

Town of Amherst
UNNOFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, October 18, 2021

6:30 p.m.

Virtual Meeting

Councilors Participating Remotely: Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam (arrived at 6:40 pm), Ross, Ryan, Schoen, Schreiber, Steinberg

Councilors Absent: Swartz

Others Participating Remotely: Jeff Olmstead, Paul Bockelman, David Burgess, David Burgess, Kim Mew, Mike Warner, Emily Reardon, Susan Audette, Mike Warner, Sean Mangano, Tim Nelson, Dee Shabazz, Rob Morra, Ben Breger, Maureen Pollok, Christine Brestrup, Tim Nelson, Guilford Mooring

Districting Advisory Board Members Participating Remotely: Peggy Shannon, Mahek Ghelani, Irene Dujovne, Tracy Zafian, Marilyn Blaustein

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 6:32 pm; adjourned at 11:43 pm

Irene Dujovne called the Districting Advisory Board meeting to order at 6:53 pm, adjourned at 8:13 pm

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.c. Authorization of a Three-Year Lease Agreement for LifePak 15 (EMS Equipment)
 - 8.f. Long-Term Public Ways Request: Back-In Parking Spaces at 11-19 & 23-25 North Pleasant Street
 - 8.j. Authorization of Council President to Sign Letter of Support for Amherst Community Television (ACTV) to Eversource
- **Approval of 8.e. Referral of Extension of Zoning Article 14 – Temporary Zoning to Community Resources Committee, Planning Board, & Governance, Organization, and Legislation Committee**

- ~~Approval of 8.h. Referral of Residential Parking Regulation Changes to Lincoln Avenue south of Amity Street and Sunset Avenue to Town Services and Outreach Committee removed from the agenda by President Griesemer~~
- ~~Approval of 8.i. Referral of Performance Shell on the Common: referral of review of maintenance fund to Finance Committee & referral of review of Public Ways Policy changes to Town Services and Outreach Committee removed by DuMont~~
- **Approval of 8.j. Authorization of Council President to Sign Letter of Support for Amherst Community Television (ACTV) to Eversource**
- **Approval of 9.a.(1-2) the following Town Manager Appointments:**
 - African Heritage Reparation Assembly
 - Community Preservation Act Committee
- **Approval of the following Town Council Meeting Minutes:**
 - September 27, 2021 Special Town Council Meeting – Primer on the Master Plan
 - September 27, 2021 Special Town Council Meeting – Public Forum on the Master Plan
 - September 27, 2021 Regular Town Council Meeting
 - October 4, 2021 Regular Town Council Meeting

Motion by: Griesemer

Seconded by: Hanneke

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

8. Action Items

a. Redistricting – First Discussion

No action.

b. Tax Classification: Tax Rate & Exemptions

MOVED: To adopt a minimum residential factor of one, equal tax rate for all classes of properties for Fiscal Year 2022 and that no open space discount be granted.

Motion by: Griesemer

Seconded by: De Angelis

ROLL CALL VOTE: 11-0-1 (Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Pam Abstained; Swartz was absent)

MOVED: To NOT adopt a Residential Exemption for Fiscal Year 2022.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 10-1-1, with 1 absent (Bahl-Milne, Brewer, De Angelis,

Griesemer, Hanneke, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; DuMont voted No; Pam Abstained; Swartz was absent)

MOTION: To NOT adopt a Small Commercial Exemption for Fiscal Year 2022.

Motion by: Griesemer

Seconded by: Ross

ROLL CALL VOTE: 11-0-1, with 1 absent (Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; Pam Abstained; Swartz was absent)

**c. Authorization of a Three-Year Lease Agreement for LifePak 15 (EMS Equipment)
VOTED VIA CONSENT AGENDA**

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

MOVED: To authorize a three-year lease-to-own purchase agreement with Stryker to replace five (5) LifePak 15 cardiac monitor devices in accordance with M.G.L. c. 44, sec. 21C. **(Two thirds vote required to pass)**

