

AMHERST PLANNING BOARD
Wednesday, October 4, 2017, 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Stephen Schreiber, Chair, Maria Chao, Robert Crowner, Michael Birtwistle, Jack Jemsek, Pari Riahi, Richard Roznoy, Christine Gray-Mullen and Greg Stutsman

ABSENT: none

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

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

I. MINUTES – August 16, 2017

Mr. Birtwistle MOVED to approve the minutes of August 16, 2017. Ms. Gray-Mullen seconded. Mr. Roznoy offered an amendment to the effect that he had been absent on August 16th. Mr. Birtwistle accepted the amendment and the vote was 5-0-4 (Chao, Roznoy, Jemsek and Riahi abstained)

II. PUBLIC HEARINGS – SITE PLAN REVIEW

SPR2018-05 – Ichiban Asian Bistro – 104-106 North Pleasant Street

Request Site Plan Review approval for seasonal outdoor seating/dining under Section 5.041 of the Zoning Bylaw (Map 14A/43, B-G zoning district)

Mr. Schreiber read the preamble and opened the public hearing. Mr. Jemsek recused himself from public the hearing.

Barry Roberts, owner of the building at 96 – 108 North Pleasant Street, presented the application.

The restaurant, Ichiban Asian Bistro, opened in late summer. The owners of the restaurant would like to offer outdoor dining in front of 104 North Pleasant Street, in an enclosure with planters and stations with colored fabric to demarcate the space.

Ms. Gray-Mullen reported that there had been a site visit that morning and that Mr. Crowner, Mr. Birtwistle and Ms. Gray-Mullen had attended. Mr. Roberts gave a tour of the site and the interior of the restaurant and showed the Board members where the outdoor dining would be located.

Ms. Brestrup reported that the proposed outdoor dining meets the criteria outlined in Section 5.041 of the Zoning Bylaw and that the Building Commissioner had determined that the tables and chairs and other site furniture will not unduly hinder safe exit from or access to the establishment in the event of a fire or other emergency.

Mr. Roberts reported that the site furniture will be stored in the lower level of the building from November 1 to April 1.

Mr. Stutsman MOVED to close the public hearing, to grant the waivers as requested, to find that the application meets the criteria in Sections 5.041 and 11.24 of the Zoning Bylaw and to approve the application. Mr. Crowner seconded and the vote was 8-0-1 (Jemsek abstained).

The Board turned to Old Business.

V. OLD BUSINESS

- B.** Newmarket Center – 6 University Drive – approval of new signs for Greenfield Savings Bank in accordance with conditions of Plan Approval PA85-6

Denise Coyne, Chief Operating Officer, and Paul Benjamin, Head of Marketing, presented the new signs for the bank. The bank has a new logo. The existing sign will be replaced with a sign displaying the new logo. There will be one sign on the fascia and another sign on the north side of the building. The sign at the top of the gable will be removed. The new signs will improve the building.

Ms. Brestrup explained that all signs for the Newmarket Shopping Center need to be approved by the Planning Board, in accordance with Plan Approval PA85-6.

There were no questions or concerns.

Mr. Stutsman MOVED to approve the changes as proposed. Ms. Riahi seconded and the vote was 9-0-0.

III. PLANNING & ZONING

- A.** ZSC Report – Mr. Crowner presented the ZSC Report. The Planning Board has completed the public hearings for the zoning articles. After the Warrant Review with Town Counsel some changes were made to the format of the original article on recreational marijuana retailers, which was to have been presented in four parts. Town Counsel and the Town Moderator thought that approach was confusing and recommended that the article be presented as one whole proposal. The current version of the article is a “clean” version which proposes standards and conditions as the Board would like to see them.

The Board had taken a vote on the previously formatted article and now needs to take a vote on the newly formatted article. Mr. Crowner asked for a new vote on the article as currently presented.

There was discussion about whether to allow the sale of marijuana in mixed-use buildings. The ZSC recommended that the Planning Board make the motion to strike the language regarding prohibition of sales in mixed-use buildings when the article is moved in Town Meeting. The language in the Warrant will say that sales of marijuana in mixed-use building is prohibited. The amended motion would strike the prohibition.

There was further discussion about this topic.

Mr. Crowner reported that the language of the Warrant would also include a cap of 8 on the number of places that could sell marijuana. This cap can be lowered in Town Meeting, or stricken, but not raised.

There was discussion about the number 8. There was also discussion about a possible temporary moratorium on the retail sale of marijuana.

Mr. Stutsman noted that the Building Commissioner could regulate retail sales of recreational marijuana under the current medical marijuana bylaw, if the Warrant articles related to marijuana fail, but this could be challenged.

Ms. Riahi stated that she was not comfortable with the cap of 8 and wanted to know how the number was derived. There was discussion about the limit of 8.

