

## Minutes

### ATTENDANCE

#### Select Board

Present: Stephanie O’Keeffe, Alisa Brewer, Aaron Hayden, Diana Stein, Jim Wald

#### Absent:

Staff: John Musante, Town Manager; Sandy Pooler, Finance Director; David Burgess, Principal Assessor; Deb Radway, Human Resources & Human Rights Director.

Other: Vince O’Connor, Phil Jackson, Board of Assessors members John Kick and Jeffrey Morgan; Chris Pile, Jack Hirsch, Charlie Shweik, Van Kaynor, Edith MacMullen, Ellen Pile, Ira Bryck, Ken Hargraves, Tim Holcomb, Corinne Demas

Meeting called to order by Ms. O’Keeffe at 6:30 p.m.

### Public Comment

Vince O’Connor, Summer Street commented on: lack of notification regarding Public Works Committee on Mill Street Bridge petition; downtown streetlights obstructed by holiday decorations, impacting public safety in crosswalks; appreciation for Select Board action re: permit fee for property owners with Section 8 or equivalent housing. He offered suggestions for affordable housing strategy, including: increasing CPA percentage for affordable housing; endorsement of House Bill 1167, to allow units with Section 8 tenancy to count toward the Subsidized Housing Inventory (SHI); and offering a housing tax credit for increased Section 8 tenancy. Mr. Musante reported that the PWC will discuss Mill Street Bridge at its January 9, 2014 meeting.

Phil Jackson, Lincoln Avenue, thanked the Board for contacting him regarding the annual Halloween street closure request and for approving that request in the past. He expressed appreciation to the Town for installation of the speed humps and noted that they were so effective at calming traffic that the street closure request was not made this year as it was deemed unnecessary.

### Renewal of Annual Licenses

VOTED unanimously to approve the list of renewals for alcohol and non-alcohol licenses presented, dated December 2, 2013, subject to outstanding documentation pending for the calendar year beginning January 1, 2014 through December 31, 2014.

### Special Liquor Licenses

VOTED unanimously to approve the Wine and Malt Special License for Top of the Campus Inc. for a reception to be held December 4, 2013 in the Bernie Dallas Room, Goodell Building, UMass Amherst from 6:30 p.m. – 8:00 p.m.; Brenda Ryan-Newton, President.

VOTED unanimously to approve the Wine and Malt Special License for Top of the Campus Inc. for a reception to be held December 9, 2013 in the Isenberg School of Management Atrium, UMass Amherst from 3:30 p.m. – 5:30 p.m.; Brenda Ryan-Newton, President.

### Committee Appointments

VOTED unanimously to approve the appointment of Sylvia Cuomo to the Registrars of Voters for a term to begin December 3, 2013 through June 30, 2016.

### Taxi Driver License

VOTED unanimously to approve a new 2013 taxi driver/chauffeur license for Joslyn Weber on behalf of Celebrity Cab.

### **Property Tax Classification**

Public hearing opened at 6:45 p.m. Finance Director Sandy Pooler and Principal Assessor David Burgess presented, introducing members of the Board of Assessors, John Kick and Jeffrey Morgan. Documentation presented for consideration was reviewed, noting a few changes that were made since original presentation. Mr. Burgess explained the classification issues and the recommendations from the Board of Assessors. Select Board members asked questions and provided additional detail about past considerations of the situation, to more fully-inform the viewing public. No one from the public offered comment. The classification of properties as amended result in an estimated tax rate of \$20.97 per thousand and excess levy capacity was reported as \$4,291.

Public hearing closed at 7:13 p.m.

VOTED unanimously to adopt a minimum residential factor of one, equal tax rate for all classes of properties for Fiscal Year 2014 and that no open space discount be granted.

VOTED unanimously to NOT adopt a Residential Exemption for Fiscal Year 2014.

VOTED unanimously to NOT adopt a Small Commercial Exemption for Fiscal Year 2014.

### **Human Rights Day Proclamation**

Deb Radway spoke about planned activities, and invited the Select Board and community members to attend.

