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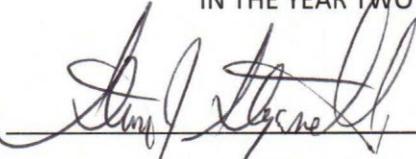
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AMESBURY CITY CLERK

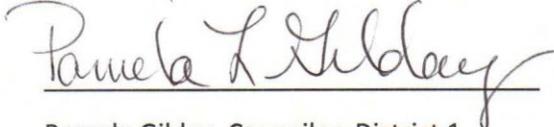
CITY OF AMESBURY

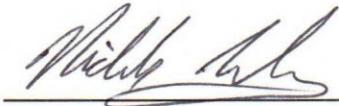
IN THE YEAR TWO THOUSAND SEVENTEEN

Sponsored by:


Steven Stanganelli, Councilor-at-Large

Bill No. 2018-018


Pamela Gilday, Councilor, District 1


Nicholas Wheeler, Councilor, District 4

An Ordinance to amend Amesbury Zoning Bylaws (2014 as amended) to change three sections to insert and include "Open Space, Natural Resources and Trails Committee" (aka OSNRT Committee) as part of the circulation to departments and other boards to improve the process by which care and custody of open spaces is conveyed.

Summary:

An Ordinance to amend the following sections of the Amesbury Zoning Bylaws

- **Section XI, C, 4, c.4 (Circulation to Town Departments and other Boards)**
- **Section XI.D.3.b.e (Cluster Residential)**
- **Section XI.E.3.e (Planned Unit Development)**

Whereas open space parcels may be created when residential developments are proposed, and

Whereas current Zoning Bylaw provides the option to a developer to offer open space parcels for public use, and

Whereas the Planning Board evaluates during its hearing process the use to the public and the way such a parcel may be used in conjunction with adjoining properties, and

Whereas the Planning Board may deem it suitable to take such parcels for open space, and

Whereas there is no city department or board at present that is able to provide meaningful recommendations during the public hearing process on the acceptance and management of such open spaces in the context of an integrated open space use plan, and

Whereas this amendment will provide the Open Space Natural Resources and Trails Committee with the opportunity to provide non-binding recommendations on proposed open spaces and how these may be integrated with the uses from surrounding properties, and

Whereas at present there may be a gap in communication during completed project approval and during open space land transition from developer to City, between the Planning Board and ConCom regarding the conveyance of care and custody of open spaces as part of cluster residential development and planned unit developments, and

Whereas this change will allow the Open Space Natural Resources and Trails Committee in its advisory role to provide input on the integration of proposed space with the prevailing open space use plan during the final conveyance of any parcels, property or open spaces from a developer to the ownership of the City and ultimate care and custody of the Conservation Commission, and

Whereas increased awareness on the part of Open Space Natural Resources and Trails Committee on new open space parcels will assist the OSNRT in maintaining accurate database records of existing open space parcels in the community, and

Whereas there is a compelling public policy benefit to improve the quality of life of current and future residents through proper planning for open spaces, so therefore

Be it Ordered by the City Council of the City of Amesbury assembled and by the authority of the same as follow:

Amesbury Zoning Bylaws shall be amended as proposed

The revised language will appear as follows (changes in italics):

Section XI, C, 4, c.4 (Circulation to Town Departments and other Boards)

Within seven (7) days of receipt of a complete application, the Board shall transmit a copy to the Design Review Committee, Engineering Department, Board of Health, Building Inspector/Code Enforcement Officer, Fire Department, Police Department, Conservation Commission, Town Planner, *Open Space Natural Resources and Trails Committee*, and Town Clerk for comments.

Section XI.D.3.b.e (Cluster Residential)

Review of Other Boards and Agencies: Upon receipt of the application and related plans/analysis, the Board shall within ten (10) days transmit one (1) copy each to the Board of Health, Conservation Commission, City Engineer, Community Development Office, *Open Space Natural Resources and Trails Committee*, and Fire Department. These boards and agencies shall review said plans and provide recommendations to the Planning Board within thirty-five (35) days.

