

AMHERST PLANNING BOARD
Wednesday, July 13, 2016 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Stephen Schreiber, Chair, Greg Stutsman, Rob Crouner, Bruce Carson, Richard Roznoy, Pari Riahi, Christine Gray-Mullen, Jack Jemsek and Michael Birtwistle

ABSENT: none

STAFF: Christine Brestrup, Planning Director

Mr. Schreiber opened the meeting at 7:00 PM.

I. MINUTES

Mr. Carson MOVED to approve the Minutes of May 25, 2016. Mr. Birtwistle seconded and the vote was 9-0-0.

Mr. Birtwistle MOVED to approve the Minutes of June 1, 2016. Mr. Carson seconded and the vote was 8-0-1 (Riahi abstained).

Since it was not yet time for the first public hearing, the Board turned to other business.

IV. OLD BUSINESS

- A.** Olympia Place – Discuss possible tour of nearly complete building and site – Board members decided to meet on Tuesday, July 19 at noon to tour the site. Staff will call Dave Williams to arrange the site visit.

II. PUBLIC HEARINGS – SITE PLAN REVIEW

SPR2016-00023 – Elizabeth Tan – 49 Northampton Road (*Continued from June 15, 2016*)

Request Site Plan Review approval for removal of existing driveway and curb cut off Northampton Road and construction of new driveway and new curb cut off Kendrick Place and approval of Landscape Plan in accordance with Condition #10 of SPR2014-00013 (Map 14A/243, R-G zoning district)

Mr. Schreiber noted that the five Board members who were present for the initial session of the public hearing on June 15th would be eligible to vote. The five included Rob Crouner, Bruce Carson, Richard Roznoy, Christine Gray-Mullen and Michael Birtwistle.

Mr. Stutsman recused himself and left the meeting.

Peter Wells of The Berkshire Design Group presented new information about the application. He was accompanied by Elizabeth Tan, applicant, and Ted Parker, President of Kohl Construction.

Mr. Wells noted that the new information was being brought in response to feedback received at the previous session of the public hearing. He presented specification sheets on a solid fence and a picket fence that are proposed for the eastern portion of the yard. He presented a statement about erosion and sedimentation control and about storm water drainage. Mr. Wells stated that Jason Skeels, Town Engineer, was in agreement that erosion control on this site had never been a problem. Notes regarding erosion control have been added to the plan. Mr. Wells stated that drainage on the site has been improved over existing conditions and that Mr. Skeels agrees with this statement.

Mr. Wells stated that he had met with Elizabeth Tan, owner of the property, about possible revisions for the driveway. He presented a plan of the previous design which had 39.9% lot coverage. There had been concern about the inner circle of the driveway, which contained lawn, and the idea that people would drive over the lawn. Mr. Wells had offered to install curbing and to widen the driveway. There had been concern about the turnaround of the driveway. Mr. Wells presented a different design, including a “modified hammerhead” for a turnaround area. The driveway was revised on the new plan to be 12 feet wide instead of 9 feet. It would still be the same distance from Route 9. The driveway will be asphalt with a cobblestone apron between Kendrick Place and the main part of the property. It will be wide enough for smaller trucks to come in. A new walkway to the guest door will be built of flag stones. One more tree has been added along Route 9, as a visual buffer. A curb has been added where the existing driveway comes off Route 9. The existing driveway will be demolished. The planting plan has remained the same, but the driveway is shorter, as recommended by the Board.

Mr. Crowner spoke in support of the new plan saying that it represented a really good improvement. Ms. Gray-Mullen and Mr. Roznoy concurred.

Mr. Carson and Mr. Birtwistle spoke in support of the new tree and the edging of the driveway.

Mr. Wells stated that there may be additional plantings between the house and the road, such as ground cover and shrubs.

Mr. Crowner MOVED to close the public hearing and to approve the site plan as presented, to waive the sign, lighting, erosion control plans, to condition the plan on obtaining approval from the Town Engineer and to waive [under Section 7.9] Section 7.106 of the Zoning Bylaw, which requires that a driveway be no closer than 75 feet from an intersection, and to find that the application meets the relevant criteria of Section 11.24 of the Zoning Bylaw. Mr. Carson seconded and the vote was 5-0-3 (Schreiber, Riahi and Jemsek abstained).