VOTED unanimously to proclaim December 10, 2013 as Human Rights Day in Amherst and encourage all Amherst citizens to be mindful of human rights principles and urge all municipal, state, federal, and international bodies to incorporate said principles into their laws and policies as a means to move toward the creation of a human rights culture which is a “lived awareness” of human rights principles.

### **Common Victualler License**

Alan Sax, General Manager and Bernard Brennan, Coop Board Chair presented and spoke about the market.

VOTED unanimously to approve a Common Victualler License for All Things Local Coop Market at 104 North Pleasant Street, Amherst, Tuesday through Friday 10:00 a.m. to 7:00 p.m. and Saturdays and Sundays 10:00 a.m. to 5:00 p.m.; Alan C. Sax, Manager.

### **Preliminary Subdivision Plan for “The Retreat”**

Ms. O’Keeffe reviewed the process for the discussion and the limited role the Select Board can serve. She directed viewers and participants to the documents submitted, highlighting the application, the letter from the Planning Director, and the public safety departments’ responses. Mr. Hayden commented on the thoroughness and specificity of the reports from public safety. Ms. Brewer noted that the developer is not required to address any or all of the comments when submitting the definitive plan. Ms. Stein asked about the acceptance as Town ways; Ms. O’Keeffe indicated that since the roadways are not being built to Town standards, they could not be accepted as Town ways. Concerns were raised related to number of waivers on cul-de-sacs, parking configuration, and the desire for incorporating “Complete Streets” elements to encourage bicycling and public transportation usage. Mr. Wald noted that the zoning bylaw allows for exceptions, but that the large number of waivers requested indicates the developer is pushing the boundaries and said there may be practical impacts of such allowances. Ms. O’Keeffe said that the Select Board was within its purview to comment on proposed elements that impact the local housing situation, public transportation, and other ways the development would affect the larger community outside of the project’s boundaries. Mr. Hayden explained how rules related to waiver came into being, noting the consequence of and compensation for such requests.

The discussion was opened up to public comment:

- Chris Pile, 110 Bridge Street, urges Board members to read his memo to the Planning Board; designed as private roadways, grades and on-street parking critical violations; on enforceability of open container bylaws on private ways per Police Chief; urges denial of waivers and roads to be designed to meet public way standards.

- Jack Hirsch, urges Select Board to set policies in regard to safety, especially on substandard private ways; and impact to Cushman Village; project not infill development, maintain character of neighborhood with less dense housing. Further concern noted with ability to enforce nuisance bylaw with Landmark renting each bedroom.
- Charlie Shweik, 19 Tuckerman Lane, submitted letter and map citing concern of young people utilizing railroad tracks to walk to Town.
- Van Kaynor, Market Hill Road, noting concern with road design with entrance onto Flat Hill Road and traffic volume impacts on Flat Hill and Market Hill Roads and Henry Street.
- Edith MacMullen, Flat Hills Road, concern in regard to number of zoning waivers requested; setting a dangerous precedent; threatens legitimacy/effectiveness of Town of Amherst zoning bylaws.
- Ellen Pile, 110 Bridge Street, noted concern with site impacts; wet, steep and density by increase in number of bedrooms; roadways are of grave public concern related to construction and enforcement of open container bylaw.
- Ira Bryck, 255 Strong Street, concern in regard to spillover effects on Strong Street, etc. and related infrastructure needs related to this development.
- Ken Hargraves, Henry Street, concern in regard to traffic volume, large number of waivers/exceptions requested; condominiumizing of units (like Townhouse); how it impacts accountability.
- Tim Holcomb, 59 Grantwood Drive, urging compliance with Stretch Code, i.e. weatherization of rental properties.
- Corrine Demas, High Point Drive, urging Select Board to see Cushman as the Town's neighborhood and not an isolated NIMBY issue.

Key points of Select Board concern were reviewed. Ms. O'Keeffe will summarize the Select Board's sentiment in writing for presentation to the Planning Board.

#### **Status Report: Town-Gown Steering Committee**

Ms. O'Keeffe reported that the Town Gown Steering Committee continues to define the scope for the consultant RFP. The committee's work documents will be archived on a website hosted by UMass and linked from the Town site, expected to go live by the end of the week.

