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**Joint Meeting of the Community Resources Committee of the Town Council (Regular Meeting)  
and the Town Council (Special Meeting)**

**September 15, 2020 2:00 pm**

**Virtual Meeting**

**Minutes**

Committee Members participating remotely: Shalini Bahl-Milne, Chair Mandi Jo Hanneke, Evan Ross, Steve Schreiber, and Sarah Swartz

Committee Members absent: none

Town Councilors participating remotely: Alisa Brewer, Darcy DuMont, Lynn Griesemer, Dorothy Pam, George Ryan, Cathy Schoen, Andrew Steinberg,

Town Councilors absent: Pat De Angelis

Others participating remotely: David Ziomek, Planning Director Christine Brestrup, Building Commissioner Robert Morra, Planner Benjamin Breger, Planning Board Chair Jack Jemsek, Minute Taker Lindsey McConnell

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, this meeting of the Town Council and Community Resources Committee was conducted via remote participation*

**1. Call to Order- CRC**

Chair Hanneke declared the presence of a quorum, called the meeting of the Community Resources Committee (CRC) to order at 2:04 pm, confirmed all committee members can hear and be heard, and announced audio and video recording.

**2. Call to Order- Town Council**

Council President Griesemer called the special meeting of the Council to order at 2:06 pm, and confirmed all present members can hear and be heard.

**3. Presentation and Discussion Items**

Chair Hanneke declared the CRC meeting will begin with a special joint meeting with the council. Regular CRC business and public comment will continue after the special meeting is adjourned.

**a. Zoning Bylaws Priorities**

Hanneke stated the goal of the meeting is to hear from the Planning Board (PB), Planning department, Councilors and residents for guidance on zoning bylaw change priorities.

**i. Planning Department Presentation**

Building Commissioner Rob Morra stated this presentation will catch-up with where the discussion was left off in March. Morra stated a comprehensive review of the bylaw began with a plan to sort changes in three types: 1) Changes that do not require a larger discussion and can be performed by Town staff for Zoning sub committee and CRC review 2) More substantial changes to bylaws such as signage and mixed

use building bylaws and, 3) Changes that will need a lot of public participation and guidance that may possibly be addressed by hiring consultants

Planner Benjamin Berger shared the screen to show examples of type 1 changes to existing bylaws. Berger stated there is often confusion with the mixed use of styles and numbering in the bylaws. Berger stated some cross-referencing within the Bylaw refers to the wrong sections. Berger reviewed other commonly confused or questioned sections that need to be addressed including parking and driveway width, fire department access to common driveways, what type of building accessory uses sections apply to, common drive parking standards and limitations application process. Berger added graphics in the Bylaw are insufficient and difficult to interpret and formatting of the table in Article 3 is difficult to use. Berger shared the screen to show a proposed new look for the Bylaws with basic changes to formatting, consistent headers, lettering and numbering system that has a maximum of three numbers in a row, a footer that tracks the article section, and improved cross referencing that actually links the sections. Berger stated these reformatting revisions would make the Bylaw easier to work with and follow.

Committee members and Councilors discussed whether the proposed revisions allow future changes to be easily incorporated, discussed the clarity of the decimal system, the need for a crosswalk to index changes, and how the bylaw is referenced in other documents

Planning Director Christine Brestrup spoke about more substantive proposed changes to the bylaws. Brestrup stated the demolition delay bylaw has been looked at closely over few years and the Historic Commission is almost finished with a proposed new section. Brestrup stated new FEMA flood maps are almost finished and will need to be incorporated in the bylaws. Brestrup added the state has just released a good model zoning bylaw that may be helpful. Brestrup stated the parking bylaw needs attention including the requirement that every unit have two parking spaces. Brestrup spoke about a continual disagreement about what the inclusionary zoning bylaw applies to. Brestrup spoke to the impact of this bylaw and added the Town has learned people want to build so much they are willing to include affordable units. Brestrup stated the sign bylaw is confusing, restrictive, and difficult to enforce. Brestrup added the outcome of a recent Supreme Court case may impact this bylaw and working with a professional that really understand these regulations such as a lawyer or consultant could be helpful.

