

Town Council Public Comment

Submission Date: 11/28/2021 2:03:16 PM

Name: Rani Parker

Comment: I am writing to express my concern about rushed meetings regarding the matter of the proposed zoning change to accommodate a garage on North Prospect Street. However, itâ€™s not just the North Prospect Street parking lot. There appears to be an aggressive effort to push through a number of zoning changes over four meetings of the Town Council during the month of December â€” an important period for religious reflection and family connection for many of us. During December we celebrate Hannukah, Christmas, Kwanza, Bodhi Day, the day of Immaculate Conception, Day of our Lady of Guadeloupe, Zarathosht Diso, and likely others represented among the residents of Amherst. This aggressive agenda forces us to choose between our religious and family obligations on the one hand, and our commitment to engagement in local policy on the other.

We have not yet been presented with any data supporting the proposed changes as beneficial to the citizens of Amherst. We have not heard anything of other experiences, such as Northamptonâ€™s garage, which remains largely empty while complaints persist about the lack of parking. There is no urgency for any of these issues that are being voted on in a hurry. No lives are at stake. I am appealing for this aggressive schedule to be cancelled and letting the new Town Council, including those newly elected, have the opportunity to take up these issues with full and proper study and review.

Some of the small pieces do concern me. The proposed parking garage will be right next to the second oldest house in Amherst. It will abut a historic district on a small street with homes recognized on the national register of historic homes. It will take away the opportunity for mixed income housing in a prime part of downtown, or for a green space, or maybe even the library extension, which would protect the existing old trees and garden and create a green pathway.

The proponents of this agenda have been voted out of office and should be holding transition discussions with the newly elected, rather than pushing through an agenda that is not well-studied or reviewed. All the changes proposed are small pieces that are not connected to a vision of Amherst, and if they do, the vision is not clear to anyone, or is simply not shared in public.

Why is all this happening? I have no idea. What do they want to achieve? Who is â€œthey?â€
What is this overwhelming goal that requires bending procedures and running over the people whose interests they should be representing? Why arenâ€™t we talking about mixed income housing? About conservation? About green spaces and a walkable downtown? Why is the accommodation of cars more important than our youth, or our housing needs or our physical environment? I confess that after months of discussions and hearing many theories, I donâ€™t know why.

In the public meetings there has not been any discussion of any facts. There is no discussion, no debate, no information. I have watched citizens come forward and make informed comments, but consistently, there is no response. We have a right to transparency. That means information

should be made accessible to us in a format that is understandable and that enables us to participate effectively in civic processes. We expect our elected representatives to be responsive to our comments and questions “ we don’t need agreement; we need factual information and rationale for decisions.

My perspective is one of a relatively new resident. I moved to Amherst in early October. Since July I have been participating in public meetings on the issue of converting an area zoned as “residential” into an “overlay zone,” which means that all zoning restrictions such as setbacks do not apply. Why? To build a 4-level parking garage in a residentially zoned area. My expectation was that my elected officials at the time, one of whom was a proponent of the garage, would email me back with information about why this is needed. But he never responded. Neither did any official at any public forum.

To minorities like myself, this type of response is very familiar. We know about being made invisible. A non-response, non-engagement, not acknowledging a person in the presence of others, is an old and nasty strategy. But this is not about me alone. In this case residents of Amherst are being made invisible by not being listed as present while on a public zoom call, and not being able to be seen when we speak. We are all invisible when our comments, questions and other input goes unrecognized, as though these comments were never made to begin with. Still, we have spoken with our votes.

Please use this month of December to inform and prepare the newly elected representatives so there can be a smooth transition of the functions of government. Consider changing procedures to make us visible. For those who’ve had their time, note that the voters have spoken. Please respect that. Mr. Ross issued a press release where he expressed his confidence in the newly elected members. That spirit is what we expect, and I hope he and others will use this transition period to orient and assist new electees to do their work with whatever information and perspective they have to offer. That is the purpose of transition. Please let us celebrate our holidays with families and without distraction by matters that can wait. As for the Amherst of the next few years “ we will not be defined as a “destination parking structure.” Amherst is already a destination historic town, listed in travel books for its history, natural beauty and academic institutions. That’s the Amherst I’m happy to support and help make even better.

Rani Parker

Town Council Public Comment

Submission Date: 11/28/2021 2:25:45 PM

Name: Ira Bryck

Comment: To the Amherst Town Council, Planning Board, Planning Department, Town Manager, and incoming Town Councilors,

What is happening right now in our town government is improper, and should not be happening.