Mr. Stutsman returned to the meeting.

III. ZONING

A. Zoning Subcommittee – process for drafting future zoning amendments – Mr. Roznoy asked about Mr. Carson’s role in the process. Mr. Crowner acknowledged that Mr. Carson would no longer be a member of the Zoning Subcommittee since his term on the Planning Board had expired. There are now only two members of the ZSC. The ZSC and the Planning Board need to figure out a way forward for drafting zoning amendments. At the last Planning Board meeting Board members had started to discuss what articles to bring to Town Meeting and to discuss a possible Zoning Forum. The ZSC met earlier this evening. The Planning Department has a heavy workload and is understaffed. There are a number of big projects in the works. There is pressure from citizens and business groups regarding zoning amendments to bring to Town Meeting. Inclusionary Zoning and changes to the B-L zoning district are among the amendments being discussed. The Planning Board may get petition articles if these issues aren’t dealt with. Mr. Crowner stated that there is some role for the ZSC in some form. There are 3 or 4 “easy” “technical issues” that need to be dealt with, and the ZSC can work on these. But how should the larger issues go forward? Mr. Crowner noted that there are three possible alternatives:

1. Ad hoc basis – groups are formed around specific issues; there is a list of things that could be worked on, which have been identified in the past by the Planning Department or the Planning Board;

2. Planning Board could identify issues and pick a few people to work on a particular issue and then dissolve the group when work on that particular issue is finished;
3. Forums – hold forums to review the lists of amendments from the past that have already been identified, pick a few, review them with the public; however the list keeps getting longer and doesn't change much; or maybe hold a forum, pick an issue, with a planning (not a zoning focus) and see if zoning issues arise. The Planning Board could change the focus, to identify issues and pose questions and have a discussion about downtown or the town center. What is the Downtown? Should it be bigger? Smaller? What are its boundaries and transition zones? What should its density be? What horizon are we dealing with? Five, ten, twenty years? Recent work of the ZSC has touched the Downtown. There are a number of groups working on the Downtown – the Downtown Parking Working Group, the Transportation Task Force, the Planning Department, the BID. The Planning Board shouldn't duplicate efforts of these other groups. There is a large transition going on in Town Hall with a new Town Manager. It may be appropriate to ask the new Town Manager to take the lead on a forum and invite the other groups to participate. The ZSC is just framing the discussion and doesn't have a specific proposal.

There was discussion about Mr. Carson continuing to work with the ZSC, but as a member of the public, not as a Planning Board member.

Mr. Stutsman listed a number of issues that need to be dealt with: membership of the ZSC, what zoning amendments to bring to fall Town Meeting, what to do with the idea of a forum, how to get others in town to collaborate on zoning issues.

Mr. Schreiber reported that he had been invited to meet with the Charter Commission, along with Rob Morra, Dave Ziomek and Chris Brestrup. They were asked “who sets the vision for the physical form of the town – the Town Manager, the Planning Board, the Planning Department staff, the Select Board, the Economic Development Director?” It will be important to bring the new Town Manager into the discussion. The Planning Board creates the Zoning Bylaw and interprets it. It might be better if something/someone different from the Planning Board was responsible for proposing zoning amendments.

Ms. Gray-Mullen stated that the Planning Board reacts to the Master Plan. She asked if the Master Plan needed revisiting, tightening up, reprioritizing. Mr. Schreiber noted that there had been a plan for a Master Plan Implementation Committee, but it had never become established.

Ms. Gray-Mullen suggested reviewing the Master Plan, seeing what has been accomplished and reviewing the direction that the town is taking. The Board may identify areas where the Master Plan needs “tweaking” or an addendum to the Master Plan.

Mr. Schreiber noted that there were big ideas associated with zoning such as Inclusionary Zoning and Form Based Code and there were smaller things such as the separation of the B-L and COM zoning districts.

