



**Town of Amherst
Town Council Meeting
Monday, July 12, 2021
6:30 p.m.
Minutes**

Complete video is available online: <https://youtu.be/qiGYF3oA5mQ>

1. Call to Order

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, and Minute-Taker Lindsey McConnell

Note: Pursuant to Chapter 20 of the Acts of 2021, this meeting was conducted via remote means. Members of the public were able to access the meeting in real time via Zoom or by telephone.

2. Announcements

President Griesemer made the following announcements:

Upcoming Town Council Meetings:

- August 2, 2021, 6:30 p.m., via Zoom
- August 23, 2021, 6:30 p.m., via Zoom

Upcoming Council Committee Meetings:

- Community Resources Committee: July 13, 2:00 p.m. Public Hearing on Rezoning of Parcel 14A-33 (Town Parking lot behind CVS) - Town Room, Town Hall
- Finance Committee: TBD
- Governance, Organization, and Legislation Committee: July 14, 10:30 a.m., via Zoom
- Town Services and Outreach Committee: July 15, 6:30 p.m., via Zoom

All meeting agendas and details are posted at www.AmherstMA.gov/Calendar

3. Hearings – None

4. General Public Comment

Andy Anderson, Amherst resident, expressed concerns about the Charter requirement to implement ranked choice voting, and urged the Council to take action to implement ranked choice voting.

Ira Bryck, Amherst resident, spoke in favor of the moratorium zoning bylaw and urged Councilors to adopt it.

Suzannah Muspratt, Amherst resident, spoke in support of the moratorium zoning bylaw, and requested a revote on the referrals made at the previous meeting.

Katherine Green, Amherst resident, spoke in support for temporary moratorium.

Marion Hoffman Foreman, Amherst resident, expressed concern that Amherst is serving college student and not older residents and families.

Lenore Bryck, Amherst resident, spoke in support of the moratorium.

Jennifer Page, Amherst resident, asked the Council to remove polling locations from consent agenda and seek more input from residents before voting.

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.

- Suspension of Town Council Rules of Procedure rule 8.4 for the following agenda items:
 - 8.a. Polling Locations
 - 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
 - 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
- 8.i.(1) Approval of Long-Term Reservation of Public Way Request – Mobile Market
- 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

DuMont requested removal of Suspension of Town Council Rules of Procedure rule 8.4 for 8.a. Polling Locations, and 8.i.(4) Other Requests for Permanent Changes to the Public Way: Back-In Parking on North Pleasant Street.

Pam requested removal of 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.

Brewer requested removal of 8.i.(1) Approval of Long-Term Reservation of Public Way Request – Mobile Market.

MOTION: Griesemer moved, second by Ross, 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.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.j. Inter-Governmental Agreements
- 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
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 - DART Case Management Memorandum of Understanding
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 - 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

VOTED unanimously, 13-0 by roll call, 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.b. Solar Landfill Project – Conservation Restriction
 - 8.d. Mitchell Property Ch. 61A – Right of First Refusal
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 - 8.j. Inter-Governmental Agreements
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 - Provision of Ambulance Services to the Town of Leverett
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 - 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

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

Ryan reported the Governance, Organization, and Legislation Committee determined the resolution is clear, consistent and actionable.

Hanneke spoke in support of the resolution.

Councilors discussed the details of the resolution and need for links to bills in resolutions to make it easier for people to find the bills the resolutions are supporting.

MOTION: Griesemer moved, second by Hanneke, 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.

VOTED unanimously, 13-0 by roll call, 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.

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

Ryan reported the Governance, Organization and Legislation Committee determined the citation is clear, consistent, and actionable.

Officer Curley and Chief Livingston thanked the Council for their recognition.

MOTION: Griesemer moved, second by Ryan, 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.

VOTED: 12-0-1 by roll call (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; Councilor DuMont Abstained) 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.

7. Presentations and Discussion - None

8. Action Items

Agenda Item i. Long-Term Reservation of and Other Request for Permanent Changes to the Public Ways (1) Mobile Market

VOTED via consent agenda to suspend Town Council Rules of Procedure rule 8.4 for the current agenda item.

Amherst Mobile Market Representative Caitlin Marquis spoke about the market's services and requested use of the public way.

MOTION: Griesemer moved, second by De Angelis, 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

Brewer spoke about the Town Manager approving a portion of the long-term use before Council approval and stated the request should have come to the Council for approval from the beginning.

Councilors praised the Mobile Market’s services, spoke in support of approving the request, and spoke briefly about future requests that would be made to the Town Council for use of the public way.

