

Town of Amherst
UNOFFICIAL RECORD OF VOTES OF THE TOWN COUNCIL

Monday, December 20, 2021

6:30 p.m.

Virtual Meeting

Councilors Participating Remotely: Bahl-Milne, Brewer, De Angelis, DuMont, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, Swartz

Councilors Absent:

Others Participating Remotely: Town Manager Paul Bockelman, Clerk of the Council Athena O’Keeffe, Fire Chief Tim Nelson, Human Resources Director Donna-Rae Kenneally, Planning Department Director Christine Brestrup, Building Commissioner Rob Morra, Senior Planner Nate Malloy

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 6:30 pm

5. 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:

- ~~Suspend Town Council Rules of Procedure rule 8.4 for agenda item 8.a. Town Council Support for Special Legislation: Continuation of Walter (Tim) Nelson as Fire Chief Removed by Councilor Pam~~
- 11.a-j. Approval of the following Town Council Meeting minutes:
 - February 6, 2021 Special Town Council Meeting minutes – Four Towns Meeting
 - November 22, 2021 Special Town Council Meeting minutes – Town Manager Evaluation
 - November 22, 2021 Town Council Meeting minutes – Public Forum on Appropriations Outside the Budget
 - November 22, 2021 Regular Town Council Meeting minutes
 - November 29, 2021 Special Town Council Meeting minutes
 - December 6, 2021 Regular Town Council Meeting minutes
 - December 9, 2021 Special Town Council Meeting minutes – Joint with Town Services and Outreach Committee – Primer/Information Session
 - December 9, 2021 Special Town Council Meeting minutes – Joint with Town Services and Outreach Committee – CRESS Forum

- December 9, 2021 Special Town Council Meeting minutes – Joint with Town Services and Outreach Committee – DEI Forum
- December 13, 2021 Town Council Meeting minutes – Orientation and Special Meeting

Motion by: Griesemer

Seconded by: Schoen

ROLL CALL VOTE: Unanimous

8. Action Items

a. Town Council Support for Special Legislation: Continuation of Walter (Tim) Nelson as Fire Chief

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

Motion by: Griesemer

Seconded by: Hanneke

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

MOVED: To support the passage of Special Legislation that would enable Fire Chief Walter (Tim) Nelson to continue his employment with the Town of Amherst as Fire Chief beyond his 65th birthday.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 9-2-2 (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Ross, Ryan, Schreiber, and Steinberg voted Yes; DuMont and Swartz voted No; Pam and Schoen Abstained)

b. Zoning Bylaw Amendments

1) Amendments to Article 3, Use Regulations, Section 3.325, Mixed-Use Buildings and Article 12, Definitions

MOTION CURRENTLY ON THE FLOOR: To adopt revisions to Article 3.325, Mixed-Use Building and Article 12, Definitions of the Zoning Bylaw, by adding language shown in in *bold/italic* and deleting language shown in ~~bold/strikethrough~~ on pages 15-16 of the Motion sheet.

Motion by: Griesemer

Seconded by: Hanneke

ROLL CALL VOTE: 12-1 (Bahl-Milne, Brewer, De Angelis, Griesemer, Hanneke, Pam, Ross, Ryan, Schoen, Schreiber, Steinberg, and Swartz voted Yes; DuMont voted No)

MOTION: To amend the revisions to Article 3.325, Mixed-Use Building and Article 12, Definitions of the Zoning Bylaw by replacing 70% with 65% in the first paragraph, and replacing 30% with 35% in the second paragraph, so the first two paragraphs read:

“No more than 65% of the Gross Floor Area of the first or ground floor shall be residential use, parking, or common areas shared by multiple uses, unless otherwise permitted below.

At least 35% of the Gross Floor Area of the first or ground floor shall be any permitted non-residential use, other than parking, including incidental spaces, except that the Permit Granting Authority may allow the required non-residential use(s) to be distributed on any floor, or in any building of a multiple building development on the same parcel, provided that the portion of the first or ground floor of any building facing the Street shall be occupied predominantly by such non-residential use(s).”

Motion by: Schoen

Seconded by: Swartz

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

2) **Official Zoning Map – Map 14A, Parcel 33 Rezoning, North Prospect Street: Amendments to Article 2, Zoning Districts and Article 3, Use Regulations**

MOTION CURRENTLY ON THE FLOOR: To adopt a new Parking Facility District as part of Section 2.04, Special Districts, and as Section 3.23, Parking Facility District of the Zoning Bylaw, as shown on pages 11-14 of the Motions sheet.

Motion by: Griesemer

Seconded by: Ryan

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

c. **FY23 Town Council Budget Policy Guidelines**

MOVED: To adopt the “FY23 Budget Policy Guidelines,” as presented/as amended.

