

AMHERST PLANNING BOARD
Wednesday, September 13, 2017, 7:00 PM
Community Room, Amherst Police Station
MINUTES

PRESENT: Greg Stutsman, Acting Chair, Robert Crowner, Richard Roznoy, Christine Gray-Mullen and Maria Chao

ABSENT: Stephen Schreiber, Jack Jemsek, Michael Birtwistle and Pari Riahi

STAFF: Christine Brestrup, Planning Director
Steven McCarthy, Administrative Assistant

Mr. Stutsman opened the meeting at 7:02 PM.

I. MINUTES – July 19, 2017

Mr. Roznoy MOVED to accept with changes as noted the minutes of July 19, 2017. Ms. Chao seconded and the vote was 3-0-2 (Gray-Mullen and Chao abstained).

II. PUBLIC HEARINGS – ZONING AMENDMENTS

A-01-18 Zoning – Table 3 Footnotes (Planning Board)

To see if the Town will amend Article 6 of the Zoning Bylaw by removing Footnote “j” from Table 3, Dimensional Regulations and to see if the Town will amend Article 6 and Article 4 of the Zoning Bylaw by removing Footnote “k” from the list of Footnotes for Table 3 and removing the bottom four rows of dimensional requirements for Cluster Developments from Table 3, Dimensional Regulations, and adding similar language to a new Section 4.324, and by amending Table 3 by removing the Footnotes “j” and “k” from the chart of dimensional requirements.

Mr. Stutsman read the preamble and opened the public hearing. Mr. Crowner reported on the Zoning Subcommittee meeting discussion about this article.

Footnote “k” allows certain dimensions in certain cluster subdivisions to be further modified beyond the modifications allowed in the cluster subdivision section of the Bylaw. This language is now being moved entirely to Section 4.3, Cluster Development, of the Zoning Bylaw, with the rest of the cluster subdivision regulations. There are no substantive changes proposed to the regulations.

Footnote “j” regulates lot coverage in the B-L district, and currently has a maximum lot coverage of 85/70%. Eighty-five percent (85%) is allowed in B-L districts along University Drive and abutting the B-G zone; seventy percent (70%) is allowed elsewhere. There are only 3 parcels that are ‘elsewhere’, all along Dickinson Street - the former Classic Chevrolet lot and dealership, currently owned by Amherst College, and an oil tank on a parcel with no frontage, owned by Whiting Oil. These lots all appear to be exceeding 70% lot coverage, although no formal study has yet been done. Removing Footnote “j” is substantive, as it would allow the properties on Dickinson Street to have 85% lot coverage.

There was no public comment.

Mr. Crowner MOVED to close the public hearing, and that the Planning Board recommend the article to Town Meeting. Mr. Roznoy seconded, and the vote was 5-0-0.

A-02-18 Zoning – Commercial Parking Facility (Planning Board)

To see if the Town will amend Article 3, of the Zoning Bylaw, Section 3.3840, Commercial parking lot or parking garage, to change the use category to “Commercial Parking Facility” and to change the permit requirements in the B-G, B-VC and COM zoning districts from Special Permit by the ZBA to Site Plan Review by the Planning Board

Mr. Stutsman read the preamble and opened the public hearing.

This article arose out of discussions that the Downtown Parking Working Group had about wanting more parking to be available downtown. This article would change the permitting standard for a for-profit commercial parking lot or garage in three zones, B-G, B-VC, and COM, from SP to SPR. This is intended to lower a permitting hurdle for anyone who may wish to create such a facility. Municipal or public parking lots are already allowed by SPR.

Ms. Brestrup noted this would make a public-private partnership easier to develop, should such a proposal ever arise.

There was no public comment.

Mr. Crowner MOVED to close the public hearing, and that the Planning Board recommend the adoption of the article to Town Meeting. Mr. Roznoy seconded, and the vote was 5-0-0.

III. PLANNING & ZONING

A. ZSC report – Mr. Crowner delivered the Zoning Subcommittee report. The ZSC has been spending a lot of time working on marijuana uses. The public hearing on the current proposal will be held next week. It has been difficult adapting the medical marijuana use category for recreational use; many clauses relate only to medical sales. The ZSC still expects that the results won't change to any great extent how the uses are regulated – this proposal just provides common sense adjustments to allow for recreational marijuana – with two exceptions. The first is that the ZSC is proposing to allow retail recreational marijuana establishments in mixed use buildings, and the second is a proposal to limit the total number of recreational retail establishments in town to eight. A moratorium until the end of 2018 will also be offered as an option for Town Meeting to approve or not approve. If the first article passes, the moratorium will not be necessary.

