

Town of Amherst
UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, July 12, 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:

Others Participating Remotely: Town Manager Paul Bockelman, Assistant Town Manager David Ziomek, Finance Director Sean Mangano, Planning Director Christine Brestrup, Clerk of the Town Council Athena O’Keeffe, Minute-taker Lindsey McConnell

Public Comment: Andy Anderson, Ira Bryck, Suzannah Muspratt, Katharine Green

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 p.m.

President Griesemer declared the meeting adjourned at 11:36 p.m.

5. Consent Agenda

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.a. Polling Locations Removed by DuMont~~
 - 8.b. Solar Landfill Project – Conservation Restriction
 - 8.d. Mitchell Property Ch. 61A – Right of First Refusal
 - 8.i.(1) Long-Term Reservation of Public Ways: Mobile Market
 - ~~8.i.(4) Other Requests for Permanent Changes to the Public Way: Back-In Parking on North Pleasant Street Removed by DuMont~~
 - 8.j. Inter-Governmental Agreements
- ~~6.a. Adoption of Resolution in Support of S. 868, An Act Empowering Cities and Towns to Impose a Fee on Certain Real Estate Transactions to Support Affordable Housing, and S. 1853, An Act Providing for Climate Change Adaptation Infrastructure and Affordable Housing Investments in the Commonwealth Removed by Pam~~
- ~~8.i.(1) Approval of Long-Term Reservation of Public Way Request – Mobile Market Removed by Brewer~~

- 8.j. Authorization for Town Manager to enter in the following inter-governmental agreements for FY22:
 - Sealer of Weights and Measures with the City of Northampton
 - Municipal Hearing Officer with the City of Northampton
 - Veterans' Services with the City of Northampton and the Towns of Amherst, Chester, Chesterfield, Cummington, Goshen, Hadley, Middlefield, Pelham, Williamsburg, and Worthington
 - Pioneer Valley Bike Share
 - Provision of Ambulance Services:
 - Provision of Ambulance Services to the Town of Leverett
 - Provision of Ambulance Services to the Town of Pelham
 - Provision of Ambulance Services to the Town of Shutesbury
 - Agreement for dog kennel services with City of Northampton
 - DART Case Management Memorandum of Understanding
 - Provision of transit services by the University of Massachusetts
 - Paramedic Intercept Services with the City of Northampton
 - Paramedic Intercept Services with the Town of Hadley
 - Paramedic Intercept Services with the Turners Falls Fire Department
 - Agreement for fire and emergency medical services mutual aid with multiple communities
- 11.a-b. Approval of the following Town Council Meeting minutes:
 - June 21, 2021 Regular Town Council Meeting minutes
 - June 28, 2021 Regular Town Council Meeting minutes

Motion by: Griesemer

Seconded by: Ross

ROLL CALL VOTE: Unanimous

6. Resolutions and Proclamations

- a. Resolution in Support of S. 868, An Act Empowering Cities and Towns to Impose a Fee on Certain Real Estate Transactions to Support Affordable Housing, and S. 1853, An Act Providing for Climate Change Adaptation Infrastructure and Affordable Housing Investments in the Commonwealth**

MOVED: To adopt the Resolution in Support of S. 868, An Act Empowering Cities and Towns to Impose a Fee on Certain Real Estate Transactions to Support Affordable Housing, and S. 1853, An Act Providing for Climate Change Adaptation Infrastructure and Affordable Housing Investments in the Commonwealth, as presented.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

- b. Citation in Recognition of Officer Rita Curley (nee Contardo) upon receiving the Law Enforcement Exemplary Performance Award from the Massachusetts Department of Mental Health**

MOVED: To adopt the Citation in Recognition of Officer Rita Curley (née Contardo)

upon receiving the Law Enforcement Exemplary Performance Award from the Massachusetts Department of Mental Health, as presented.