Motion by: Griesemer

Seconded by: De Angelis

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

d. Zoning Bylaws

(1) Zoning Bylaw Amendment: Article 5, Accessory Uses, Section 5.011, Supplemental Dwelling Units

MOVED: To rescind zoning bylaw Article 5, Section 5.011, Supplemental Dwelling Units, and replace it by adopting a new Article 5 Section 5.011, Accessory Dwelling Units, as shown on pages 8-10 of the Draft Motion sheet, with the following additional change to section 5.0113c:

Replace section 5.0113c on the motion sheet with the following language:

c. Either the principal one-family dwelling or the Accessory Dwelling Unit shall be occupied by the owner(s) of the principal one-family dwelling as their Principal Residence, which requirement shall be made a condition of any Special Permit approval or approval by the Building Commissioner, and restricted as such by a deed restriction filed with the Registry of Deeds.

(Nine votes required to pass, per M.G.L. c.40A, §5)

Motion by: Hanneke

Seconded by: Ryan

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

- (2) **Zoning Bylaw Amendment: Article 3, Use Regulations, Section 3.323, Apartments**
MOVED: In Section 3.323 Apartments, to delete the SP (Special Permit) Use Permitting in the R-VC Zoning District and replace with an SPR (Site Plan Review) Use Permitting. **(Seven votes required to pass, per MGL M.G.L. c.40A, §1A)**

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 9-3, with 1 absent (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Ross, Ryan, Schreiber, and Steinberg voted Yes; DuMont, Pam, and Schoen voted No; Swartz was absent)

MOVED: In Section 3.323 Apartments, to delete the SPR (Site Plan Review) Use Permitting in the B-G Zoning District and replace with an SP (Special Permit) Use Permitting. **(Nine votes required to pass, per M.G.L. c.40A, §5)**

Motion by: Griesemer

Seconded by: Ryan

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

- e. **Referral of Extension of Zoning Article 14 – Temporary Zoning**

VOTED VIA CONSENT AGENDA

MOVED: To refer the proposed amendments to Zoning Bylaw Article 14 – Temporary Zoning, to the Planning Board and the Community Resources Committee for hearing/s held no later than [December 22, 2021 IF VOTED ON OCTOBER 18], and for a written recommendation and an explanation as to whether the proposed bylaw is not inconsistent with the Master Plan from the Planning Board to the Town Council and to the Community Resources Committee no later than 21 days after the Planning Board hearing, and for the Community Resources Committee to send a written recommendation to the Town Council and to submit all materials to the Governance, Organization, and Legislation Committee for review of clarity, consistency, and actionability within 60 days of the hearing held by the Community Resources Committee.

- f. **Long-Term Public Ways Request: Back-In Parking Spaces at 11-19 & 23-25 North Pleasant Street**

VOTED VIA CONSENT AGENDA

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

MOVED: To suspend Town Council Policy Regarding the Control and Regulation of the Public Ways Section 2.c. because a Public Hearing is not essential for a long-term temporary change to a minimal amount of parking through April 30, 2022.

Motion by: Griesemer

Seconded by: Ryan

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

MOVED: To approve the long-term change, until April 30, 2022, of two parallel parking spaces in front of 11-19 & 23-25 North Pleasant Street to three back-in angle parking spaces, with meters for all three spaces enforced from 8:00 am to 8:00 pm with rates set at \$1.00 per hour with a 2-hour limit.

Motion by: Griesemer

Seconded by: Ryan

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

g. Parking Regulations on Lincoln Avenue north of Amity Street – First Discussion

No action.