There is a process, outlined in our town charter, and required to make a government transparent and fair, that you are not following.

The doubling up of your meeting schedule, to get zoning bylaws passed without the proper review by the planning board, without the proper exploration of consequences and results, without the proper consideration that until the January 3rd installation of 5 new town councilors you are in a lame duck period, where you should not be attempting to pass unpopular bylaw changes, is improper.

Any of you that care about proper process should be concerned, even outraged. These proposals have not been adequately studied, and your fear that a new council will see them differently is not justification to force them into law.

Not to mention, this is all happening during a season of religious and cultural celebration, where the public and those in our own government are hoping and trying to enjoy their families, and expect the town government to not be in overdrive, during this season.

I am sure that as much as current councilors would like to see their signature positions be enacted into law, theyâ€™d also like their reputations to not be expediency over thoroughness, the ends justifying the means. The means smell "off," and the ends will not end well.

I urge you to not pursue this doubling down to pass these unpopular and chaotic zoning bylaws during this time. I urge you to humbly accept that you were not re-elected, and your terms are up. I urge you to respect that public service is of, by, for the people. Please stop this improper push, and allow the newly elected town council to continue consideration of what will make Amherst successful.

Sincerely,

Ira Bryck

Town Council Public Comment

Submission Date: 11/28/2021 4:12:55 PM

Name: Rani Parker

Comment: November 28, 2021

To Members of the Town Council

I am writing to express my concern about rushed meetings regarding the matter of the proposed zoning change to accommodate a garage on North Prospect Street. However, it's not just the North Prospect Street parking lot. There appears to be an aggressive effort to push through a number of zoning changes over four meetings of the Town Council during the month of December – an important period for religious reflection and family connection for many of us. During December we celebrate Hannukah, Christmas, Kwanza, Bodhi Day, the day of Immaculate Conception, Day of our Lady of Guadeloupe, Zarathosht Diso, and likely others represented among the residents of Amherst. This aggressive agenda forces us to choose between our religious and family obligations on the one hand, and our commitment to engagement in local policy on the other.

We have not yet been presented with any data supporting the proposed changes as beneficial to the citizens of Amherst. We have not heard anything of other experiences, such as Northampton's garage, which remains largely empty while complaints persist about the lack of parking. There is no urgency for any of these issues that are being voted on in a hurry. No lives are at stake. I am appealing for this aggressive schedule to be cancelled and letting the new Town Council, including those newly elected, have the opportunity to take up these issues with full and proper study and review.

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In the public meetings there has not been any discussion of facts. There is no discussion, no debate, no information. I have watched citizens come forward and make informed comments, but consistently, there is no response. We have a right to transparency. That means information should be made accessible to us in a format that is understandable and that enables us to participate effectively in civic processes. We expect our elected representatives to be responsive to our comments and questions – we don’t need agreement; we need factual information and rationale for decisions.

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To minorities like myself, this type of response is very familiar. We know about being made invisible. A non-response, non-engagement, not acknowledging a person in the presence of others, is an old and nasty strategy. But this is not about me alone. In this case residents of Amherst are being made invisible by not being listed as present while on a public zoom call, and not being able to be seen when we speak. We are all invisible when our comments, questions and other input goes unrecognized, as though these comments were never made to begin with. Still, we have spoken with our votes.

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Rani Parker

Town Council Public Comment

Submission Date: 11/28/2021 7:00:10 PM

Name: Ken Rosenthal

Comment: Amherst's Own "Phantom Tollbooth"

Norton Juster, Amherst's late, great author, is famous for his fantastic story, "The Phantom Tollbooth". It would amuse him to know that now Amherst has its own phantom tollbooth. Well, not exactly a tollbooth. It's a phantom parking garage.

This North Prospect Street garage does not exist in real life. Nelson/Nygaard, the planners whom the Town paid to study Amherst's parking needs, didn't see it. Their 2016 report of more than 90 pages concluded that Amherst has sufficient parking, just lacks good public messaging to let people know where to find it. They said Amherst "ACTUALLY HAS A SURPLUS OF 1,200 SPACES at peak demand". (Emphasis is theirs.)

The Downtown Parking Working Group didn't see a parking garage, either. They were so pleased with Nelson/Nygaard that in January 2019 they asked the firm to continue working on a parking management plan for Amherst. The DPWG's November 2019 report based on N/N's Parking Implementation Strategy never mentioned a parking garage in its parking recommendations to the Town.