Mr. Roznoy asked if there was a parallel general bylaw proposed with this for enforcement and public safety issues. Will smoking marijuana in public be allowed? Ms. Brestrup said there is already a Board of Health regulation prohibiting people from smoking any combustible substance on public property or in a public building; the Town would have to pass a General Bylaw to prevent other forms of marijuana ingestion on public property. Proposals along those lines are being considered.

Ms. Gray-Mullen asked how the limit of eight recreational marijuana establishments was determined. Mr. Crowner said it seems like a reasonable amount. Some think it should be lower, and some think it should be higher. The limit number can be amended downward on the floor of Town Meeting if Town Meeting members so desire.

Mr. Stutsman noted there is a floor of three establishments that must be allowed due to state law and the number of off-site liquor licenses in town.

Ms. Brestrup clarified that the floor of three could be lowered, but it would have to be done by a vote of the voters. The Select Board will be discussing the proposed limit on Monday, so

if there is desire for an adjustment, this article could be altered at the next Planning Board meeting.

The town has issued four letters of support for medical marijuana establishments and they would all be allowed to convert to include recreational marijuana sales based on state law. The number eight (8) is related to the number of marijuana establishments that have received letters of support (4). If these four are allowed to convert to recreational sales, the thought is that there should also be room for new establishments to arise to sell marijuana for non-medical use.

Mr. Stutsman noted that the areas in town in which establishments were allowed would not be changed, with the exception that there was a proposal for retail establishments to be allowed in mixed-use buildings. It is expected that with that provision, only two retail marijuana establishments will be able to be located downtown. There is also a proposal not to allow recreational marijuana retailers in the Office Park district.

There was further discussion about the proposed limit of eight.

It was reported that there were no Zoning Bylaw petition articles submitted.

IV. OLD BUSINESS

A. Signing of Decisions

The Board reviewed an updated landscape plan submitted in relation to SPR 2017-16, Sandri Realty. The Board will wait for the lighting details to be submitted before approving the landscape plan.

B. Planning Board Fall Schedule – update

Planning Department staff is working to synthesize the input from the forum, as well as the online comments. Once that has been done, another forum will be planned; it will be after Town Meeting. The next Planning Board meetings will be September 19th and October 4th.

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

V. NEW BUSINESS

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

VI. FORM A (ANR) SUBDIVISION APPLICATIONS - none

VII. UPCOMING ZBA APPLICATIONS – none. The Aspen Heights project is still in the public hearing process.

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS – Ichiban Asian Bistro is submitting an application to allow outdoor seating; the Town is submitting an application for the Boltwood Walk Barrier Removal Project.

IX. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Jack Jemsek and Christine Gray-Mullen – no report

Community Preservation Act Committee – Pari Riahi – no report

Agricultural Commission – Stephen Schreiber – no report

Design Review Board – Michael Birtwistle – no report

Amherst Municipal Affordable Housing Trust – Greg Stutsman – Next meeting is September 14th.

Zoning Subcommittee – Rob Crowner, Greg Stutsman and Maria Chao – no further report

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman and Christine Gray-Mullen – UTAC will meet this week, and once per month going forward. There have been seven or eight responses to the RFI the University recently put out.

Downtown Parking Working Group – Richard Roznoy – The DPWG met to discuss their recommendations to the Select Board, regarding parking fees and enforcement.

Transportation Advisory Committee – Richard Roznoy – The TAC has finished its work on a draft proposal for crosswalk guidelines and standards. Soon a copy will be submitted for review heading towards a future public meeting to consider input from all boards and committees and the public.

X. REPORT OF THE CHAIR - The Planning Board met tonight in the Police Station because the Town Meeting Coordinating Committee Subcommittee on Policy and Procedures is meeting now in the Town Room; this may be of interest to Board members.

XI. REPORT OF STAFF – none.

XII. ADJOURNMENT

The meeting was adjourned at 7:50 PM.

Respectfully submitted: Approved:

Steven McCarthy
Administrative Assistant

Stephen Schreiber, Chair

DATE: _____