Mr. Stutsman reported that there are three articles that area near completion, that are administrative and less conceptual.

Mr. Roznoy stated that if forums are held, they should be called Planning Forums rather than Zoning Forums. Planning should drive Zoning. Others agreed.

Mr. Birtwistle noted that the Master Plan is written in a segmented manner. The Planning Board should focus on a particular issue that is definable.

Mr. Stutsman suggested focusing on the Downtown. The ZSC will put together an analysis of the B-L zoning district.

Mr. Roznoy would like to see a forum focused on the B-L. Then the Planning Board would determine what its policy is with regard to the B-L and give the ZSC direction about developing zoning to reflect the policy.

Mr. Schreiber noted that the closest the Board had come to this type of process was the two efforts regarding planning for North Amherst and South Amherst. They provided comprehensive looks at what these two areas could become. Start with the big vision and then work backwards to figure out what zoning amendments are needed. The Downtown is a “great frontier” and “an area of promise and the area of all kinds of challenges”. Focusing on that would make a lot of sense.

Mr. Jemsek asked how the forums would be organized, in the form of a charrette (?), with experts who could stimulate the public to think in different ways (?)

Ms. Riahi recommended reviewing and focusing on the Master Plan before holding one of the forums. Things can get confusing and go in a number of directions if it is not organized. If the Planning Board has prepared a list of issues before the forum it will be helpful in directing the discussion.

Mr. Schreiber noted that since the Master Plan was adopted the Town Gown Steering Committee and others had worked on issues identified in the Master Plan.

Ms. Brestrup noted that certain developments had been made possible in the Downtown as a result of changes in dimensional requirements that were the result of zoning amendments associated with the Master Plan. Taking away the requirement for lot area per dwelling unit was important. This has been true of North Amherst as well. There have been other plans that have also been developed, such as the Transportation Plan and the Open Space and Recreation Plan that have been incorporated into the Master Plan, by reference.

Mr. Crowner agreed with Mr. Roznoy that the Planning Board should engage in planning. The Planning Board as a whole should grapple with issues that impact zoning and impact the Board’s relationship with Town Meeting. He asked how to identify the issues.

Mr. Stutsman suggested that there be an item on the Planning Board’s agenda to encourage planning. In general, the Planning Board should “act” not “react”. The Planning Board can’t help but react in some instances, in regard to issues like flood mapping and inclusionary zoning.

Mr. Roznoy recognized the attraction of the Master Plan but stated that the Planning Board needs to identify specific issues. There could be a set of three forums to address the B-L issue, like the parking forums. Then the Planning Board could decide what it would like the B-L to be and direct the ZSC as to how to approach the necessary zoning amendments.

Mr. Schreiber noted that the town already has many new projects that it is working on: the Fire Department building, the DPW facility, the schools, the library. These projects comprise a lot of moving parts but also provide amazing opportunities. He

noted the East Village Common as an asset. There are possibilities for public/private partnerships.

Ms. Riahi stated that forums are a great platform for generating ideas. But a charrette might engage and guide public concern in a more productive way. She and Mr. Schreiber suggested engaging the BID and the Chamber of Commerce in a charrette process.

Ms. Gray-Mullen noted that there were three parking forums and all three were slightly different. Forums on the B-L could be patterned the same way. So much of it has to be a platform for the public to say what wants to see and what it envisions for the Downtown.

The North Amherst forums began as an effort to find out what people liked and didn't like about the village center and ended up with a plan for the intersection.

Ms. Riahi encouraged the Board to work on visual representations for what was being envisioned. A charrette process can be a lot more productive than merely talking about ideas because people can more easily understand what is being proposed if they can see a plan or an image. Teams can come up with different notions about how the downtown can be developed.

Mr. Schreiber noted that UMass architecture and landscape architecture studios are looking at the same issues. UMass design studios have looked at the CVS block and studied the Gateway district, among other sites. These projects are often unencumbered by zoning restrictions. Mr. Schreiber offered to bring in the book that resulted from these efforts.