Motion by: Griesemer

Seconded by: Ryan

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

8. Action Items

a. Polling Locations

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

Motion by: Hanneke

Seconded by: Ryan

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

b. Solar Landfill Project – Conservation Restriction

VOTED VIA CONSENT AGENDA

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

MOVED: To grant to Kestrel Trust a permanent conservation restriction on property containing 53 acres, more or less, located on 95 Old Belchertown Road, Amherst, and identified as Assessors Parcels 21B-8, 18D-310, and 18D-311 and to execute, and to authorize the President to execute, on behalf of the Town Council, said conservation restriction and any other documents related thereto, which conservation restriction is hereby declared to be in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Motion by: Griesemer

Seconded by: Steinberg

ROLL CALL VOTE: Unanimous

c. Energy and Climate Action Committee Charge

MOVED: To refer the Energy and Climate Action Committee Charge to the Governance, Organization, and Legislation Committee, for review of Number of Voting Members, Number of Liaisons, Number of Non-Voting Members, Staff Support and Composition, and to make a recommendation to the Town Council by August 23, 2021.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 8-5 (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Ross, Ryan, and Steinberg voted Yes; Councilors DuMont, Pam, Schoen,

Schreiber and Swartz voted No)

d. **Ch. 61A Right of First Refusal – Map Parcel ID: 2C-12 off Sunderland Road
VOTED VIA CONSENT AGENDA**

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

MOVED: Moved to not exercise the Town’s right of first refusal under GL c. 61A to purchase an 18.58 acre parcel of land located on Sunderland Road, Amherst, which land is a portion of the property described in deeds recorded with the Hampshire Registry of Deeds in Book 8668, Page 196 and Book 9216, Page 64 and is a portion of Assessors Parcel 2C-12 and 2C-1-12, and that said property may be conveyed to Barry L. Roberts or his nominee for consideration of \$1,600,000 for commercial/industrial use, as set forth in the Notice of Intent dated May 24, 2021.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

e. **Zoning Bylaw Article 15 Inclusionary Zoning**

MOVED: To amend Zoning Bylaw Article 15, Inclusionary Zoning, by deleting the language in ~~red strikethrough~~ text and adding the language in *italic bold* text as follows:

ARTICLE 15 INCLUSIONARY ZONING

SECTION 15.0 INTENT AND PURPOSE

SECTION 15.1 REGULATIONS

SECTION 15.0 INTENT & PURPOSE

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable and accessible housing in the Town of Amherst. This purpose includes:

15.00 Ensuring that new residential development generates affordable housing as defined in Article 12.

15.01 Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs.

15.02 Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.

15.03 To the extent allowed by law, ensuring that *the Permit Granting Authority or the Special Permit Granting Authority consider offering* local preference for new affordable housing *as a condition of the Permit or Special Permit* ~~is given to eligible persons who live or work in Amherst~~. *Those eligible for local preference shall include an applicant who, in the initial lease-up: lives in the community; is a municipal employee; works at a business in the community; and/or has children in the schools of the community, or other category of local preference as defined by the state agency providing financing.*

SECTION 15.1 REGULATIONS

To ensure the purposes of this section, the following regulations shall apply to residential development **(including but not limited to town houses, apartments, mixed-use buildings, PURDs, and OSCDs)** in Amherst **that provide new dwelling units**:

15.10 **"New dwelling units" means any combination of units that have received or will receive a Certificate of Occupancy in any five-year period and are located in new buildings or additions to existing buildings, and any net increase in units resulting from reconstruction of existing buildings, except for units resulting from:**

- 15.100 Affordable housing developments under M.G.L. Chapter 40B.**
- 15.101 Conventional Residential Subdivision Developments under Section 4.2.**
- 15.102 Cluster Development under Section 4.3**
- 15.103 Any use permitted under Section 3.326 in the R-F District.**
- 15.104 Institutional Uses under Section 3.33 containing residential dwelling units.**
- 15.105 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program. Such housing may adhere to the requirements set forth by the funding agency provided that the purposes of these regulations are met.**
- 15.106 Replacement of units after damage or destruction by fire, water, or natural disaster.**

15.11 All residential development resulting in ~~a net increase~~ **new** dwelling units above the number already existing in the ~~site development and requiring a Special Permit for the use itself or for modification of one or more certain dimensions as described below~~ shall provide affordable housing units at the following minimum rates:

<u>Net Increase in Unit Count</u>	<u>Required Affordable Unit Provision</u>
1-9 units	None*
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21 units	Minimum 12% of total unit count**

* While provision of affordable units is not required for developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections 4.33 (**Cluster Development**) and 4.55 (**Open Space Community Development**).