Section XI.E.3.e (Planned Unit Development)

e. Review of Other Boards and Agencies: Upon receipt of the application and related plans/analyses, the Board shall within ten (10) days transmit one (1) copy each to the Design Review Committee, City Planner, Utilities Director, Department of Public Works, Building Inspector, Board of Health, Conservation Commission, *Open Space Natural Resources and Trails Committee*, Fire Department, City Engineer, and Building Inspector. These boards and agencies shall review said plans and provide recommendations to the Board within 35 days.

Amesbury

City Councilor



Steven Stanganelli
Councilor At Large
City Hall, Office of the City Clerk
62 Friend Street
Amesbury, MA 01913

(978) 388-8143
Fax: (978) 388-8150
councilorstanganelli@amesburyma.gov

January 29, 2018

Mr. Christian Scorzoni
President
Amesbury City Council
% City Hall, Office of the City Clerk
62 Friend Street
Amesbury, MA 01913

RE: Ordinance to Amend Zoning Bylaw Relative to Open Space Natural Resources and Trails

Dear Mr. President:

Please accept this letter as additional background for the above-captioned zoning bylaw submission.

As a former member of the Open Space Natural Resources and Trails Committee, I am co-sponsoring this change to the zoning bylaw because of a need that OSNRT identified in collaboration with the Planning Department and members of both the Conservation Commission (ConCom) and Planning Board.

This amendment will implement changes that will improve the process for the conveyance of care and custody of open space from residential cluster subdivisions and planned unit developments to the City and the ConCom. For reference please see the memorandum from the City's Planning Director Nipun Jain dated December 8, 2017 to the City Council relative to recommendations of the Amesbury Planning Board for Ordinance 2017-099.

While the Planning Board and ConCom both are involved in many aspects of a development's process, neither has the time, specific focus, or resources to sometimes properly track all the steps that may be needed to be sure that all have been taken to assume custody and control.

At present a disjointed process has been identified by the City's planning and conservation professionals. The open spaces that are relevant for this change are part of a conservation restriction (CR) on a development application. There are times when a property may be completed and approved by Planning Board, but this may not be fully communicated to ConCom. Likewise, there may be an open Order of Conditions from ConCom that is not under the jurisdiction of the Planning Board to ensure compliance.

As there are sitting members of both the ConCom and Planning Board on OSNRT, this change will improve the process and allow OSNRT to act as a second set of eyes. It will facilitate communication and help integrate the designated open space into the open space plan.

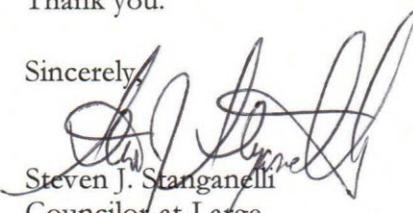
At present there are multiple development projects in place where this improved process will make administration more efficient. These examples include the Bailey's Pond development in the future and Locke Hill cluster subdivision at present. Regarding the latter case, the subdivision has wetlands which are to be conveyed to ConCom and a better process will ensure that the space is properly integrated.

Another relevant example includes the recent disposition of open space at Pointe Shore Meadows (19 Evans Place) during the City Council meeting in December 2017. During this meeting the Council was asked to review the deed transfer but there were local residents concerned that the outstanding conservation Order of Conditions specific to paths and trails were not completed. With the helpful input from a Conservation Commissioner, the Council amended 2017-102 (grant of Quitclaim Deed). In retrospect, if a process was in place that involved a group like OSNRT, then the City Council would not have to deal with micro-managing this matter.

Another concern that makes this change advisable is the simple fact that the City is at present assuming a certain level of risk and potential liability because of a disconnected process. If there are any concerns related to a parcel such as the presence of toxic waste or other pollutants, then the City is assuming liability for this. By having a more robust oversight and administrative process in place for conveyance of care and custody, the City will mitigate its exposure.

Thank you.

Sincerely,



Steven J. Stanganelli
Councilor-at-Large,
Amesbury

cc.