Ms. Brestrup reported that the ZSC had certain things that they already know about, things they can work on in the short term that are "easy", technical issues. The ZSC would like to invite the Town Manager to a Planning Board meeting and discuss the potential for collaborating on a downtown forum, possibly sometime this fall.

Mr. Stutsman reported that the ZSC will meet to discuss Inclusionary Zoning. A new zoning amendment (preliminary framework) is being considered which would apply Inclusionary Zoning requirements to all Special Permits, but would base the amount of affordability that is required on a calculation based on proportionality. Language could be put into the Planning Board Rules and Regulations to state how the Planning Board would interpret these calculations. The number of affordable units required would be proportional to the impact of the Special Permit.

Board members agreed with this approach.

Mr. Schreiber noted that it was possible that recreational marijuana might be approved in the November referendum. Ms. Brestrup reported that the state would need to come up with regulations about how to deal with recreational marijuana. She offered to contact PVPC to find out if anyone there was studying the issue of recreational marijuana and working on a model zoning bylaw.

Mr. Schreiber also asked whether Dr. Gladstone would be coming to the Planning Board to discuss the possibilities for 12 Dickinson Street.

Mr. Schreiber also noted that there has been recent interest in the subject of "pop-up galleries" particularly in New York City.

- B.** Zoning Forum – discussion about schedule and content – see above

- C. Public Comment Period – none

IV. OLD BUSINESS

- A. Olympia Place – Discuss possible tour of nearly complete building and site – already discussed

- B. Signing of Decisions – the Board signed the following decisions:

SPR2016-00018 – Barry Roberts for Insomnia Cookies – 30 Main Street

SPR2016-00019 – Heather Sutherland for Londonwest – 35 South Pleasant Street

SPR2016-00020 – Florence Bank – 385 College Street

SPR2016-00021 – Crocker Farm School – 280 West Street

Mr. Roznoy returned to the subject of zoning during the signing of the decisions. He suggested adding the term “Zoning and Planning” rather than just “Zoning” as the title of the section and using the term “Forum” instead of “Zoning Forum” and asking “What form shall the forums take?” Mr. Schreiber suggested “Vision for Amherst” as a title for the forum(s).

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

V. NEW BUSINESS

- A. Planning Board Rules and Regulations – discuss possible change regarding attendance at public hearing as a requirement for voting – “Mullin Rule” Mass General Laws Chapter 39, Section 23D – and schedule public hearing for proposed change in Rules and Regulations

Mr. Schreiber stated that the Town Manager, with the approval of the Select Board, makes appointments to the Planning Board. The Select Board wants to hold to term limits of two three-year terms for Planning Board members. The Select Board interprets that policy to mean that the terms of Planning Board members end on June 30, 2016. This could have been a problem in the case of the Tan application, which was continued from June 15th. Mr. Carson’s term expired on June 30, 2016. The state allows a Planning Board member to miss the first session of a public hearing as long as the member familiarizes him/herself with the material that was presented. The Amherst Planning Board’s Rules and Regulations do not allow a member to miss the first session.

With regard to the Tan case, according to Town Counsel, an expiring member is allowed to serve on a case until the case is resolved, as long as he or she has not been replaced. In the Tan case, three members were to be absent on the night of the first session, and one had recused himself. That left only 4 members plus one whose term was expiring.

The purpose of the proposed change in the Rules and Regulations is to default to state law, to allow a member to miss one hearing, whether the first one or a subsequent one, as long as the member present when the vote is taken. Mr. Schreiber proposed to hold a public hearing on this change on August 3 or August 17.

Mr. Stutsman MOVED to hold a public hearing on this matter at a future Planning Board meeting. Mr. Birtwistle seconded and the vote was 7-1-1 (Crownor opposed; Carson abstained).

B. Planning Board Elections and Reorganization

Mr. Roznoy MOVED to nominate the following people to serve as officers of the Planning Board:

Mr. Schreiber, Chair

Mr. Stutsman, Vice-chair

Mr. Crowner, Clerk

Mr. Birtwistle seconded. All indicated their willingness to serve. The vote was 7-0-1 (Carson abstained).