VOTED Unanimously, 13-0 by roll call, 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

a. Election Update and Polling Locations

Griesemer stated the proposed locations are same used in September and November elections last year.

Town Clerk Susan Audette spoke about the following:

- Election deadlines for Council action
- Benefits of the high school as a polling location
- Vote by mail not available right now, pending legislation
- In person and absentee voting
- Voter experience at the high school
- Negative aspects of other polling location options
- No early voting option right now

Brewer spoke about a misconception regarding “default” polling locations, misconceptions about the implementation of ranked choice voting, and requested an elections FAQ from the Town Clerk’s office.

Pam spoke in favor of a public forum to allow conversation about polling locations prior to a Council vote.

DuMont agreed with Pam.

MOTION: Hanneke moved, second by Ryan, to suspend Town Council Rules of Procedure rule 8.4 for the current agenda item.

Hanneke stated the public has had time to make comments, there is no change from the locations used in 2020, and spoke in favor of moving forward.

Bahl-Milne spoke in support of a public forum.

Ryan stated he is not against a forum but that there was not communication from residents that there were issues.

Brewer spoke in support of a forum after the election to gather feedback.

Griesemer spoke about the 2020 elections, the process for changing polling locations, the Town’s swift response to negative input on the original plan to move all polling locations to the high school, and the effect mail in voting may have had on in person turnout on Election Day.

Pam agreed with Brewer regarding a forum following the election.

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) to suspend Town Council Rules of Procedure rule 8.4 for the current agenda item. The motion failed.

Griesemer stated the Council will have a special comment period on the agenda on August 2.

The Town Council took a brief recess at 8:02 pm.

Griesemer confirmed all members can hear and be heard after the break.

b. Solar Landfill Project – Conservation Restriction

VOTED via consent agenda to suspend Town Council Rules of Procedure rule 8.4 for the current agenda item.

Assistant Town Manager David Ziomek stated this has been a ten year long process, extremely unique considering all of the moving parts to put solar on the north landfill.

Sustainability Coordinator Stephanie Ciccarello spoke about the conservation restriction.

Hanneke expressed concern with the width of the trails and limitations in the conservation restriction.

Ziomek responded that the Kestrel Trust will allow the Town to maintain the trails at the standard 6-foot width.

MOTION: Griesemer moved, second by Steinberg, 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.

VOTED unanimously, 13-0 by roll call, 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.

c. Energy and Climate Action Committee (ECAC) Charge

Hanneke spoke about the creation of the ECAC at the beginning of the current Council's term, and that liaisons can serve rather than appointing Councilors to this committee, and staff members could be added, if appropriate, as well.

Schoen stated she does not see a problem with the way the committee functions as it is.

DuMont agreed with Schoen, and expressed concern that ECAC members have not weighed in, that it feels strange that she was not consulted, that having Councilors on the committee adds connection and power, and that the timing is wrong for a change to the charge.

Ross spoke about discomfort with adding Councilors to the committee when it was formed, that Councilors serving on the ECAC get to vote on recommendations before they come to the Council, and that it has created an unusual dynamic.

Brewer stated committees should be evaluated before a new Council is seated, agreed with Ross' statements, and spoke in favor of referral.

De Angelis spoke in favor of referral.

Schoen spoke about her role as liaison to the Community Preservation Act Committee.

DuMont agreed with Schoen and stated members of the committee are not cowed by her participation.

Swartz spoke about her experience serving on the ECAC, and spoke in favor of continuing to have Councilors on the committee.

MOTION: Griesemer moved, second by Hanneke, 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.

VOTED 8-5 by roll call (Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Ross, Ryan, and Steinberg voted Yes; Councilors DuMont, Pam, Schoen, Schreiber and Swartz voted No) 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.

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

Attorney Tom Reidy, speaking on behalf of the buyer, spoke about the sale of the property and intended use following the sale.

Planning Director Christine Brestrup reported the Planning Board voted 4-0 with 2 abstentions to recommend the Council not exercise the right of first refusal.

Ziomek reported the Conservation Commission voted 5-1 to recommend the Council exercise the right of first refusal.

Brewer requested that the names of members be included in reports to the Council.

Councilors asked questions about intended use, wetlands in the area, and water runoff.

Ziomek disclosed he has a family member who owns property in the area.

Ziomek spoke about the Conservation Commission discussion of natural resources on the property, potential of a perennial stream bisects the property, likely associated wetlands, potentially intermittent streams and some soils may be prime agriculture soils. Commission felt their recommendation should be that the Town consider purchasing the property to preserve the resources on site.