A new parking garage does exist in virtual reality, in the minds of a couple of expiring Town Councilors, recently voted out of office. Actually, at first they would not admit to seeing it either, asking for the rezoning of a single plot of land just in case. They never asked for a study to determine if a garage were needed and where in Amherst would be the best place for it. But then they had a vision and now see it on North Prospect Street, fronting a neighborhood of historic residences.

The Amherst Planning Department didn't have a new garage in its sights, either, when the year began. Now, pressed by the Councilors, it seems to suggest that a parking garage on North Prospect Street might be okay, but admits it never studied the matter. The Minutes of the Town Council's Community Resources Meeting on October 26, 2021 show that, when asked what sites for a parking garage the Planning Department considered, Senior Planner Nathaniel Malloy said "looking at other sites is not what [the Town's planners] were asked to do".

The two Town Councilors whose proposed rezoning led to their election defeat want the lame duck Council to rush rezoning before the new Council takes office in January. But there's no evidence to support their proposal, and certainly no hurry to do so.

Norton Juster's phantom tollbooth is a gateway to the imagination and to endless possibilities. Our Councilors' phantom garage will only lead us to traffic congestion and the deterioration of a valuable neighborhood. The fate of Amherst's phantom garage may be resolved before Christmas.

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Town Council Public Comment

Submission Date: 11/29/2021 9:57:11 AM

Name: Ira S Addes

Comment: Dear Council,

I am very opposed to your current plan to vote on significant zoning changes tonight. it is rushed and not in keeping with the usual process of considering such actions.

As far as i know there have been no meetings of the planning board ,with no opinions passed on to you.

In addition there will be a new council seated on January 1st. It should be their responsibility to weigh the issues.

It certainly looks like you are rushing to get your own opinions pushed through while you have control; i.e. meeting weekly at this time of the year. It feels unethical as well as ill advised.

Respectfully,

Ira Addes

Town Council Public Comment

Submission Date: 11/29/2021 11:02:41 AM

Name: Jennifer Taub

Comment: TO: Members of Town Council

FROM: Jennifer Taub, 259 Lincoln Avenue

DATE: November 29, 2021

SUBJ: Map 14A, Parcel 33 Rezoning, North Prospect Street

In response to the following agenda item on Town Council's November 29, 2021 agenda - Official Zoning Map "Map 14A, Parcel 33 Rezoning, North Prospect Street - I would like to respond to some of the assumptions upon which the siting of the proposed parking garage is premised; assumptions which are not borne out by the facts on the ground.

The surface parking lot at Map 14A, Parcel 33 is under-utilized, especially at night

At the October 20th Planning Board (PB) meeting, in response to a N. Prospect Street resident expressing concern about late night noise and car lights from a parking garage on a narrow residential street, one PB member commented that residents are already dealing with car lights and noise, since they live across the street from a parking lot.

The PB member's response reflected an assumption that pedestrians and cars are regularly going in and out of the Town owned lot behind CVS (Map 14A, Parcel 33). In fact, that parking lot rarely has more than a handful of cars (many spaces remain empty), and almost no cars park there at night. Which begs the question of why the need for a parking garage at a location where the existing surface lot is under-utilized.

Maintaining a "transition zone" between residential and commercial districts

At the November 16th CRC meeting, Chair Mandi Jo Hanneke stated that she doesn't consider N. Prospect Street residential, but rather a "transition zone." Personal perception aside, as a matter of record, N. Prospect Street is in a district zoned General Residence. With the exception of the CVS lot and Map 14A, Parcel 33 (neither of which house any structures), every address on

N. Prospect Street is a residence. North Prospect may be in close proximity to commercial activity, but it is - in fact and in function - a residential street located in a General Residence district.

If one is receptive to Map 14A, Parcel 33 serving as a transition zone, then it should be rezoned from RG to B-L (Limited Business). In fact, some residents on N. Prospect Street (as well as the surrounding neighborhood) were open to changing the zoning designation from RG to B-L to allow for a transition zone between the residential neighborhood and the General Business district. In response, we were told that - for the purposes of a parking structure - parcel 33 could not be rezoned from RG to B-L, because the lot coverage required for a garage exceeds the permissible lot coverage in Limited Business districts. Which is exactly the point - municipal parking garages do not belong on residential streets or in transition zones between RG and BG districts. For this reason, Amherst determined that the dimensional requirements in Limited Business districts would not allow for municipal parking garages since both residential (RG) and transition (B-L) districts are not the appropriate locations for such facilities.