Suspend Town Council rules of pro 8.4

Brewer

Ryan

ROLL CALL VOTE: 11-1, with 1 absent (Bahl-Milne, Brewer, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, and Steinberg voted Yes; De Angelis voted No; Swartz was absent)

MOVED: To adopt the following regulations for Lincoln Ave:

- Parking prohibited as a tow zone from September 1 to May 31, Monday through Friday from 8:00 am to 5:00 pm, on the east side of Lincoln Avenue, from a distance of 200 feet north of Amity Street to 60 feet south of McClellan Street.
- Parking prohibited as a tow zone from September 1 to May 31, Monday through Friday from 8:00 am to 5:00 pm, on the east side of Lincoln Avenue, from a distance of 60 feet north of McClellan Street to 30 feet south of Fearing St.
- Parking prohibited as a tow zone, on the east side of Lincoln Avenue, from Fearing Street to North Hadley Road

Motion by: Ross

Second by: Steinberg

ROLL CALL VOTE: 6-6, with 1 absent (Brewer, Griesemer, Pam, Ryan, Schoen, and Steinberg voted Yes; Bahl-Milne, De Angelis, DuMont, Hanneke, Ross, and Schreiber voted No; Swartz was absent)

The motion failed.

h. Referral of Residential Parking Regulation Changes to Lincoln Avenue south of Amity Street, Sunset Avenue, and Kendrick Place to the Town Services and Outreach Committee – Consent Agenda

Removed from the agenda by President Griesemer

i. Performance Shell on the Common: referral regarding maintenance fund to Finance Committee & review of Public Ways policy to Town Services and Outreach Committee

MOVED: To refer a measure for the establishment and ongoing administration of a maintenance fund regarding the proposed Performance Shell on the South Common to the Finance Committee for review and recommendation to the Town Council by December 6, 2021.

Motion by: Griesemer

Seconded by: Hanneke

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

MOVED: To refer review of the Town Council Policy Regarding the Control and Regulation of the Public Ways as it relates to the process for reserving the proposed Performance Shell on the South Common to the Town Services and Outreach Committee for review and recommendation to the Town Council by December 6, 2021.

Motion by: Griesemer

Seconded by: Hanneke

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

**j. Authorization of Council President to Sign Letter of Support for Amherst Community Television (ACTV) to Eversource
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: To authorize the President to sign the letter Re: Amherst Community Television, Inc. (dba Amherst Media) Lease to Eversource Energy, as presented.

9. Appointments

a. Town Manager Appointments

(1) African Heritage Reparation Assembly

VOTED VIA CONSENT AGENDA

MOVED: To approve the following Town Manager appointment to the African Heritage Reparation Assembly, as filed with the Town Clerk on October 12, 2021, and recommended by the Town Services and Outreach Committee report of October 18, 2021, effective immediately:

- For a term to expire June 30, 2022:
 - Yvonne Mendez, self identifies as Afro-Latina

(2) Community Preservation Act Committee

VOTED VIA CONSENT AGENDA

MOVED: To approve the following Town Manager appointment to the Community Preservation Act Committee, as filed with the Town Clerk on October 12, 2021, and recommended by the Town Services and Outreach Committee report of October 18, 2021, effective immediately:

- For a term to expire June 30, 2024:
 - Timothy Neale, At-large representative

11.a-d. Approval of Minutes – Consent Agenda

VOTED VIA CONSENT AGENDA

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

- September 27, 2021 Special Town Council Meeting – Primer on the Master Plan
- September 27, 2021 Special Town Council Meeting – Public Forum on the Master Plan
- September 27, 2021 Regular Town Council Meeting
- October 4, 2021 Regular Town Council Meeting

Zoning Bylaw Article 5

5.011 Accessory Dwelling Units

Accessory dwelling units, as defined under this section, are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units. As accessory uses, accessory dwelling units are exempt from the additional lot area/family requirements of Table 3. Only one (1) accessory dwelling unit shall be permitted as accessory to a one-family detached dwelling.

5.0110 Contained Accessory Dwelling Unit - An accessory dwelling unit which is contained entirely within an existing or new one family detached dwelling and requires no significant external changes to the dwelling or site beyond entrances and windows required by the building code.

- a. A Contained Accessory Dwelling Unit shall be permitted in the R-G, R-VC, R-N, R-O, and R-LD Districts, following review of the proposed accessory use by the Building Commissioner and verification that it meets the requirements of this Bylaw and the General Requirements found below in Section 5.0113.

5.0111 Attached Accessory Dwelling Unit – An accessory dwelling unit which is attached to and involves significant changes to the existing one-family detached dwelling, including but not limited to, external fire escape structures, exterior additions, and other similar changes which result in a significant alteration to the appearance and function of the building or site.