The Planning Board reorganized its committee and liaison representatives as follows:

Pioneer Valley Planning Commission – Jack Jemsek (principle) and Christine Gray-Mullen (alternate)

Community Preservation Act Committee – Pari Riahi

Agricultural Commission – Stephen Schreiber

Transportation Task Force – has expired

Design Review Board – Michael Birtwistle

Housing and Sheltering Committee – Greg Stutsman

Zoning Subcommittee – Rob Crowner and Greg Stutsman

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman and Christine Gray-Mullen

Downtown Parking Working Group – Christine Gray-Mullen and Richard Roznoy

Mr. Roznoy MOVED that Mr. Jemsek be nominated to be the Planning Board's representative to the PVPC and that Ms. Gray-Mullen be nominated as alternate and that the others on the above slate of representatives and liaisons be nominated and appointed by the appropriate appointing body. Mr. Crowner seconded. The Board voted by acclamation to support the motion. Mr. Carson abstained.

C. Topics not reasonably anticipated 48 hours prior to the meeting – Ms. Brestrup reminded the Board members of the Flood Plain Mapping presentation to a Joint Meeting of the Planning Board and Conservation Commission scheduled for Tuesday, July 19th.

VI. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VII. UPCOMING ZBA APPLICATIONS – Ms. Brestrup reported on the upcoming ZBA public hearing on July 20th for a medical marijuana facility on Meadow Street in North Amherst. This is a continued public hearing. Another medical marijuana facility on University Drive was approved on June 30th.

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Jack Jemsek (principle) and Christine Gray-Mullen (alternate) – no report

Community Preservation Act Committee – Pari Riahi – no report

Agricultural Commission – Stephen Schreiber – no report

Transportation Task Force – has expired and a TAC – Transportation Advisory Committee – will be formed – Ms. Gray-Mullen reported that the Select Board may be discussing the TAC on July 26th.

Design Review Board – Michael Birtwistle reported that the DRB met last week. They reviewed and approved an awning for Zanna, roof mounted solar panels for Amherst Cinema, and signs for the Taste of Persia Restaurant at 31 Boltwood Walk.

Housing and Sheltering Committee – Greg Stutsman reported that the HSC would be co-sponsoring a forum on homelessness with the Affordable Housing Trust and the Town Manager on July 14th, at 7:00 p.m.

Zoning Subcommittee – Rob Crowner and Greg Stutsman – report previously given

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

Downtown Parking Working Group – Christine Gray-Mullen and Richard Roznoy reported that the Working Group had received a presentation from the consultant about the parking inventory. Mr. Roznoy disagreed with the media report on the presentation. Mr. Schreiber noted that most parking in the downtown is private and therefore restricted. There should be no surface parking in the downtown; instead there should be buildings there. Ms. Gray-Mullen noted that the media report was misleading. The consultant’s report identified peak squeeze points and low-hanging fruit that can be looked into by the Working Group. Mr. Schreiber suggested that the CVS lot could be managed better.

Mr. Roznoy stated that he would be absent on July 20th. Mr. Schreiber will be absent on August 3 and Mr. Stutsman will chair the meeting.

Mr. Crowner reminded the Board that they need to change the words “sketch plan” to “yield plan” in the Planning Board Rules and Regulations.

X. REPORT OF THE CHAIR – Mr. Schreiber reminded Board members to keep recruiting for a new Planning Board member to fill Mr. Carson’s now-vacant position.

XI. REPORT OF STAFF – Ms. Brestrup reported that the upcoming Planning Board meeting on July 20th would be a busy one with Site Plan Review and Special Permit applications for the Emily Dickinson Museum and One East Pleasant Street. She also reported on the proposed Beacon project in North Amherst, noting that the town had already been discussing roadway improvements to the intersections and that these would become even more important with increased development in the North Amherst village center.

XII. ADJOURNMENT

The meeting was adjourned at 8:45 PM.

Respectfully submitted: Approved:

Christine M. Brestrup
Planning Director

Stephen Schreiber, Chair

DATE: _____