A Parking Facility Overlay District allows for greater lot coverage than is even permitted in the General Business District

The sponsors of the parking garage claim that by creating a parking facility overlay district they are being responsive to the neighborhood's objections to permanently rezoning the N. Prospect Street parcel from RG to BG. However, since an overlay district is exempt from the constraints of every other zoning designation, it can be assigned whatever dimensional requirements are deemed necessary to erect the structure for which the overlay district is being established. For this reason, the proposal currently before Town Council allows for far greater lot coverage (on a residential street) than would even be permitted in the General Business district. (So much for the "transition zone" referred to above.)

The proposed overlay district permits a four-level parking structure with 95% lot coverage and zero setback on the two long sides and the rear of the lot. No other zoning district in Amherst allows for no side and rear setbacks.

Additional Concerns

The urgency to designate Map 14A, Parcel 33 a parking facility overlay district defies logic since, over the next two or more years, the location will be the staging area for the new library.

Therefore, construction of the proposed garage can't even begin until after the library is completed.

How Many Parking Spaces Will Ultimately Be Gained?

From what I understand, some portion of the parking spaces in a new garage will be leased on a monthly basis to tenants of downtown apartments. Once those spaces are deducted from the total, what will be the net gain in parking spaces available to patrons of downtown businesses, including the library? (Net gain taking into account the elimination of all the parking spaces on the current surface lot on Map 14A, Parcel 33.)

Conclusion

In January of this year, Town Council referred an unprecedented 15+ zoning bylaw amendments to the CRC and Planning Board (a list that eventually grew to 19). In this blizzard of proposals, there was no listing or mention of the garage as a priority. Taking the time required to study, deliberate, and fully analyze the ramifications of nineteen different zoning bylaw amendments in a single year is an extremely tall order. To add a parking facility overlay district to the mix almost guarantees that this latest proposed amendment will not get the scrutiny and careful vetting it deserves. In view of the fact that construction of a parking garage on the proposed parcel cannot begin for at least two years, the rush to rezone seems especially confounding. Please refer this ~20th proposed zoning bylaw amendment to the incoming Council for further review and deliberation.

Town Council Public Comment

Submission Date: 11/29/2021 12:55:18 PM

Name: Elissa Rubinstein

Comment: I'm writing in regard to the Town Council Meeting tonight, Nov. 29, 2021 which will discuss several zoning changes, including an over-lay for a parking garage in the CVS parking lot. Just a couple of weeks ago, elections were held for town council representatives. Several of the current council members are "lame ducks" yet they are pushing these changes in a series of hastily scheduled meetings before their terms expire in January.

This gives every appearance of an abuse of the democratic system the Charter Commission, which worked on a new form of governance for Amherst, had as their goal. The Charter Commission promised the town council would be more transparent, more representative and more responsive to its citizens. Instead the ability to be heard or to voice views that question statements made at council meetings and forums seems more limited than ever.

I urge you to postpone all decisions about zoning changes until after the newly elected council members are seated in January.

Town Council Public Comment

Submission Date: 11/29/2021 2:13:46 PM

Name: Sarah McKee

Comment: 29 November 2021

Dear Chair Griesemer and Members of the Amherst Town Council,

You reportedly are voting tonight on four proposed zoning amendments that Town staff have sent you directly. The Planning Board has not approved them.

Unless Iâ€™ve missed something, any vote on these tonight will therefore violate state law. Please therefore defer any such vote unless and until it complies fully with Massachusetts General Laws, Chapter 140A, Â§5, â€œAdoption or change of zoning ordinances or by-laws; procedure,â€ and any other applicable law.

Among other things, this statute requires the Planning Board, and either Town Council or a committee that you appoint for the purpose, first to hold a public hearing or separate public hearings about these four zoning amendments â€œat which interested persons shall be given an opportunity to be heard.â€ M.G.L., c. 140A, Â§5.

Has there been such a hearing? Evidently not. But thereâ€™s more.

Notice of the time and place of such a hearing â€œshall be published in a newspaper of general circulation in [Amherst] in two successive weeksâ€.â€ The first such notice must appear â€œnot less than [14] daysâ€ before the hearing. Also, the notice must state where, before the hearing, â€œtexts and maps â€ may be inspectedâ€.â€ Ibid.