~~Special Permit modified dimensions triggering this bylaw:
 Building Coverage greater than standard maximum; or
 Lot Coverage greater than standard maximum; or
 Additional Floor(s) beyond the standard maximum; or
 Height more than 2 feet greater than standard maximum~~

** **When six (6) or more affordable rental units are required under this bylaw, twenty (20%) percent of the affordable units shall be affordable to households earning 60% Area Median Income (AMI) or less as calculated by the U. S. Department of Housing and Urban Development or any successor agency.**

Calculation of the number of total affordable units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.

15.12 **"Residential development" means "new dwelling units" on one or more adjacent properties developed at the same time or in phases, and that share aspects of the properties such as but not limited to shared utilities, a common driveway, shared parking or the use of the combined properties for lot or building coverage calculations.**

- 15.13 Affordable and accessible dwelling units provided under Section 15.10 shall be counted as meeting the requirements for density bonuses under the provisions of Section 4.55, Density Bonuses, of this Bylaw.
- 15.14 The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be available for purchase or rental by eligible buyers and tenants, in perpetuity or to the extent allowable under law.
- 15.15 Housing constructed by a public agency or nonprofit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purpose of these regulations are met.
- 15.16 In any residential development, affordable housing units provided shall be dispersed throughout the development, and shall be comparable to market rate units in terms of the quality of their design, materials, and general appearance of their architecture and landscape. Affordable units shall be comparable to market rate units in terms of size and bedroom count except as otherwise allowed by the Permit Granting Board or Special Permit Granting Authority.
- 15.17 The Permit Granting Board or Special Permit Granting Authority may grant a Special Permit for modifications as provided below, except that when ~~four (4)~~ **six (6)** or more affordable units are required under the provisions of Article 15 of this Bylaw, a minimum of 50% must be provided on-site.
- 15.170 Off-site affordable units may be allowed for projects principally located in the B-G, B-VC, B-N, and those B-L districts abutting the B-G district. Off-site units shall be located within the same zoning district or within 500 feet of the premises of the development and shall comply with Section 15.14—15.16.
- 15.171 Payment of fees-in-lieu of affordable units may be allowed, payable prior to the granting of a Certificate of Occupancy for any dwelling units associated with the development, to the Town of Amherst Municipal Affordable Housing Trust. The fee-in-lieu value for each affordable unit not provided shall be ~~three (3)~~ **four (4)** times the current Median Family Income for Amherst as determined by the U.S. Department of Housing and Urban Development (HUD) or successor agency.

Motion by: Hanneke

Seconded by: Schoen

ROLL CALL VOTE: Unanimous

f. Zoning Bylaw Article 16 Temporary Moratorium

MOVED: To adopt Zoning Article 16, Temporary Moratorium for 180 Days on Building Permits for Construction of Residential Buildings with Three or More Dwelling Units, as follows:

ARTICLE 16: TEMPORARY MORATORIUM FOR 180 DAYS ON BUILDING PERMITS FOR CONSTRUCTION OF RESIDENTIAL BUILDINGS WITH THREE OR MORE DWELLING UNITS

The Town is in the process of updating and amending its zoning bylaws, conducting outreach and analysis and preparing recommendations to the Planning Board and Town Council. Planning Department staff have proposed engaging a consultant to help develop design guidelines and potential zoning changes that adhere to a plan for future

development and include streetscape, side-walks, set-backs and green-space for downtown areas and village centers. To allow time for this planning process to proceed and be effective, there is an urgent need for a temporary moratorium on building permits for residential construction with three or more units in downtown and adjacent districts to allow time for this planning process to proceed.

The 180-day (6-month) moratorium would provide that:

No new building permits shall be issued for the proposed construction of any residential building including

three or more dwelling units in the Business General (BG), Business Limited (BL) or General Residence (RG) zoning districts in the town for a period of 180 days. A 180-day delay will provide time for town staff and a consultant to provide outreach to residents, to assist in drafting design standards and to amend the zoning requirements regarding:

- Streetscape, side-walk widths, and green space for new multi-unit developments
- building heights and setbacks required in the zoning bylaw dimensional table
- inclusionary zoning requirements
- the definition of mixed-use buildings
- municipal parking overlay in the B-G District that allows for no parking spaces for new residential buildings and allows removal of existing parking spaces without contribution to a public parking fund, yet allows tenants to secure town parking permits for town parking spaces, irrespective of the number of residential units
- climate action/resilience criteria for new construction recommended in the town Climate Action, Adaptation and Resilience Plan

If the Town is not able to implement amended zoning bylaws addressing all of the areas listed in this section before 180 days, then there shall be a 90-day extension of the temporary moratorium.