Councilor Dumont joined the meeting at 2:35 pm.

Brestrup stated attention needs to be given to bylaws pertaining to density and amount of housing, how big new housing will be and where it will go. Brestrup declared bylaws about mixed-use buildings need more description of what mixed-use and how much non residential should be included. Brestrup spoke about Footnote A regarding dimensional regulations and if modifications should be allowed with a special permit, many people think shouldn't be allow to modified with a special permit.

## **ii. Planning Board Presentation**

Planning Board chair Jack Jemsek stated the PB provided limited, focused priorities back to the CRC. Jemsek reported the PB has gone through a lot of change and therefore kept their list simple to include improve downtown zoning, unlock housing development and increase the diversity of housing stock and recodify the Zoning Bylaw. Jemsek stated the PB is trying to take cues from the CRC for direction and that the board has a long way to go.

## **iii. Council Discussion**

Schoen asked how far the Town staff and subcommittees got with things like defining mixed-use and referenced examples from other municipalities' definitions pertaining to an area not a building. Schoen requested more information on the history of items on zoning overlays and how they align with FEMA flood maps. Schoen asked why the PB decided not to include the bulleted items from packet item 3.a. Memo to CRC from PB re zoning priorities 9-1-2020 in their three larger priorities.

Jemsek answered they were not included for sake of time, the board wanted to prioritize larger items before board turnover occurred. Jemsek stated the PB can provide more detail, spoke of the similarities in priorities being brought by others and spoke to the unique perspective of the PB since they see the projects come through. Jemsek asked for more of a directive from the CRC.

Brestrup answered the Planning department does have a good mixed-use building zoning amendment that was previously presented at Town Meeting. Brestrup stated it was defeated then because parking was one of the uses that could be used on the ground floor. Brestrup stated the FPC zone is a related but separate issue from the flood maps. The flood maps are created by FEMA based on analysis of land and the overlays are flood insurance rate maps. The Conservation commission uses them to know where to expect 100 year flooding. Brestrup stated the department will bring flood maps and text of a zoning bylaw based on the model to the council. Brestrup stated how the FC zoning district will be incorporated, edited or eliminated will need to be decided and Brestrup recommended incorporating the new flood maps as an overlay district in the zoning bylaw.

Brewer spoke to the structure of the Zoning Bylaw and stated there are different software products that can help with structure such as Ecode360. Products like this could make a crosswalk and be updated more efficiently since this is the way of the future.

Pam stated hearing contradictory goals about what to do with the BL district, if it should be built up or tapered slowly into residential areas. Pam asked what are the plans for those areas. Brestrup stated there are two relevant things happening and one is consultants are wrapping up work on what utilizing Chapter 40 R, a program offered to cities and towns to create an overlay zoning districts, could look like in the BL or different areas. Brestrup stated there are also proposed zoning bylaw changes to dimensional regulations in the BL and studies have been conducted investigating the possibility of building new housing there. Brestrup stated the Planning department will bring this back to the CRC as part of the zoning bylaw rewrite.

Pam stated there is not enough family housing and affordable family housing. Pam stated if something else is built there it'd better be for families.

Bahl-Milne asked what kind of zoning is preventing mixed family housing and smart growth from happening and preventing new businesses from opening and succeeding. Bahl-Milne also asked what kind of studies have already been done in regards to zoning.

Brestrup answered there are not zoning regulations that are particularly preventing new business from starting except that it is hard to find new land. Brestrup stated past issues have include the size of sites available and if the area is connected to sewer and water. Brestrup stated not being aware of zoning issues preventing business from coming in except the cannabis industry which may not be appropriate. Brestrup stated nothing is preventing family housing from being built in Amherst Hills and Amherst Woods, but those are large expensive houses. Brestrup stated when a developer buys expensive propriety they want to build an expensive housing to recoup investment. Brestrup stated apartment family housing is not being constructed because the main market now is for smaller units and studios. Brestrup stated if the Town wants family housing, they have to step in and support it and there may be ways land can be rezoned to have smaller lots that allow smaller houses to be built.