Has the Planning Board or anyone else published such a legal notice for the required two weeks in the Amherst Bulletin, Daily Hampshire Gazette, or Springfield Republican? If not, your vote tonight would violate the statute for that reason, as well.

Furthermore, notice of such a hearing shall also be sent by U.S. Mail to the Department of Housing and Community Development, and to the Planning Boards of each abutting city and town. Ibid. [Capitalization supplied.]

Has Amherst mailed such notices to the DHCD and to the Planning Boards of Belchertown, Granby, Hadley, Leverett, Pelham, Shutesbury, South Hadley, Sunderland?

If not, the drill is the same. Your vote on these four amendments tonight will fail to comport with state law.

I've lived in Amherst for just shy of 22 years. I am getting thoroughly sick and tired of what can fairly be called the scofflaw attitude of Amherst's government.

The Town applied to the Massachusetts Board of Library Examiners for a \$35.8 million grant. The application affirmatively concealed that the Jones Library is on the State and National Registers of Historic Places. This has so far allowed the Town and Library Trustees to evade the Massachusetts Historical Commission's legally-required scrutiny of their demolition plans.

On the recent Voter Veto Petition, an inexperienced, unsupervised Assistant Town Clerk disqualified a number of registered voters' signatures. Voters presented the evidence, in incontrovertible detail, that 76 of these disqualifications violated Amherst citizens' voting rights.

The Town could have done an immediate internal review. It could have inspected the evidence as to each such signature, and certified those that the evidence justified. Instead, the Town insisted that improperly disqualified voters' sole recourse was to sue.

Now, there is this.

I cannot but wonder who OK'd Town staff's transmitting these four zoning amendments to Town Council, despite their lack of Planning Board approval. A hasty Town Council vote on them tonight could stick the Town with the results, regardless of residents' contrary views. Is that the idea?

Amherst can do better. Please, Councilors, do better tonight. Unless and until it complies with state law in every respect, postpone this vote.

Sincerely,

Sarah McKee

9 Chadwick CT

Amherst, MA 01002

Land: 413.256.6129

Email: smckee57@earthlink.net

D.C. Bar No. 9454990

Town Council Public Comment

Submission Date: 11/29/2021 2:15:58 PM

Name: Janet Keller

Comment: The proposed N. Prospect St. garage rezoning is not needed & proponents have provided zero facts to counter evidence in the Nelson-Nygaard reports that show it isn't needed. Proponents haven't tried Nelson Nygaard's recommendations to address perceived parking problems. A garage would be too big and doesn't belong on such a small congested site with restricted access and egress surrounded by narrow streets that are too small to handle more traffic and are lined with parking spaces that would likely be lost if a garage were built. A garage would dwarf the 1750's era Simeon Strong House, home of Amherst Historical Museum. A garage doesn't belong in a Local Historic District and would undermine the N. Prospect St. Residential General - RG - neighborhood.

Please note that I learned of the new rule that accepts constituent comments only in this form and was not able to insert 5 photos that illustrate the points here. Sincerely Janet Keller

Town Council Public Comment

Submission Date: 11/29/2021 4:18:19 PM

Name: Rita and Sean Burke

Comment: Dear Council Members: We are very concerned about and oppose any votes on zoning articles during the remainder of the calendar year. Your plan to do otherwise is rushed, unwise and contrary to the will of many town residents.

After receiving: over 1000 signatures requesting that you place a temporary moratorium on any new construction; much information and public input casting doubt on the need for or immediacy of these zoning changes; and numerous concerns that you are circumventing the process, if not the law, we feel that it is time for you to truly hear those you were elected to serve and please hit pause.

Sean and Rita Burke

Town Council Public Comment

Submission Date: 11/29/2021 5:21:24 PM

Name: Sharon Seelig

Comment: To the Members of the Town Council:

I share the concern of other residents about the proposed changes in zoning and ask that you do not vote on them tonight.

I fail to see the urgency of voting on them now, at a time when there has been little time for consideration of them.

I will not question the motives of the members of the Council, but I am very concerned by comments of Janet McGowan indicating that the Planning Board reports have not even been finalized, let alone considered.

I ask that you give time for careful deliberation and take no action on these non-urgent items at this meeting.

It is not hard to delay until January; it is very hard to undo changes to the bylaws passed now in haste.

Sincerely yours,

Sharon Seelig