Motion by: Griesemer

Seconded by: Schoen

ROLL CALL VOTE: Unanimous

d. **Bylaws for Future Consideration: Request for Information from the Town Manager**

MOVED: To request the Town Manager provide the Town Council with information regarding the following General Bylaws by June 30, 2022, as detailed in the Governance, Organization, and Legislation Committee memo “Recommended Disposition of Referral of ‘Bylaws Identified for Future Consideration,’” dated December 6, 2021:

- Bylaw 2.4: Personnel Bylaw
- Bylaw 3.3: Human Rights & Human Rights Commission
- Bylaw 3.7: Licenses and Permits - Denial, Revocation, or Suspension for Failure to Pay Municipal Taxes or Charges
- Bylaw 3.16: Littering and Illegal Dumping
- Bylaw 3.31: Wetlands Protection

- Bylaw 3.46: Right to Farm
- Bylaw 3.49: Residential Rental Property
- Bylaw 3.34: Regulation of Signs
- Bylaw 3.35: Parades and Public Meetings

Motion by: Griesemer

Seconded by: Ryan

ROLL CALL VOTE: Unanimous

11. Approval of Minutes

VOTED VIA CONSENT

MOVED: To approve the following Town Council meeting minutes, as presented:

- February 6, 2021 Special Town Council Meeting minutes – Four Towns Meeting
- November 22, 2021 Special Town Council Meeting minutes – Town Manager Evaluation
- November 22, 2021 Town Council Meeting minutes – Public Forum on Appropriations Outside the Budget
- November 22, 2021 Regular Town Council Meeting minutes
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PROPOSED ZONING BYLAW LANGUAGE
ARTICLE 2, ZONING DISTRICTS AND ARTICLE 3, USE REGULATIONS

ARTICLE 2 ZONING DISTRICTS
SECTION 2.0 ZONING DISTRICTS
SECTION 2.04 Special Districts

PFD Parking Facility District

The Parking Facility District is an overlay district that applies only to the municipally owned parcel 14A-33 on North Prospect Street as this property's location and size is an appropriate location for a parking facility.

ARTICLE 3 USE REGULATIONS
SECTION 3.2 SPECIAL DISTRICTS
SECTION 3.23 Parking Facility District (PFD)

3.23 Parking Facility District (PFD)

3.230 Purpose

To allow the development of a public and/or private parking facility in the Town center in proximity to uses—institutional, entertainment, commercial, retail, and residential—that generate demand for parking.

3.231 Applicability

This Parking Facility District (PFD) shall apply only to parcel 14A-33 along North Prospect Street.

The provisions of this section shall only apply to uses authorized in the PFD identified below as Allowed Uses. The requirements of the underlying zone (General Residence) shall apply to all other uses. Unless specifically replaced or modified herein, the provisions of Article 6, Article 7, and Article 8 will apply to the proposed parking facility.

3.232 Allowed Uses

Parking facilities identified in Section 3.384 of the Zoning Bylaw, including sections 3.3840 (commercial parking lot or parking garage) and 3.3841 (public parking lot or garage) shall be permitted in the PFD by Site Plan Review in accordance with Article 11.

3.233 Dimensional Standards

The following dimensional standards shall apply and replace Section 6.17 and Table 3 in their entirety:

- 1) Basic Minimum lot area: 0
- 2) Basic Minimum Frontage: 0
- 3) Frontage zone: 15 feet between the property line along the right of way and closest point of any structure or parking space.
- 4) Side and rear setbacks: 5 feet from property line abutting a residential use in a residential district. Otherwise no setback is required.
- 5) Maximum Building Coverage: 90%
- 6) Maximum Lot Coverage: 95%
- 7) Height: maximum of 40 feet, measured as the vertical distance from the average finished grade on the street side of the structure to the highest point of the parking structure including the parapet wall or any wall, screening or vertical element extending from the uppermost parking level. The maximum height shall not apply to stair and elevator towers or mechanical equipment including solar panels.

3.234 Standards and Conditions

The Permit Granting Authority (PGA) shall apply the requirements of Sections 3.204 Design Review Principals and Standards, Section 7.1 Design Standards and Landscape Standards, 11.24 Site Plan Review Criteria and Design Guidelines, and the following additional standards:

- 3.2340 The maximum number of parking spaces within the proposed parking facility shall be approved by the PGA after analysis of current and future traffic conditions in the vicinity of the site. A thorough evaluation provided by the applicant's professional designer, subject to peer review at the request of the PGA and at the cost to the applicant, providing an analysis of the traffic and parking impacts of the proposed parking facility shall be submitted to the PGA.
- 3.2341 The parking structure shall be designed to be compatible with the adjacent neighborhood and downtown.
- 3.2342 The parking structure shall be designed and/or façade treatments shall be applied to minimize the visibility of cars parked inside the facility from North Prospect Street.

