



**Town of Amherst
Special Town Council Meeting
Zoning Overview with Community Resources Committee
Wednesday, May 15, 2019, 2:30 p.m.
Town Room, Town Hall
4 Boltwood Avenue**

Minutes

1. Call to order and declaration of a quorum

President Griesemer declared the presence of a quorum of the Council at 2:37 PM.

Chair Schreiber declared the presence of a quorum of the CRC 2:35 p.m. 4 of 4 members present. Councilor Swartz has resigned from the CRC.

Councilors present: Councilors Griesemer, Schreiber, De Angelis, Pam, Steinberg, Bahl-Milne, Schoen, and Ryan.

Councilors absent: Councilors Brewer, DuMont, Swartz, Hanneke, and Ross.

Councilors participating remotely: None

Others present: Assistant Town Manager M. David Ziomek, Planning Director Christine Brestrup and Building Commissioner Rob Morra

Councilor Schreiber, Chair of the Community Resources Committee presided at the meeting.

Introductions: Planning Director Christine Brestrup, and Building Commissioner Rob Morra

2. Presentations and Discussion

Community Resources Committee – Zoning Overview

Mr. Malloy and Ms. Brestrup presented an overview of Zoning: its purpose and intent, local zoning, Zoning Districts, etc. (see attached handout).

Councilor Pam asked for clarification regarding the decision process. Mr. Malloy responded; once into the land-use permitting options, the planning board will generally conduct the permitting process (of all kinds); the Planning Board conducts the planning process; the staff serves as a guide for the Board Chair of the Planning Board.

During the question and answer period, the following questions were asked and answers provided:

Question regarding 19 steps. They are available on the website. An unfavorable decision can lead to an appeal. Anyone can submit an appeal; for the appeal to go forward they must have standing and that means an abutter. The appeal may have several parts and each can be addressed individually. Others might be brought in, such as DPW on street setback; public health on an issue of a well. Much of this is done by the applicant's consultant (e.g., storm water review, traffic, etc.). The Town can also bring in a third party reviewer.

Can an applicant continue with the other steps while waiting? Once an application comes in it is sent to all of the appropriate boards. However, state wetlands regulations as well as the Town's wetlands regulations apply.

Were there any problems with Olympia Oaks? The main problem was the roadway; there were many trees taken down. However, it was on University property, but was still a Comprehensive Permit.

Change in Bylaw – if the Council does not take action in 90 days does it die? Yes, it has to go back through the process.

We have not voted on our process for Zoning Bylaws. There is a discussion by Zoning Subcommittee as to whether they can do only a majority vote; but the Council would still require 2/3rd majority.

Statement: in the past it would go to Town meeting, and they would try to change that, but that could not be done because it would have to go back to a hearing.

Statement: Site Plan review is different from Special Permitting and Amherst never changed its 2/3rd vote.

When a building is inspected and it is not emerging as a building is inspection being done? Yes that has happened. Hopefully, the town can give approval to the change. However, for a bigger inspection issue, it either has to be corrected or goes back for another review.

If a Zoning change originates with some group besides the Zoning Board, can it go forward with a negative review to the Town Council? Yes.

Variance? Amherst does very few of those.

Has the town every caused a building to be torn down? Not in Amherst.

Community Resources Committee - Public Comment

Meg Gage of 208 Montague Road commented about the Heritage Bank Building at a 45 degree angle leading to some changes in the Zoning bylaws. She also expressed how pleased she is to see the change in the Charter increasing the Zoning Board to 5 members.

Timothy E. Atteridge of 143 Northampton Road asked questions about the application process; one or more meetings with applications prior to the process prior to submission. Prior to submitting what? Before site plan review. Mr. Atteridge asked if anyone from the Valley CDC met with the Town regarding 132 Northampton Road? Ms. Brestrep responded to the question identifying the times the Town has met with Valley CDC. Mr. Atteridge asked if any permits been issued for that property? No.

Councilor Schreiber also talked about balance of Community vs. Neighborhood values and needs. It is at the risk of the owner when they venture into this type of project. Response: the Town as part of their job is to meet with owners, buyers, early in the process. As a result, applicants have to adjust their plans, abandon the plan, or other possible solution. Two other points of comment – once the state has reviewed, then the Town staff collects comments from the municipality; the second period is a public hearing of which there is often more than one. Application and Site Plan includes many facts, but also others items such as will there be staff present, trash pick-up, etc.

Statement: the comment concerned that feeling that the process was backward and that something was going on behind the scene. Response: there is not.

3. Adjourn

Councilor Ryan moved, second by Councilor De Angelis, to adjourn.

Special Meeting of the Town Council adjourned at 3:41 PM.

Respectfully submitted,

J. Lynn Griesemer

Record of Agenda Packet Materials and Documents Presented

Agenda Town Council Special Meeting 05-15-2019

Community Resources Agenda 05-15-19

Zoning Presentation