Reidy spoke about required permits and review if the sale and intended use were to proceed.

VOTED via consent agenda to suspend Town Council Rules of Procedure rule 8.4 for the current agenda item.

MOTION: Griesemer moved, second by Hanneke, 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.

VOTED unanimously, 13-0 by roll call, 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.

e. Zoning Bylaw Article 15 Inclusionary Zoning – Second Reading

MOTION: Hanneke moved, second by Schoen, 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:

Net Increase in <u>Unit Count</u>	Required Affordable <u>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.

VOTED unanimously, 13-0 by roll call, 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 15.0INTENT & 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</u> <u>Unit Count</u>	<u>Required Affordable</u> <u>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.

f. Zoning Bylaw Article 16 Temporary Moratorium – Second Reading

Pam and DuMont spoke in support of the proposed zoning bylaw, stating there has been significant constituent support for the moratorium, and that the current piecemeal approach is not effective.

Steinberg spoke about the perception of Amherst as anti-business, the unhappiness with the current zoning, and spoke in opposition to the proposal.

Schoen stated there were 900 signatories to the petition, that people feel like zoning is rushed and not working, and the intent to pause rather than halt growth.

Hanneke stated the proposal does not achieve what the people who have written in support want it to achieve as applicants could still apply for and receive approval for a special permit, spoke in opposition to the proposal, stated that the proposal would not be a short pause, and that the statements in support and language of the bylaw are not in alignment.

Schreiber spoke about the lack of resident interest in serving on the Planning Board and the existing vacancies on the Zoning Board of Appeals, the mismatch in the way people try to effect government, and in opposition to the proposal.

Pam spoke about the letters the Council received and how to address those concerns and unhappiness.

Bahl-Milne spoke about sending the message that Amherst wants to stop development and fear of buildings, and asked how to bring community to the downtown.

De Angelis spoke about the character of Amherst, the difference in socioeconomic status and prejudice among residents.

Griesemer stated the moratorium does not achieve its intent and does not accomplish what the supporters want it to accomplish. Griesemer stated that the zoning changes under way now have been in the process for a long time, and spoke about comments she has heard that Amherst is toxic.

Ryan spoke about the incredible step of adopting inclusionary zoning and that we should not take a step backwards by adopting the moratorium.

Pam spoke about access to green space, and places to gather.

Brewer spoke about the perception that the Town designed the five story buildings in the downtown, the buildings adding to tax revenues, and the accusations that zoning amendments are rushed when the moratorium was discussed during campaigns in 2018. Brewer added that it is hard to implement what a community wants, and that engagement is needed to make projects better.

MOTION: Griesemer moved, second by DuMont, 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.

VOTED 4-9 by roll call (Councilors DuMont, Pam, Schoen, and Swartz voted Yes; Councilors Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Ross, Ryan, Schreiber, and Steinberg voted No) 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

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- 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.

The motion failed.

g. Property-Assessed Clean Energy (PACE)

Finance Director Sean Mangano spoke briefly about the program, which is not a residential program, it is focused on commercial properties.

De Angelis stated the Mass Development website makes no assurance about registered capital providers.

Mangano stated he will seek more information about that; part of the qualification process is to work with the mortgage holder and have qualified lenders.

h. Allocation of American Rescue Plan Act Funds

Steinberg spoke about the Finance Committee discussion, the funds must be allocated in accordance with the Charter process, and the need for more information from the state on the use of the funds.

Mangano spoke about the goal to lay out a transparent process with community engagement via an advisory group and website announcements.

Councilors discussed resident engagement, sustainability, staffing, Councilors serving on the advisory group, the groups' role in making recommendations not for Council action, and about the Chamber and Business Improvement District involvement.

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

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

Department of Public Works Superintendent Guilford Mooring referenced the Town Council's June 7th discussion, and stated that this referral will move this forward so Town Services and Outreach Committee can talk about options such as adding parking, making the street one-way or two-way,

Schoen spoke in opposition to the plan that appeared to remove green border along the sidewalk, and that the proposed one-way flowed in the wrong direction, stating that if the street were to become one-way, the proposed direction should be reversed because one-way hearing north would result in a left-hand turn across traffic that is flowing from the traffic circle, so the one-way direction should be north to south.

Hanneke expressed concerns that the concept doesn't match the plan or the memo, spoke about the need for trees, and if we are adding parking the Council will need to hold a hearing.

Mooring stated the drawing is not exactly what is proposed, it was meant to show the area under discussion, and that the Town intends to maintain the significant trees along the sidewalk.