- 3.2343 Architectural details and materials shall be used to break down the scale of the parking structure façade.
- 3.2344 The grade and design of any driveway providing access or egress to a parking facility shall provide a clear view to the driver of any car exiting the facility of traffic on the street and of pedestrians on the sidewalk and shall: a) be a minimum of 12 feet wide for one-way use only; b) a minimum of 18 feet wide for two-way use; c) a maximum of 24 feet wide at the street lot line; d) designed to minimize curb cuts and access over sidewalks and; e) allow at least one vehicle to queue in the drive on the property without blocking the sidewalk.
- 3.2345 Sustainable design objectives shall be incorporated into the design of any parking facility.
- 3.2346 The Frontage Zone shall be heavily landscaped with plants having a height of at least one story above grade at the time of planting in addition to other low-level plantings and ground cover.
- 3.2347 Continuous sidewalks or walkways shall be provided to key areas served by the parking facility, including adjacent properties and sidewalks on North Prospect Street.
- 3.2348 Lighting shall be installed and shielded to prevent light disbursement onto adjacent properties.
- 3.2349 Additional free standing or projecting signs that do not exceed 50 square feet for each sign and a combined total of 100 square feet in area may be installed in accordance with all other standards of Article 8. The standards of Article 8 shall apply to all other signs.

3.235 Parking Management, Operations and Maintenance Plan

A parking management plan shall be required to be submitted to the PGA at the time of application that includes, but is not limited to, a description of:

- 1) Number of parking spaces available to different users such as the public, long term users, businesses and permit holders
- 2) Parking rates and fees
- 3) Hours of operation
- 4) Safety measures such as lighting, security cameras, signage, call box
- 5) Enforcement operations including ticketing and towing

- 6) Trash storage and removal
- 7) Snow management
- 8) Treatment and maintenance of interior surfaces
- 9) Storm water management

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PROPOSED ZONING BYLAW AMENDMENTS

SECTION 3.325, MIXED-USE BUILDINGS

ARTICLE 12: DEFINITIONS

Bold/Italic text indicates proposed new language.

~~***Bold/Strikethrough***~~ indicates proposed deleted removal.

ARTICLE 3 USE REGULATION

SECTION 3.3 USE CLASSIFICATION AND STANDARDS

SECTION 3.325 MIXED-USE BUILDING

N = No, the Use is not permitted in that Zoning District

SPR = The Use is permitted with Site Plan Review (See Section 11.2)

SP = The Use is permitted with a Special Permit, by the Zoning Board of Appeals (see Section 10.3)

Zoning Districts													
R-O	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
R-LD													
N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N

Standards & Conditions:

~~A Mixed use building shall be a building containing dwelling unit(s) in combination with permitted retail, business, institutional, government, public service, consumer service, office or similar principal use(s) and lawful accessory use(s).~~

~~A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section. In those Limited Business (B-L) Districts not abutting the B-G District, and in the Commercial (COM) District, a Special Permit from the Special Permit Granting Authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed ten (10) dwelling units. The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).~~

~~In the Commercial (COM) District no dwelling unit nor any internal space associated with a dwelling unit shall occupy any first floor portion of a building facing onto a street, public plaza, or other space customarily used by the public. First floor residential dwelling units, and any required entries thereto, shall be located on the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than forty percent (40%) of the first floor Gross Floor Area shall be used for residential purposes, which shall include not more than fifteen percent (15%) of said GFA associated with or incidental to, whether for storage, required entries, stair/elevator towers, or other purposes, any residential uses on upper floors.~~

No more than 70% of the Gross Floor Area of the first or ground floor shall be residential use, parking, or common areas shared by multiple uses, unless otherwise permitted below.

At least 30% of the Gross Floor Area of the first or ground floor shall be any permitted non-residential use, other than parking, including incidental spaces, except that the Permit Granting Authority may allow the required non-residential use(s) to be distributed on any floor, or in any building of a multiple building development on the same parcel, provided that the portion of the first or ground floor of any building facing the Street shall be occupied predominantly by such non-residential use(s).

For the purposes of this section, incidental spaces shall not include common areas shared by multiple uses, or other spaces not contiguous to the non-residential use unless the space is included in the description of the premises leased to the non-residential tenant.

Any dwelling unit(s) and enclosed parking on the first or ground floor shall be located at the rear of the building and designed to reduce visibility from the Street.

For sloping lots or lots with frontage on more than one Street, the permit granting authority shall determine which floor(s) of the building is subject to the split of uses and criteria as mentioned above.

Bedroom Count: No more than 50% of the total number of dwelling units shall have the same bedroom count, with the exception of a Mixed-use building containing less than ten units. The Permit Granting Authority may waive or modify this requirement for projects in which all dwelling units provided are Affordable (see Article 12, Affordable Housing).

ARTICLE 12 DEFINITIONS

Add the following language and renumber subsequent sections of Article 12:

12.34 Mixed-use building: Mixed-use building is a building containing one (1) or more dwelling unit(s) in combination with permitted non-residential uses in accordance with Article 3.

12.37 Permit Granting Authority (PGA): The Planning Board or Zoning Board of Appeals, as the bylaw may designate, or, if no specific designation, the Building Commissioner/Zoning Enforcement Officer.