Bahl-Milne stated local professionals have communicated with her about the challenges of zoning and read an email from one stating zoning is very restrictive and it is very expensive to navigate the bureaucracies. Bahl-Milne gave examples of small businesses, doctors, dentists, and outdoor recreation business owners having the perception it is too difficult to open in Amherst and going to Hadley instead. Bahl-Milne referenced a conference presentation by April Anderson on economic development models that work with towns to use smart growth tools to get funding. Bahl-Milne stated the Town is acting in ways that are contradictory to who the Town says they want to be.

Schreiber stated all the parts of Amherst that appear on tourism items like postcards were all built pre-zoning and all parts people love to complain about were built after zoning, therefore there is a disconnect between what the Town wants Amherst to be and what the zoning bylaw is providing. Schreiber stated there are existential questions to be answered about what the Town wants Amherst to become and stated current zoning is so complicated if certain parts are changed it still wont achieve goals. Schreiber also stated the Council should be careful about how family is defined and not every family wants to live in a single family house.

Pam stated a definition of family should include children and the Town is losing children and young families. Pam stated this is a very transitional moment and a lot of people that moved to cities now want to get out of them and will want to come to Amherst. Pam asked what makes a Town healthy in the long run.

Brewer stated appreciation for the opportunity for Councilors to offer input to the CRC. Brewer stated there is not a document with the proposed changes that Brestrup discussed and a list saying what is ready to be addressed is needed.

Ross stated priorities should be driven by how to make housing more affordable, increase housing production and diversify the housing stock. Ross asked how can development be concentrated in already developed areas and near transit. Ross stated the main problem with the BL is that the zoning dimensional regulations don't allow for multifamily housing and it could all be rezoned as BG or dimensional regulations could be fixed. Ross stated the goal of promoting multifamily housing, different types, including apartments, duplexes and additional units. Ross stated there is no reason a studio or 1 bedroom should have to have two parking spaces. Ross stated parking minimums should be decreased and dimensional regulations changed in village centers to increase density.

Bahl-Milne echoed Ross's statements and stated the desire for form based zoning.

Schreiber stated CRC will have the opportunity to chime in during future meetings. Schreiber stated unlocking smart growth in village centers, avoiding a monoculture, and encouraging development or multifamily owner occupied housing in the downtown area, are goals and spoke to the inability of new UMass faculty to find housing that works for the.

Swartz stated initiating zoning changes should not be the job of Town Councilors and questioned the process of assigning board appointment duties to different committees. Swartz stated discomfort with the process of taking power from the ZBA and PB. Swartz spoke to the idea that good work is being done but making the CRC and Council nimble could also go array.

#### **iv. Public Comment**

John Page from the Amherst Chamber of Commerce stated viewing this as an opportunity to clean up zoning, resolve confusion and spur economic growth. Page stated being excited to see Councilors leading a long-term visionary process and looking forward to working with them

Ira Bryck stated smart growth not been defined and there are concepts of limits to growth. Bryck stated there are a lot of people moving to the Valley and demand won't run out. Bryck stated the five story dorms is the wrong use and three stories would be better. Bryck said if something is built that acts like a dorm then only students will live there. Bryck stated the Town should figure out what is wanted and one-story buildings that are aging could be replaced by buildings that are three stories with commercial downstairs and residential upstairs. Bryck stated based on reading, form based zoning is building like what is already there and will invite more five story buildings that are not wanted.