#### **Status Report: Regional School District Planning Committee**

Ms. Brewer provided an outline of expectations for the Regional School District Planning Committee's December 5, 2013 meeting. Chair of the RSDPC Andy Steinberg spoke briefly on the process and considerations to date. Thursday's meeting will decide which of the two models will move forward for voter consideration: a four-town K-12 region or a hybrid model with three-town K-12 and one-town 7-12 membership. The Regional School Committee may be asked to take the Regional Planning Committee on as one or more subcommittees, for increased resources. Making the changes under consideration as amendments to the current Regional agreement, rather than as establishment of a new district, would allow a proposal to be voted by Town Meeting rather than via an election in Amherst.

#### **Town Manager's Report**

Mr. Musante reported on the following: Grant updates: receipt of a \$105,665 LAND grant to acquire a 19-acre farm/field adjacent to the Fort River school for a community garden; a PARC grant for \$140,000 for Mill River Recreation Area, augmenting a CPA appropriation, for updates to accessibility, security and facilities; Town participation in multiple Community Innovation Challenge Grant applications; Town received invitation from Massachusetts School Building Authority for consideration of construction dollars for Wildwood School feasibility study; Updates on Rental Permitting program and CDBG Advisory Committee process; BID Annual Meeting – members voted 43-1 to continue for five years; Continuing due diligence preservation of affordable units at Rolling Green and Echo Village Apartments; Amherst invited to participate in Solarize Mass program, to help homeowners add solar panels; Update on installation plans for lighted parking machine kiosks; Reviewed staff service milestones, recognized at recent Holiday Party, as well as eight new hires: Town nurse, inspectors for

health and electrical departments, DPW tree worker and waste water operator, LSSE sports director, firefighter and permit administrator; highlighted recent and upcoming meetings of particular public interest.

### **Member Reports**

Select Board members reported on the activities of the committees to which they serve as liaisons

ADJOURN - The meeting adjourned at 10:19 p.m.

Submitted by John P. Musante, Town Manager

### **List of Documents Presented at the Meeting - Available in the Online Packet for the Meeting Date**

12-02-2013 Final Agenda  
12-02-2013 Draft Motions  
License Renewals 12-2-2013  
FY 2014 Classification Presentation  
Human Rights Commission Request  
Human Rights Day Proclamation 2013  
Common Vic application All Things Local  
Letters to Select Board on Retreat  
Retreat Summary Timeline of Permitting Process  
Retreat Preliminary Plan Development Impact Statement  
Retreat Pre-Sub Transmittal Letter  
Retreat Pre Sub Significant Features Exhibit  
Retreat Pre Sub Prep Plan Signed drawings  
Retreat Development Application  
Retreat Re Sub Building Circle Problem  
Retreat Sheet 4 Markup  
Retreat Sheet 5 Markup  
Retreat Pre Sub Town Engineer Review Letter  
Retreat Pre Sub Fire Dept Review Letter  
Retreat Pre Sub Fire Dept Apparatus Dimensions  
Retreat Pre Sub Letter Beth Wilson Wetlands to Planning Board  
Retreat Select Board letter to Cinda Jones re Notice of Intent c61  
Retreat Pre Sub Prep Memo J Tucker to Planning Board  
Retreat Pre Sub Frontage Waiver Requests  
Town Gown RFP Scope  
Updates – Solarize MA Press Release  
Open Space Investments Announced for Western MA  
MSBA Amherst Wildwood School Eligibility Period  
MSBA Initial Compliance Certification Wildwood Elementary School Project  
MSBA Invitation to Wildwood Elementary for Eligibility Period  
MSBA revised Template for School District Building Committee  
Residential Rental Permitting  
BID Special Meeting 11-22-13  
BID Highlights and Plans for 2014  
2013 Employee Years of Service Recognition  
December 2, 2013 Annual License Renewals  
Taxi Driver Application J. Weber  
Special License Applications UMass Amherst 12/4 & 12/9/2013  
Resident submittals:  
    Analysis of Walking Path to Center from Retreat parcel

Chris Pile letter to Select Board  
Bernie Kubiak email to Select Board  
Rich Cairn email to Select Board  
Select Board comments on Retreat read at Planning Board meeting