The Select Board will have an article on the Warrant proposing a limit on the number of marijuana retailers. The limit is likely to be 8.

Mr. Birtwistle asked why it was necessary or advisable to include the sale of marijuana in a mixed-use building.

Mr. Crowner explained that marijuana uses would be allowed in all mixed-use districts, but restrictions would limit where these establishments could go. In the downtown, two areas are possible, but everywhere else appears to be within 300 feet of a house or church or library. The ZSC wants to make it possible to have some retail sales downtown and didn't see a reason to prevent the sale in mixed-use buildings.

There was further discussion about the 300 foot buffer. There is no opportunity to waive the 300 foot buffer.

Ms. Chao referred to a useful Power Point presentation that had been given by Geoff Kravitz, Economic Development Director, wherein he estimated the number of properties that could house a marijuana retailer.

There was discussion about the timeline for zoning amendments and how it relates to the state timeline for regulation of marijuana sales.

The Board discussed why the town would want to impose a moratorium. Ms. Chao explained that it would be a sort of safety net, if the bylaw does not pass. It would buy more time, after the CCC issues the state regulations, to craft a zoning bylaw.

Mr. Crowner stated that the ZSC wants retail sales in town. We know there will be recreational use in town. If we have retail sales we will collect the local option sales tax and money from the host agreements. The town will have expenses related to marijuana use whether or not we allow retailers in town.

Mr. Crowner offered to make a motion, under the assumption that the Select Board article on the limitation of the number of retailers would proceed the Planning Board article on recreational marijuana on the Town Meeting Warrant.

Mr. Crowner MOVED to recommend the revised article, including a provision for sales in mixed use buildings and the cap as determined by the Select Board's article. Mr. Stutsman seconded.

Mr. Birtwistle expressed his support for a moratorium. Ms. Gray-Mullen recommended finding out how neighboring towns are handling the idea of a moratorium. Mr. Jemsek stated that he would abstain from the vote having missed the last two meetings.

Mr. Crowner repeated his motion and the vote was 7-0-2 (Jemsek and Birtwistle abstained).

Mr. Crowner reported that an extra sentence had been added by Town Counsel to the Temporary Moratorium language, stating that if both the zoning bylaw on recreational marijuana and the moratorium both pass the moratorium takes precedence. The ZSC did not recommend the article and took no position on the article.

Mr. Crowner MOVED that the Planning Board put the Temporary Moratorium on the Warrant without a recommendation to Town Meeting. Mr. Stutsman seconded and the vote was 7-0-2 (Jemsek and Roznoy abstained).

B. Downtown/Town Center Community Forum – planning for fall forum (Tentative date – Tuesday, November 28th) – Ms. Brestrup reported that she and Mr. McCarthy would work on an analysis of the input from the last forum on June 29th. Mr. Roznoy recommended waiting until after January to hold the next forum.

Mr. Birtwistle and Mr. Roznoy announced that they would not be available for the November 28th date. Ms. Riahi will look at her schedule and determine if she is available on November 28th.

Alternative dates for the Downtown Forum were December 7 (okay with Mr. Roznoy and Mr. Birtwistle but not with Ms. Riahi) or November 29 or December 6 (which are regularly scheduled Planning Board nights).

- C. Public Comment – none
- D. Other – none

IV. TOWN MEETING

- A. Movers and Speakers – due October 23 at noon
- B. Planning Board Reports to Town Meeting – due October 17 at noon – Ms. Brestrup will send them to Planning Board members when they are ready.
- C. TMCC & LWV Warrant Review – scheduled for Tuesday, October 24th in Town Room
- D. TMCC Zoning Forum – tentatively scheduled for October 25th – Board members determined that it was fine to not schedule a separate Zoning Forum, but to include discussion of zoning amendments at the end of the Warrant Review (scheduled for October 24th)

V. OLD BUSINESS

- A. Signing of Decisions – The Board signed four decisions as follows:
 - SPR2018-02 – Amherst College – 212 Northampton Road – Softball Field
 - SPR2018-03 – Amherst Regional High School – 21 Mattoon Street – Sheds
 - SPR2018-04 – North Amherst Library – 8 Montague Road – Parking Lot and Portable Toilet
 - SPR2018-06 – Town of Amherst – 103 North Pleasant Street – Boltwood Walk Barrier Removal
- B. Newmarket Center – 6 University Drive – approval of new signs for Greenfield Savings Bank in accordance with conditions of Plan Approval PA85-6 – previously dealt with
- C. Planning Board Fall Schedule – Meetings during Town Meeting (November 15)
- D. Topics not reasonably anticipated 48 hours prior to the meeting – none

VI. NEW BUSINESS

- A. Amherst Housing Market Study – Begin review and discussion about Chapter 6, Recommendations – Mr. Birtwistle introduced the topic. He would like to have a better understanding of the goals looked at in the Master Plan from 2010, particularly with regard to Demographics and Housing. Many of the recommendations of the Housing Market Study seem to overlap with those of the Master Plan. The Planning Board ought to take the lead in implementing the Master Plan. Implementation is a significant part of the Master Plan. The Housing Market Study is more specific in stating ways of reaching the objectives. One of the recommendations is to unlock multi-family housing and high density housing and to allow multi-family units by right.

