

AMHERST PLANNING BOARD

**Wednesday, August 31, 2016 – 7:00 PM
Town Room, Town Hall
MINUTES**

PRESENT: Stephen Schreiber, Chair, Greg Stutsman, Rob Crowner, Christine Gray-Mullen, Jack Jemsek, Pari Riahi, Michael Birtwistle and Richard Roznoy
ABSENT: none
STAFF: Christine Brestrup, Planning Director

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

I. MINUTES

Mr. Stutsman MOVED to approve the Minutes of July 20, 2016. Ms. Riahi seconded and the vote was 6-0-1 (Jemsek abstained).

It was not yet time for the first public hearing so the Board turned to other business.

VII. FORM A (ANR) SUBDIVISION APPLICATIONS

ANR2017-00004 – W.D. Cows, Inc. – Land on Leverett Road – Map 3C, Parcel 13

Ms. Brestrup explained that W.D. Cows, Inc., the owners of Map 3C, Parcel 13, wish to carve off a small piece of land and transfer it to the owners of Map 3C, Parcel 83. However there may be an issue related to Parcel 83 that would make this transfer difficult. Preliminary research by the Planning Department indicates that Parcel 83 may be non-compliant in terms of zoning requirements and therefore any change to the parcel may require a Variance from the Zoning Board of Appeals.

The attorney for the owner of Parcel 13, Tom Reidy, has submitted a request to extend the 21 day time period that the Planning Board has to endorse the ANR plan.

Mr. Stutsman MOVED to approve a 21 day extension of time to September 21, 2016. Ms. Gray-Mullen seconded and the vote was 8-0-0 to approve the extension.

II. PUBLIC HEARINGS – PLANNING BOARD RULES & REGULATIONS

Town of Amherst Massachusetts – Planning Board Rules and Regulations (*continued from August 17, 2016*) – to consider amendments to Article III – Public Hearing, Section 3, Hearing Procedure, to allow a Board member who misses the first session of a multi-session public hearing to be eligible to vote on an application before the Board, if he/she certifies in writing that he/she has examined all evidence received at the missed session, under the provisions of MGL Ch. 39, Section 23D, (“Mullen Rule”)

The public hearing for this proposed change was originally scheduled for August 17, 2016, but due to the lack of a quorum the public hearing was continued to August 31, 2016.

Mr. Schreiber read the preamble and opened the public hearing. He noted that the Massachusetts legislature had passed the “Mullen Rule” (also known as Mass General Law Chapter 39, Section 23D) to allow members of boards and committees who miss a session of a public hearing to review testimony and be eligible to vote on an application or issue that comes before the board or committee. It is a way of ensuring continuity. Amherst Town Meeting adopted this rule for certain boards and committees and the Amherst Planning Board adopted it

as well. The Planning Board added some provisions to the rule such that a Board member must attend the first session of the public hearing in order to be eligible to vote. Mr. Schreiber proposes to return to what the state enables the Planning Board to do, which is to allow a Board member who misses one session, whether or not it is the first session, to review testimony and to vote. The one session can be any session except the session in which the vote is taken.

Mr. Crowner agreed with the proposal, although he does not agree with the Mullen Rule. It has not been used much and he doesn't want to make it easier to use.

Mr. Birtwistle agreed with the proposal, noting that it would strike Paragraph 2) b) [in Article III, Section 3, Hearing Procedure, on page 12] of the Planning Board Rules and Regulations.

Mr. Stutsman MOVED to close the public hearing and to approve the amendment to the Rules and Regulations. Ms. Gray-Mullen seconded and the vote was 7-1-0 (Crowner opposed).

VI. NEW BUSINESS

Topics not reasonably anticipated 48 hours prior to the meeting

Paul Bockelman, the New Town Manager, introduced himself to the Planning Board. He started in his new position on August 22. Mr. Bockelman spent 13 years as a town administrator on the North Shore. He has a Master's Degree in City Planning. He thanked the Board for their work.

Mr. Schreiber welcomed Mr. Bockelman and stated that the Board is honored that he came to the Planning Board meeting. The Planning Board wants to be pro-active and to work with the Town Manager on a shared vision for the future of the town. The Board invited Mr. Bockelman back to a future meeting to discuss priorities, zoning, and visioning. Mr. Schreiber also stated that the Planning Board is short one member and would be grateful to have the Town Manager appoint a member to fill the vacancy.

III. PUBLIC HEARINGS – SITE PLAN REVIEW & SPECIAL PERMIT

SPR2017-00001 & SPP2017-00001 – Nauset Properties, LP – 156 South East St. *(Continued from August 3, 2016 and August 17, 2016)*

Joint public hearing to request Site Plan Review to convert an existing single family house to offices, construction of parking area and related site improvements under Section 3.358 of the Zoning Bylaw and to request a Special Permit for a change of use in a non-conforming building, under Section 9.201 of the Zoning Bylaw (Map 15C/41, B-VC zoning district)

Mr. Schreiber read the description of the applications and noted that the public hearing had been continued from August 3 and August 17, 2016.

Mr. Schreiber had not attended the first session of the public hearing, so he stated that he would participate in the discussion but would not vote.

Ted Noonan presented the revised grading and drainage plan. It showed the detention basin moved back on the property and the bottom of the basin has been revised so that it is above the water table. Mr. Noonan had submitted the plan to the Town Engineer prior to the August 17th continued public hearing date.

Mr. Noonan presented the Lighting and Landscape Plan.

Mr. Crowner stated that if the area becomes more developed the applicant should consider installing a bike rack. A location in back of the building would be fine.

Mr. Noonan stated that the garage would be used for storage.

The Board decided by consensus that it would waive the requirement for a Traffic Impact Statement.