Hilda Greenbaum stated the BL zone is contentious. Greenbaum stated wishing the BL zone would have been part of north Pleasant Street. Greenbaum stated there are developers who want to see east side of north Pleasant travel all the way to UMass. Greenbaum stated the limit to 24 units is not the complete bylaw and it also states buildings should be 20ft apart. Greenbaum stated family housing is needed since this was a town of small families and now there are few children. Greenbaum stated the Town needs to bring vitality back, not just be college students and old people. Greenbaum suggested the Council look at density being determined not by number of units but instead by the number of bedrooms or square footage because the bylaw would let you build eight bedrooms in a duplex but only so many units. Greenbaum stated concern about the number of waivers that have been handed out lately and stated the five story buildings got to be sixty feet because they got a waiver. Greenbaum stated concern for changes proposed to the PRP and the PRP on Route 9 was built with everything even though there were promises there would not be any houses. Greenbaum also spoke about the goal of Footnote A and gave the example of not being able to rebuild if the Hotel Draper in Northampton burned down.

Meg Gage stated appreciation for all the work going on this conversation. Gage stated it seems piecemeal rather than in the context of a larger strategy, which is needed for economic development. Gage stated a strategy needs to focus on the arts and the creative economy and gave North Adams' unemployment rate decrease as an example. Gage spoke about the success of the Amherst Cinema Project as a non-profit and for profit collaboration that sparks all sorts of other development. Gage stated the belief Northampton became the cool place to be because of a huge development of the arts in the 90s and 2000s. Gage stated the arts are consistent with an academic community and zero energy goals. Gage agreed with Greenbaum that the Town should agree what it wants to draw people here first.

Gabrielle Gould thanked the Council and reiterated what John Page said in terms of working together. Gould echoed Gage's comments and stated the desire for creating more arts and performances and experiences.

Council discussion continued

Hanneke directed the Council to talk about priorities and next steps.

Steinberg spoke to the similarities among the ideas collected and stated economic development and new growth is needed as a stable base of revenue from property taxes if the Town is going to support services. Steinberg stated climate and energy policies should be incorporated in to the zoning bylaws where they can because zoning can encourage certain kinds of development. Steinberg stated a goal of housing, affordable housing and family housing and spoke to a comment criticizing new growth used by students. Steinberg stated student housing is gobbling up neighborhoods and if the Town doesn't create housing that is appropriate for students that will continue to happen. Steinberg stated PRPs have not created the kind of development that was envisioned at the time and the cluster housing provision has not resulted in much of the housing it was aiming to encourage.

Schoen stated young professors new to Amherst cannot find housing, and neighborhoods that would have been starter homes are now full of students. Schoen stated demand is driving some of what is being built and asked if the Town opens up building, what stops a monoculture from being created. Schoen stated smart growth, walkability and public space is not built in to our bylaws and spoke to the need for things like space for two wheelchairs, some green spaces, and smart growth like taller buildings blocks back and incentives for strict energy code compliance. Schoen stated new growth does not always yield net income for the Town.

Pam stated an integrated plan for downtown is needed with lots of little pieces of both public and privately shared green space for residents. Pam stated the hope for a unified vision that is reflected in the code so it is not all waivers and randomness.

Ross spoke to Greenbaum's comment of not wanting a town that is all college students and old people. Ross stated he is a rare person in their 30's who chose to live in Amherst. Ross stated Amherst has thousands of young people who come and leave but the Town could try to keep them if it showed them they are welcome to stay. Ross stated there is a lot of anti-student sentiment in the discussion and asked Councilors to please stop calling downtown apartments dorms and calling for buildings that are not for undergrads. Ross stated this language sends the message that students are not wanted downtown and is not the type of atmosphere that will convince students to stay. Ross stated solutions that are discriminatory like limits to the number of unrelated people living in a unit will not help and asked the Council to think about their use of language.

Brewer questioned the process and asked how the committee can incorporate feedback from the Council and public.

Hanneke stated the committee will continue the discussion of priorities and next steps.