Mr. Crowner noted that the Planning Board and ZSC have been working on the goals and objectives contained in the Master Plan, the Housing Market Study and the Housing Production Plan. These goals and objectives are best achieved in mixed-use buildings. The Planning Board has proposed zoning amendments to allow taller buildings to increase the

number of units that can be contained in a building, in village centers and the downtown. Non-residential uses such as public, commercial and retail uses can occur on the ground floor. This approach is in contrast to encouraging apartment buildings.

Mr. Stutsman noted that he supports a discussion about decreasing the permit requirements for multi-family housing and allowing it in other areas of town. His one reservation is that the Special Permit requirement means that developers must provide affordable housing as part of the project, which is a good thing. He encouraged the town to consider 40R designation for some neighborhoods, since it includes affordable housing.

Ms. Gray-Mullen stated that the town could allow multi-family housing by right or allow existing multi-family housing to be adapted.

Mr. Birtwistle noted that John Fox and John Hornik had both talked about the challenges of student housing in their presentations to the Board. He encouraged the Board to think about cottage housing, for families and others. In his experience, students are generally not a problem when they are mixed in with non-student housing. Small scale additional units should be encouraged and made affordable.

Mr. Stutsman noted that the Planning Board had proposed a zoning amendment to allow more liberal use of supplemental apartments. Detached supplemental dwelling units, one of which is owner-occupied, were recently allowed. Small houses on small lots should be considered.

Ms. Chao suggested that the next Downtown Forum could focus on housing.

Board members discussed infill development, possible changes to zoning dimensional requirements that would make infill more possible, owner-occupancy of the property, consideration of establishing a “University Neighborhood”, infill in existing apartment complexes, Class II apartments, an apartment overlay district, housing sited near transportation amenities.

Mr. Crowner noted that for infill redevelopment, displacement of existing tenants can be an issue. We need a way to preserve affordability “in real time”. Perhaps something can come out of this discussion for the ZSC to work on.

Mr. Birtwistle asked about single family cottage development, 1500 square foot houses on 5000 square foot lots and small houses in cluster developments.

The Board will continue this discussion at an upcoming meeting.

- B.** CPTC Workshops – Fall 2017 – no discussion
- C.** Topics not reasonably anticipated 48 hours prior to the meeting – The Trivia Bee Team for this year will include Mr. Stutsman, Mr. Crowner, Mr. Schreiber and Ms. Chao. It is scheduled for October 26th at 7:00 p.m.

VII. FORM A (ANR) SUBDIVISION APPLICATIONS – none

VIII. UPCOMING ZBA APPLICATIONS – Mr. McCarthy reported that a duplex is being proposed at 100 North Prospect Street and a second dwelling unit is being proposed above the garage at 99 Pulpit Hill Road. The Board declined to review these projects. A third ZBA application for a restaurant and apartments on University Drive was of interest to the Planning Board and the Board requested a presentation on this project.

IX. UPCOMING SPP/SPR/SUB APPLICATIONS – none

X. PLANNING BOARD COMMITTEE & LIAISON REPORTS

Pioneer Valley Planning Commission – Jack Jemsek and Christine Gray-Mullen – there will be a meeting next Thursday,

Community Preservation Act Committee – Pari Riahi – met last night

Agricultural Commission – Stephen Schreiber – doesn't have enough members to have a quorum if one person is absent; therefore hasn't met in a while.

Design Review Board – Michael Birtwistle – no report

Amherst Municipal Affordable Housing Trust – Greg Stutsman – there will be a public forum on October 25; Valley CDC will give an update on an enhanced SRO that is in the planning stages.

Zoning Subcommittee – Rob Crowner, Greg Stutsman and Maria Chao – report already given

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

Downtown Parking Working Group – Richard Roznoy – no report

Transportation Advisory Committee – Richard Roznoy reported that the TAC had scheduled a forum on crosswalks for Tuesday, December 5.

XI. REPORT OF THE CHAIR – A new trail in South Amherst will be named after long-time Planning Director, Jonathan Tucker.

XII. REPORT OF STAFF – The town has received 28 applications for the position of Associate Planner and hopes to hire someone to fill the position soon.

XIII. ADJOURNMENT

The meeting was adjourned at 8:45 PM.

Respectfully submitted: Approved:

Christine Brestrup
Planning Director

Stephen Schreiber, Chair DATE: _____