- a. An Attached Accessory Dwelling Unit shall be permitted in the R-G, R-VC, R-N, R-O, and R-LD Districts, following review of the proposed accessory use by the Building Commissioner and verification that it meets the requirements of this Bylaw and the General Requirements found below in Section 5.0113.

5.0112 Detached Accessory Dwelling Unit - A Detached Accessory Dwelling Unit shall be a small, freestanding, accessory, one-family, detached dwelling permitted to occur on a residential property as accessory and incidental to a one family detached dwelling. An accessory detached dwelling unit may be the result of new construction or rehabilitation of an existing structure resulting in a unit meeting the general requirements of this section.

- a. A Detached Accessory Dwelling Unit resulting from new construction with Habitable Space greater than 50% of the Habitable Space of the primary one-family dwelling, is allowed by a Special Permit from the

Zoning Board of Appeals in the R-G, R-VC, R-N, R-O, and R-LD Districts.

- b. A Detached Accessory Dwelling Unit with Habitable Space less than 50% of the Habitable Space of the primary one-family dwelling, shall be permitted in the R-G, R-VC, R-N, R-O, and R-LD Districts, following review of the proposed accessory use by the Building Commissioner and verification that it meets the requirements of this Bylaw and the General Requirements found below in Section 5.0113.

5.0113 General Requirements. The following standards shall apply:

- a. Only one (1) accessory dwelling unit shall be permitted as accessory to a single-family detached dwelling.
- b. There shall be not more than 1,000 square feet of Habitable Space in any accessory dwelling unit.
- c. One of the dwelling units on the property shall be occupied by the owner(s) of the principal one family residence, which requirement shall be made a condition of any Special Permit or approval by the Building Commissioner issued under this section
- d. No one family detached dwelling may be used simultaneously for accessory lodging under any provision of Section 5.010, nor shall any accessory dwelling unit be so used.
- e. Notwithstanding the provisions of Section 12, an accessory dwelling unit shall be occupied by a total of no more than three (3) unrelated residents.
- f. The accessory dwelling unit shall meet the definition of a Dwelling Unit as defined in Section 12.
- g. The accessory dwelling unit and property shall be operated in accordance with a Management Plan submitted to and approved by the Building Commissioner. Upon any change in ownership, a new Management Plan shall be filed in a timely manner with the Building Commissioner for review and approval.
- h. Any dwelling unit on the property being rented shall be registered and permitted in accordance with the Residential Rental Property Bylaw.
- i. To the extent feasible, newly constructed Detached Accessory Dwelling Units shall be located behind the front building line of the primary

structure.

- j. Parking shall be provided in accordance with Article 7.
- k. All exterior lighting shall be designed and installed so as to be shielded, downcast, and dark-sky compliant to avoid light trespass onto adjacent properties.
- l. On-site storage and management of waste and recycling shall occur on the interior of the dwelling, within an attached garage or other accessory outbuilding, or screened appropriately from public view. There shall be no freestanding dumpster or storage unit associated with a property regulated under this section, except on a temporary basis in association with construction or similar temporary purposes.
- m. A reflective street address sign for each unit shall be installed at the street in a manner ensuring their visibility for public safety personnel from any approach.
- n. The accessory dwelling unit shall be designed so that the appearance and scale of the building is compatible with the primary single-family dwelling unit. Detached Accessory Dwelling Units shall be clearly accessory to the primary dwelling unit.
- o. The Building Commissioner or Permit Granting Authority shall determine the applicability of any provision of Section 10.38 when reviewing accessory dwelling unit applications.
- p. For Contained and Attached Accessory Dwelling Units, to the extent feasible, any new entrances shall be located on the side or rear of the building and any exterior changes must conform to the character of the neighborhood.
- q. The design review principles and standards established under Section 3.204 shall be applied to all accessory uses under this section, and the review and recommendation of the Design Review Board may be sought by the Building Commissioner, Permit Granting Board, or Special Permit Granting Authority.