**4. Items Not Anticipated by the Chair 48 Hours in Advance- None**

**5. Adjourn – Town Council**

President Griesemer declared the special meeting of the Town Council adjourned at 4:04 pm.

**6. General Public Comment**

Hilda Greenbaum, Amherst resident, commented that the bylaws relevant to apartments require no more than half the units be of one size and that most require some 3 bedroom units to be included. Greenbaum stated mixed-use buildings don't have that requirement and you can have a mixed-use building if you put an ATM machine or a washing machine for public use in the building. Greenbaum said if the Town wants more family units, the mixed-use buildings need to comply with the apartment rules.

Swartz left the meeting at 4:05 pm.

**7. Action Items**

**a. Fall 2020 Meeting Times- Vote Revised Schedule**

Hanneke referred to packet item 7.a. 2020 CRC Meeting Schedule - Rev. 2020-09-03. There were no comments about the proposed schedule.

**MOTION:** Ross moved, second by Schreiber, to adopt the 2020 CRC Meeting Schedule - Rev. 2020-09-03.

Hanneke stated Swartz had to leave at 4:00pm and was ok with the proposed schedule.

**VOTED** 4-0 by roll call (Ross, Schreiber, Hanneke, Bahl-Milne voted Yes, Swartz was absent) to adopt the 2020 CRC Meeting Schedule - Rev. 2020-09-03.

**8. Minutes**

**a. Adoption of August 26<sup>th</sup>, 2020 Minutes- 5:00 pm**

Hanneke stated fixing a verb tense and adding the candidates as participating remotely.

**b. Adoption of August 26<sup>th</sup>, 2020 Minutes- 6:00 pm**

Hanneke stated revising a misspelling on Birstwistle and corrected a sentence regarding how long PB members served for accuracy.

**c. Adoption of September 1, 2020 Minutes**

Hanneke stated there were no revisions.

**MOTION:** Hanneke moved, second by Schreiber, to adopt the August 26, 2020 5pm and 6pm minutes, as amended, and the September 1, 2020 minutes, as presented.

**VOTE** 4-0 by roll call (Ross, Schreiber, Hanneke, and Bahl-Milne voted Yes; Swartz absent) to adopt the August 26, 2020 5pm and 6pm minutes, as amended, and the September 1, 2020 minutes, as presented.

**9. Announcements**

Thank you to Councilors who attended.

**10. Next Agenda Preview**

Hanneke stated the September 29<sup>th</sup> meeting will focus on Comprehensive Housing policy and zoning. Hanneke will create an executive summary based on this conversation and the compiled document of priorities from Councilors including those who send their thoughts after the deadline. Hanneke stated the hope to provide a draft document in the packet of housing goals based on the last meeting. Hanneke also stated the meeting will include a debrief of the recent appointment processes.

Bahl-Milne asked for the goal of the debrief and if the committee wanted to consider candidates' feedback.

Hanneke stated she will solicit feedback from the candidates.

**11. Adjourn- CRC**

Hanneke declared the meeting adjourned at 4:15 pm.

Respectfully submitted,

Lindsey McConnell

## **Record of Agenda Packet Materials and Documents Presented**

1. 2020-09-15 CRC Agenda
  - 3.a. List of Zoning Priorities - Compiled from Non-CRC Council Members - 2020-09-11
  - 3.a. Memo to CRC from PB re zoning priorities 9-1-2020 signed
  - 7.a. 2020 CRC Meeting Schedule - Rev. 2020-09-03
  - 8.a. 2020-08-26 DRAFT CRC Committee Minutes - Interviews
  - 8.a. 2020-08-26 DRAFT CRC Committee Minutes - Interviews - Rev.1 - 2020-09-09
  - 8.b. 2020-08-26 DRAFT CRC Committee Minutes - Deliberation
  - 8.b. 2020-08-26 DRAFT CRC Committee Minutes - Deliberation - Rev.1-2020-09-09
  - 8.c. 2020-09-01 DRAFT CRC Committee Minutes