The Board reviewed the August 4th email sent by Ms. Brestrup to Mr. Noonan, listing items that the Planning Board wanted the applicant to address prior to the continued public hearing.

Mr. Noonan stated that his engineer had reviewed and responded to the items listed.

Mr. Jemsek noted that the email and attachments from the engineer, Roger Woods, dated August 12, addressed the items related to drainage.

Mr. Stutsman MOVED to close the public hearing for the Site Plan Review application and to approve the Site Plan Review application, with waivers as requested, and to find that the Site Plan Review application meets the relevant criteria of Section 11.24 of the Zoning Bylaw. Ms. Riahi seconded and the vote was 7-0-1 (Schreiber abstained).

Mr. Stutsman MOVED to close the public hearing for the Special Permit application and to approve the application and to find that it meets all of the relevant criteria of Section 10.38 of the Zoning Bylaw. Ms. Gray-Mullen seconded and the vote was 7-0-1 (Schreiber abstained).

IV. PLANNING & ZONING

A. Zoning Subcommittee Report & Status – Mr. Crouner reported that the Planning Board had three public hearings scheduled for next week [September 7th] on the following proposed zoning amendments:

- ED zoning district project review
- Non-substantive Corrections
- Table 3 Footnotes

The ZSC is working on other amendments, including Accessory Business Uses (trying to eliminate confusing provisions of the previous effort). September 21 is the date of the public hearing on Accessory Business Uses.

The ZSC is also working on an Inclusionary Zoning amendment. The language of the zoning amendment is almost ready and there is an accompanying proposed change in the Planning Board Rules and Regulations which would contain a calculation making the provision of affordable units proportional to the impact of the Special Permit being requested. It would only apply to that part of a project that is enabled by Special Permit. The ZSC hopes this will be a good clarification and that it will impact projects appropriately.

Mr. Crouner noted that another zoning amendment deals with Site Plan Review Applicability. This amendment seeks to clarify when Site Plan Review is required. It will exempt certain kinds of proposals that are small. He described the details of how this would work, noting that it would give the Building Commissioner authority to approve some small projects administratively. The Building Commissioner would be able to seek guidance from the Design Review Board and the Historical Commission.

Mr. Crouner noted that the ZSC is proposing three “small” articles and three “larger” articles for Town Meeting, while being aware that petition articles may be submitted by citizens. He reviewed the schedule for the public hearings on zoning amendments and noted that the Select Board would be signing the Warrant on October 17th.

Mr. Stutsman requested that Planning Board members share the task of presenting these articles to Town Meeting and attend Precinct meetings to explain them to Town Meeting members.

- B. Planning Issues – no discussion
- C. Forums – Topics and Schedule – no discussion
- D. Public Comment Period – none

V. OLD BUSINESS

- A. Signing Decisions
 - SPR2016-00023 – Elizabeth Tan – 49 Northampton Road – not ready for signature
 - SPR2016-00026 and SPP2016-00002 – Archipelago Investments – One East Pleasant Street – signed by Planning Board members coming into the Planning Department office
- B. Topics not reasonably anticipated 48 hours prior to the meeting – none

VI. NEW BUSINESS

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

VII. FORM A (ANR) SUBDIVISION APPLICATIONS

The Board endorsed the following ANR plan:

ANR2017-00005 – Pocomo Road Nominee Trust – 312 Leverett Road

VIII. UPCOMING ZBA APPLICATIONS

Ms. Brestrup reported on the following upcoming ZBA applications:

ZBA FY2017-00004 – Wilson Properties Group, LLC – 179 Northampton Road – To alter a Special Permit to eliminate a fence

ZBA FY2017-00003 – The Brook at Amherst Green – 170 East Hadley Road – To alter a Special Permit to expand a parking lot

ZBA FY2017-00002 – Virakis LLC – 699 Main Street – Request a Special Permit to rebuild a non-conforming garage

ZBA FY2017-00006 – Betandri LP – South East Street – Request a Special Permit for a flag lot

Owner-occupied converted two-family dwelling 1117 North Pleasant Street – Request a Special Permit to remove owner-occupancy requirement and change a parking lot

Comprehensive Permit – Beacon Communities – information is on the town’s website; Site Eligibility application has been submitted to DHCD; the town is in the 30 day comment period; Planning Department staff will work with the Town Manager to prepare a letter for Select Board’s review and endorsement; a Comprehensive Permit application will be submitted to the ZBA; Planning Board will discuss this project on September 7th.

IX. UPCOMING SPP/SPR/SUB APPLICATIONS

Ms. Brestrup reported on upcoming Planning Board applications and zoning amendments.

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Jack Jemsek – no report

Community Preservation Act Committee – Pari Riahi – no report

Agricultural Commission – Stephen Schreiber reported that the Ag Com met recently but he was unable to attend.

Design Review Board – Michael Birtwistle – no report

Housing and Sheltering Committee – Greg Stutsman – no report

Zoning Subcommittee – Rob Crouner and Greg Stutsman – report heard previously

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman and Christine Gray-Mullen – Ms. Gray-Mullen reported that the Economic Development subcommittee of UTAC met on 8/31 to reach out to property owners and developers to find out what people were doing and what they were thinking about the downtown

Downtown Parking Working Group – Christine Gray-Mullen and Richard Roznoy – no report

XI. REPORT OF THE CHAIR – Mr. Schreiber reported that this is the last day of “meteorological summer” and that the kids went back to school today.

XII. REPORT OF STAFF – none

XIII. ADJOURNMENT

The meeting was adjourned at 8:17 PM.

Respectfully submitted:

Approved:

Christine M. Brestrup
Planning Director

Stephen Schreiber, Chair

DATE: _____