MOTION: Griesemer moved, second by Ryan, 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.

VOTED unanimously, 13-0, 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.

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

Mooring spoke about the ongoing project, whose goal is to have an 8-foot sidewalk on one side and 5-foot on the other. There is no funding for the project yet.

Schoen asked about lighting and crosswalk improvements, stated the first step should be to improve the visibility of cross walks and add blinking lights because these are currently dangerous at night. Cars cannot see pedestrians and there are frequent crossings. This should be a priority. Schoen stated that the University should pay for the sidewalk improvements along this stretch since this mainly serves student housing. She noted that sidewalks exist on both sides of North Pleasant. But are needed on other streets such as East Pleasant where people are walking on a 40 mile an hour road. There is a need for a sidewalk study for that street - a study was approved several years ago at the Joint Capital Planning Committee but has not yet occurred.

Du Mont expressed concern at the broadness of the request and input from the Transportation Advisory Committee (TAC).

Mooring stated the proposal is specifically what is in the materials, and has been reviewed by TAC.

Brewer disclosed her home is in the area of the plan, asked for the TAC report, and asked how the Town is grouping the projects for funding purposes.

Swartz asked how the process can be more collaborative and provide options.

MOTION: Griesemer moved, second by Hanneke, 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.

VOTED unanimously, 13-0 by roll call, 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.

(4) Back-In Parking on North Pleasant Street

Du Mont asked if the Council can vote without a hearing.

Hanneke stated it is a long-term change not a permanent change, so it does not require a hearing.

Brewer stated that if it related to parking there is a required hearing.

Mooring spoke about the Council suggestion of a back-in parking experiment and that this location was identified as a good area to try it. Once outdoor dining is removed in November the spaces will need to be returned to their prior configuration.

MOTION: Griesemer moved, second by Ryan, to suspend Town Council Rules of Procedure rule 8.4 for the current agenda item.

VOTED unanimously, 13-0 by roll call, to suspend Town Council Rules of Procedure rule 8.4 for the current agenda item.

MOTION: Griesemer moved, second by Ryan, 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.

VOTED unanimously, 13-0 by roll call, 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.

j. Inter-Governmental Agreements

VOTED via consent agenda to suspend Town Council Rules of Procedure rule 8.4 for the current agenda item.

VOTED via consent agenda 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

9. Appointments - *None*

10. Committee and Liaison Reports

- a. **Community Resources Committee**
- b. **Elementary School Building Committee** - Schoen reported that the MSBA approved the request for proposals for designers and the committee expects proposals by August 18.
- c. **Finance Committee**
- d. **Governance, Organization, and Legislation Committee**
- e. **Town Services and Outreach Committee** – DuMont spoke briefly about review of referrals.
- f. **Liaison Reports: Affordable Housing Trust, Board of Health, Board of License Commissioners, Community Preservation Act Committee, Council on Aging, Disability Access Advisory Committee, Recreation Commission, Transportation Advisory Committee**

11. Approval of Minutes

- a. **June 21, 2021 Regular Town Council Meeting minutes**
- b. **June 28, 2021 Regular Town Council Meeting minutes**

VOTED via consent agenda to adopt the following Town Council Meeting minutes, as presented:

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

12. Town Manager Report

Bahl-Milne asked about alcohol service in outdoor dining areas.

Schoen asked about the North Amherst Library and about building on top of the garage on Boltwood Walk.

Bockelman responded that the anonymous donor will decide to fund a bid or not when we go out to bid. The garage question would require an engineer to answer.

Pam asked about crosswalks, dangerous intersections, and sidewalks in need of repair.

Brewer asked for a sense of the cost of the engineering study, a meeting regarding the North Amherst Library, follow-up about the rejection from the mosquito spraying opt-out application, and reparations group appointments.

13. Town Council Comments

- a. **President Report**
- b. **Future Agenda Items**
- c. **Councilor Comments**

Schoen asked about the demolition delay origin.

Brestrup responded that it is coming from the Historical Commission.

Hanneke stated the Community Resources Committee has seen an initial draft but that it may not see another draft before it comes to the Council for referral.

Pam stated that there needs to be a discussion about who decides if something has historical value.

Hanneke responded that the Planning Board has nothing to do with the bylaw, and no role in the issuance of demolition delays.

Schoen asked about the Town Manager evaluation.

Griesemer stated it will occur in October.

Brewer spoke about the need to address the Town Manager goals and evaluation before the next Council is seated and that the Council has not decided to change the timeline. Brewer asked if the demolition delay is coming out of the zoning bylaws and added as a general bylaw a hearing is required.