Motion by: Griesemer

Seconded by: DuMont

9 Votes in the Affirmative Required

ROLL CALL VOTE: 4-9 (Councilors DuMont, Pam, Schoen, and Swartz voted Yes; Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Ross, Ryan, Schreiber, and Steinberg voted No)

The motion failed.

g. Property-Assessed Clean Energy (PACE)

No action taken.

h. Allocation of American Rescue Plan Act Funds

No action taken.

i. Long-Term Reservation of and Other Requests for Permanent Changes to Public Ways

(1) Mobile Market

VOTED VIA CONSENT AGENDA

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

MOVED: To approve the following reservations of Town Ways for Amherst Mobile Market, dated 7/9/21:

- Adjacent to the East Hadley Road Valley Bike Station, Saturdays from 10:00 am – 12:00 noon from September 11, 2021-October 30, 2021
- On the East Street Common, Wednesdays from 3:30 pm – 5:30 pm from September 15, 2021-October 27, 2021

Motion by: Griesemer

Seconded by: De Angelis

ROLL CALL VOTE: Unanimous

(2) North Pleasant Street, One-Way from McClellan Street to Triangle Street

MOVED: To refer the Town Manager Public Way Request: North Pleasant Street Upgrades from Hallock to Triangle Street, dated July 8, 2021, to the Town Services and Outreach Committee, for review and recommendation to the Town Council by September 13, 2021.

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous

(3) North Pleasant Street Pedestrian Improvements from Pine Street to Eastman Lane

MOVED: To refer the Town Manager Public Way Request: North Pleasant Street Pedestrian Improvements from Pine Street to Eastman Lane, dated July 8, 2021, to the Town Services and Outreach Committee, for review and recommendation to the Town Council by October 4, 2021.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: Unanimous

(4) Back-In Parking on North Pleasant Street

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

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous

MOVED: To approve the long-term change, until November 30, 2021, of four parallel parking spaces in front of 37-51 North Pleasant Street to six back-in angle parking spaces. And to approve meters for the new spaces with rates set at \$1.00 per hour, with a 2-hour limit and enforced from 8:00 am to 8:00 pm.

Motion by: Griesemer
Seconded by: Ryan
ROLL CALL VOTE: Unanimous

j. Inter-Governmental Agreements
VOTED VIA CONSENT AGENDA

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

VOTED VIA CONSENT AGENDA

MOVED: In accordance with authorization under MGL Chapter 40 Section 4A, to approve renewal of the following intermunicipal and intergovernmental agreements for FY22:

1. Sealer of Weights and Measures with the City of Northampton
2. Municipal Hearing Officer with the City of Northampton
3. Veterans' Services with the City of Northampton and the Towns of Amherst, Chester, Chesterfield, Cummington, Goshen, Hadley, Middlefield, Pelham, Williamsburg, and Worthington
4. Pioneer Valley Bike Share
5. Provision of Ambulance Services:
 - a. Provision of Ambulance Services to the Town of Leverett
 - b. Provision of Ambulance Services to the Town of Pelham
 - c. Provision of Ambulance Services to the Town of Shutesbury
6. Agreement for dog kennel services with City of Northampton
7. DART Case Management Memorandum of Understanding
8. Provision of transit services by the University of Massachusetts
9. Paramedic Intercept Services with the City of Northampton
10. Paramedic Intercept Services with the Town of Hadley
11. Paramedic Intercept Services with the Turners Falls Fire Department
12. Agreement for fire and emergency medical services mutual aid with multiple communities

11. Approval of Minutes
VOTED VIA CONSENT AGENDA

MOVED: To adopt the following Town Council Meeting minutes, as presented:

- June 21, 2021 Regular Meeting
- June 28, 2021 Regular Meeting