 Site Plan Review Criteria and Design Guidelines, and the following additional standards:

- 3.2340 The maximum number of parking spaces within the proposed parking facility shall be approved by the PGA after analysis of current and future traffic conditions in the vicinity of the site. A thorough evaluation provided by the applicant's professional designer, subject to peer review at the request of the PGA and at the cost to the applicant, providing an analysis of the traffic and parking impacts of the proposed parking facility shall be submitted to the PGA.
- 3.2341 The parking structure shall be designed to be compatible with the adjacent neighborhood and downtown.
- 3.2342 The parking structure shall be designed and/or façade treatments shall be applied to minimize the visibility of cars parked inside the facility from North Prospect Street.

- 3.2343 Architectural details and materials shall be used to break down the scale of the parking structure façade.
- 3.2344 The grade and design of any driveway providing access or egress to a parking facility shall provide a clear view to the driver of any car exiting the facility of traffic on the street and of pedestrians on the sidewalk and shall: a) be a minimum of 12 feet wide for one-way use only; b) a minimum of 18 feet wide for two-way use; c) a maximum of 24 feet wide at the street lot line; d) designed to minimize curb cuts and access over sidewalks and; e) allow at least one vehicle to queue in the drive on the property without blocking the sidewalk.
- 3.2345 Sustainable design objectives shall be incorporated into the design of any parking facility.
- 3.2346 The Frontage Zone shall be heavily landscaped with plants having a height of at least one story above grade at the time of planting in addition to other low-level plantings and ground cover.
- 3.2347 Continuous sidewalks or walkways shall be provided to key areas served by the parking facility, including adjacent properties and sidewalks on North Prospect Street.
- 3.2348 Lighting shall be installed and shielded to prevent light disbursement onto adjacent properties.
- 3.2349 Additional free standing or projecting signs that do not exceed 50 square feet for each sign and a combined total of 100 square feet in area may be installed in accordance with all other standards of Article 8. The standards of Article 8 shall apply to all other signs.

3.235 Parking Management, Operations and Maintenance Plan

A parking management plan shall be required to be submitted to the PGA at the time of application that includes, but is not limited to, a description of:

- 1) Number of parking spaces available to different users such as the public, long term users, businesses and permit holders
- 2) Parking rates and fees
- 3) Hours of operation
- 4) Safety measures such as lighting, security cameras, signage, call box
- 5) Enforcement operations including ticketing and towing

- 6) Trash storage and removal
- 7) Snow management
- 8) Treatment and maintenance of interior surfaces
- 9) Storm water management

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PROPOSED ZONING BYLAW AMENDMENTS

SECTION 3.325, MIXED-USE BUILDINGS

ARTICLE 12: DEFINITIONS

Bold/Italic text indicates proposed new language.

~~***Bold/Strikethrough***~~ indicates proposed deleted removal.

ARTICLE 3 USE REGULATION

SECTION 3.3 USE CLASSIFICATION AND STANDARDS

SECTION 3.325 MIXED-USE BUILDING

N = No, the Use is not permitted in that Zoning District

SPR = The Use is permitted with Site Plan Review (See Section 11.2)

SP = The Use is permitted with a Special Permit, by the Zoning Board of Appeals (see Section 10.3)

| Zoning Districts | | | | | | | | | | | | | |
|------------------|-----|------|-----|-----|-----|-----|------|-----|-----|----|----|-----|-----|
| R-O | R-N | R-VC | R-G | R-F | B-G | B-L | B-VC | B-N | COM | OP | LI | PRP | FPC |
| R-LD | | | | | | | | | | | | | |
| N | N | SP | N | N | SPR | SPR | SPR | SPR | SPR | N | N | N | N |

Standards & Conditions:

~~A Mixed use building shall be a building containing dwelling unit(s) in combination with permitted retail, business, institutional, government, public service, consumer service, office or similar principal use(s) and lawful accessory use(s).~~

~~A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section. In those Limited Business (B-L) Districts not abutting the B-G District, and in the Commercial (COM) District, a Special Permit from the Special Permit Granting Authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed ten (10) dwelling units. The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).~~

~~In the Commercial (COM) District no dwelling unit nor any internal space associated with a dwelling unit shall occupy any first floor portion of a building facing onto a street, public plaza, or other space customarily used by the public. First floor residential dwelling units, and any required entries thereto, shall be located on the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than forty percent (40%) of the first floor Gross Floor Area shall be used for residential purposes, which shall include not more than fifteen percent (15%) of said GFA associated with or incidental to, whether for storage, required entries, stair/elevator towers, or other purposes, any residential uses on upper floors.~~

No more than 70% of the Gross Floor Area of the first or ground floor shall be residential use, parking, or common areas shared by multiple uses, unless otherwise permitted below.

At least 30% of the Gross Floor Area of the first or ground floor shall be any permitted non-residential use, other than parking, including incidental spaces, except that the Permit Granting Authority may allow the required non-residential use(s) to be distributed on any floor, or in any building of a multiple building development on the same parcel, provided that the portion of the first or ground floor of any building facing the Street shall be occupied predominantly by such non-residential use(s).

For the purposes of this section, incidental spaces shall not include common areas shared by multiple uses, or other spaces not contiguous to the non-residential use unless the space is included in the description of the premises leased to the non-residential tenant.

Any dwelling unit(s) and enclosed parking on the first or ground floor shall be located at the rear of the building and designed to reduce visibility from the Street.

For sloping lots or lots with frontage on more than one Street, the permit granting authority shall determine which floor(s) of the building is subject to the split of uses and criteria as mentioned above.

Bedroom Count: No more than 50% of the total number of dwelling units shall have the same bedroom count, with the exception of a Mixed-use building containing less than ten units. The Permit Granting Authority may waive or modify this requirement for projects in which all dwelling units provided are Affordable (see Article 12, Affordable Housing).

ARTICLE 12 DEFINITIONS

Add the following language and renumber subsequent sections of Article 12:

12.34 Mixed-use building: Mixed-use building is a building containing one (1) or more dwelling unit(s) in combination with permitted non-residential uses in accordance with Article 3.

12.37 Permit Granting Authority (PGA): The Planning Board or Zoning Board of Appeals, as the bylaw may designate, or, if no specific designation, the Building Commissioner/Zoning Enforcement Officer.