Brestrup responded that a hearing is required.

DuMont questioned the timing of the special comment period for polling locations.

DuMont asked if the goals will be discussed before the end of the year.

Brewer asked the President to clarify the status and obstacles to implementing ranked choice voting.

Griesemer stated the parts that we need have been ordered but we cannot not expect delivery initial early October. As a council, when we discussed ranked choice voting, we gave permission to the commission, once it landed in the legislature they were going through leadership change and particularly on house side the organization was slow so this did not get refereed to a committee until April. They have not reported out of the committee and has therefore not gone through rest of the steps. When the Council voted to move ranked choice voting to the state for approval, we agreed that if it does not pass by June 30th there would not be time to education poll workers and the public, etc. so there will not be time to implement it before the November election.

Pam stated there is confusion about how ranked choice votes are tabulated and by whom.

14. Topics Not Reasonably Anticipated by the President 48 Hours in Advance of the Meeting

15. Executive Session - *None*

16. Adjourn

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

Respectfully submitted,

Lindsey McConnell

Record of Agenda Packet Materials and Documents Presented

00. 07-12-2021 Draft Motions for Town Council - as of 7-9-21
00. 07-12-2021 FINAL Town Council Agenda
6.a. Resolution Supporting S868 and S1853
6.b. Curley Citation as voted by GOL 6-30-21
8.a. 2021 Amherst Election Calendar
8.a. Election Deadlines for 11-2-21 Biennial Town Election
8.a. Memo to Town Council - Polling Location Recommendations - 07-09-2021
8.a. Policy on the Publication of Candidate Statements - adopted by Town Council 09-23-2019
8.b. Memo to Town Council - Conservation Restriction - 95 Old Belchertown Road - 07-09-2021
8.c. Energy and Climate Action Committee Charge - Revised 4-22-19
8.d. Conservation Commission Memo re Mitchell 61A NOI to Convert
8.d. Notice of Intent to Convert to Other Use Map Parcel ID 2C-12
8.d. Planning Board Memo re Mitchell Property 61A release 07-08-21
8.e. 2021 Article 15 Amendment-V3-4-22-2021 - as recommended CRC. and as voted at GOL 6-23-21
8.e. 2021 Zoning Article 15 Inclusionary Zoning Amendment-6-29-2021
8.e. Inclusionary Zoning Bylaw Amendments - Memo to Town Council - 04-30-2021
8.e. IZ presentation May 19 2021
8.e. Planning Board Report to Town Council on Inclusionary Zoning 6-24-21
8.f. Article 16- Temporary Moratorium Bylaw
8.f. Building Moratorium Memo 3.15.2021 v. 3
8.f. PETITION Zoning Article 16 - Temporary Moratorium for 180 days - Certified Signature Pages
8.f. Planning Board Report to Town Council - Moratorium 6-24-21
8.g. Memo to Town Council - PACE Program - 07-08-2021 463
8.h. ARPA Process 7.7.21
8.i. Public Way Policy - adopted 05-06-2019, amended 06-01-2020, 12-07-2020, 03-08-2021
8.i.1. FW Pursuing renewed site permissions for Amherst Mobile Market
8.i.1. Reservation of a Town way updated 2019 Amherst Mobile Market signedCM
8.i.1. Reservation of a Town way updated 2019 Amherst Mobile Market signedCM_ESC
8.i.2. Memo to Town Council - North Pleasant-McClellan Streets Roadway Improvements - 07-08-2021
FINAL
8.i.3. Memo to Town Council - North Pleasant Street Pedestrian Improvements - 07-08-2021 FINAL
8.i.4. Memo to Town Council - North Pleasant Street Parking Spaces - 07-08-2021 FINAL
8.j. Inter-governmental Agreements - Town Manager Memo - 07-01-2021 FINAL1
11.a. 06-21-2021 DRAFT Town Council Minutes
11.b. 06-28-21 DRAFT Town Council Minutes
12. Town Manager Report 07-12-2021
2021-06-11 CRC Report to Town Council - IZ
2021-06-21 GOL Report to Town Council with attachment
2021-06-28 GOL Report to Town Council
2021-07-12 Finance Committee Report to Town Council
2021-07-12 GOL Report to Town Council
AHRA Charge as voted by Town Council 06-21-2021
Amherst Mobile Market Video Link
LWVAtoTownCouncil7.12.21
Zoning Bylaw Process Flow Chart - Recommended by CRC 2020-03-11 - Revised 2020-05-06