- Planning Board
- Conservation Commission



Amesbury

Community & Economic Development
Nipun Jain, Planning Director
Planning – Conservation – Appeals
Tel: (978) 388-8110 Ext. 312
Fax: (978) 388-6727
nipun@amesburyma.gov

62 Friend Street
Second Floor
Amesbury, MA 01913

MEMORANDUM

DATE: December 08, 2017

TO: City Council

SUBJECT: Ordinance 2017-099 – Amend City of Amesbury Zoning Bylaws (2014 as amended) to change Section XI, C, 4, c.4 (Circulation to Town Departments and other Boards) to insert and include “Open Space, Natural Resources and Trails Committee”.

At their duly posted meeting on December 11, 2017, the Amesbury Planning Board held a public hearing on the proposed amendment via Ordinance 2017-099.

Background:

The open space parcels are created when residential developments are proposed using the special provisions under the Amesbury Zoning Bylaw. The current bylaw provides the option to the proponent to offer the open space parcel(s) for public use. The Board during the hearing process evaluates the use to the public and the use of adjoining properties as well. When there are other open space parcels or protected areas in the neighborhood, it is most suitable to take property as public open space. However, there is no city department or board that is able to provide meaningful input or recommendation during the public hearing process on this issue. This amendment would provide the Board with the opportunity to get recommendations (non-binding) to better understand the relationship of the open space in the context of the surrounding properties. It also ensures that future residents are able to enjoy the natural resources that collectively improve the quality of life in Amesbury.

At this meeting, the Board voted to recommend adoption of the amendment to the Zoning Bylaw with the following edits:

The proposed amendment would also be to the following Sections –

Section XI.D.3.b.e (Cluster Residential)
Section XI.E.3.e (Planned Unit Development)

If you have any questions or concerns, or if I could provide any additional information, please feel free to call my office.

**Ordinance Committee Minutes
November 21, 2017
City Hall Auditorium
7:00 pm**

Meeting called to order at 7:00 PM

Roll Call was taken and present were Atty. Johnson, Atty. Raffa, Councilor Sherwood, and Councilor Bartley.

Minutes for approval: October 17, 2017

Atty. Johnson motions to approve the minutes as presented from October 17, 2017 and is seconded by Councilor Sherwood. It was voted unanimous, 4 present.

2017-081 An Ordinance to amend the allowed uses in the Industrial Zoning District by adding a Sports Entertainment Business Complex Use. – Mayor Sponsor

Atty. Johnson motions to table 2017-081 to the next meeting awaiting Planning Board recommendation and is seconded by Atty. Raffa. It is voted unanimous, 4 present.

2017-099 An Order to amend City of Amesbury Zoning Bylaws (2014 as amended) to change Section SI,C,4,c.4 (Circulation to Town Departments and other Boards) to insert and include "Open Space, Natural Resources and Trails Committee" – Councilors Stanganelli and Sherwood sponsor

Atty. Johnson motions to adopt 2017-099 as presented and is seconded by Atty. Raffa. It is voted unanimous, 4 present.

2017-102 An Ordinance to request that the City Council vote to approve the grant of Quitclaim Deed to the Conservation Commission from Richard Saba, Trustee of Amanda Lane Realty Trust for four (4) certain parcels of land, located off Point Shore Meadows, Amesbury and to authorize the Mayor to accept said gift of property – Mayor Sponsor

Atty. Johnson motions to table 2017-102 to the next meeting awaiting further information from Nipun Jain, he is seconded by Councilor Sherwood. It is voted unanimous, 4 present.

2017-104 An Order to Authorize the Mayor to enter into an Agreement with the Massachusetts Department of Transportation to Acquire a Portion of Land located off of Elm St, abutting Interstate 95, for General Municipal Purposes and for the Purpose of Disposition. – Mayor Sponsor

- Community & Economic Development Director Bill Scott has a discussion and presentation.
- Ordinance Committee would like to have a map available at the 12/12/17 City Council Meeting.

Atty. Johnson motions to adopt 2017-104 as presented, he is seconded by Councilor Sherwood. It is voted unanimous, 4 present.

Atty. Raffa motion to adjourn the meeting at 7:40 PM and is seconded by Councilor Sherwood. It is voted unanimous, 4 present.

Respectfully Submitted,

Amanda Price

November 28, 2017