

**UNOFFICIAL RESULTS
SPECIAL TOWN MEETING
November 14, 16, 17 and 21, 2016**

The meeting was televised by Amherst Community Television and shown on the government channel.

There were 250 town meeting members. 126 checked in and a quorum was declared. The November 14, 2016 Special Town Meeting was called to order by the Moderator, James W. Pistrang at 7:08 p.m. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of those town meeting members who had passed away since the last town meeting. Town Meeting stood in recognition of Ann Grose, Phyllis Hastings, Howard Main, Mary Snyder, Stanley Ziomek.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED unanimously to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken 11/14/2016.

(Andrew Churchill gave a report on behalf of the Amherst Charter Commission and Michael Greenebaum reported on behalf of the Town Meeting Coordinating Committee.)

ARTICLE 2. Capital Program – Bond Authorization (Joint Capital Planning Committee)

DEFEATED Yes 106, No 108, with 3 abstaining

[That the Town of Amherst will appropriate the sum of \$66,369,000 to be expended under the direction of the School Building Committee to construct, originally equip and furnish two co-located elementary schools on the Wildwood site, 71 Strong Street, to educate all Amherst students in grades 2-6, including the cost of architectural design, project management and other incidental and related costs, as well as demolition of the existing building and other necessary site improvements, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, said sum to be, and to meet such appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said sum under and pursuant to M.G.L. Chapter 44, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 68.34 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; [provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 1/2)] and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.]

Action taken 11/14/2016.

At 10:09 p.m. on Monday November 14, 2016, town meeting voted to adjourn to Wednesday, November 16, 2016 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 219 town meeting members were checked in.

The November 16, 2016 session was called to order by the Town Moderator, James Pistrang, at 7:10 p.m. 126 town meeting members were checked in.

ARTICLE 3. Capital Program – Land Acquisition (Select Board)

VOTED to acquire the parcel of land located at 24 Montague Road containing 0.81 acres, more or less, and described in a deed recorded with the Hampshire District Registry of Deeds in Book 4825, Page 348, Amherst Assessors Map 5A, Parcel 37; and to meet this appropriation borrow \$675,000 for the acquisition of said land, and any and all costs related thereto, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Action taken 11/16/2016.

ARTICLE 4. Capital Program – Buildings and Facilities (DPW/Fire Station Advisory Committee)

VOTED to appropriate \$75,000 to complete a feasibility and site selection study for a Fire Station, and to meet such appropriation, transfer \$75,000 from overlay surplus.

Action taken 11/16/2016.

ARTICLE 5. Capital Program – Buildings and Facilities (DPW/Fire Station Advisory Committee)

DEFEATED

[To appropriate \$350,000 to complete a partial schematic design and construction cost estimate for a Department of Public Works facility, and to meet such appropriation, transfer \$350,000 from free cash.]

Action taken 11/16/2016.

ARTICLE 6. Triennial Property Revaluation (Board of Assessors)

VOTED to appropriate \$40,000 to complete the triennial property revaluation, and to meet such appropriation, transfer \$40,000 from overlay surplus.

Action taken 11/16/2016.

ARTICLE 7. Land Acquisition - Watershed Protection (Select Board)

VOTED unanimously to: (a) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by gift, purchase, and/or eminent domain, for water supply protection purposes, the parcel of land located on Overlook Drive, Amherst, shown as Parcel 49 on Assessors Map 6B, and containing 2.0 acres, more or less, and described in a deed recorded with the Hampshire District Registry of Deeds in Book 11135, Page 334; (b) to appropriate and transfer \$58,000 from the Water Fund Surplus for the acquisition of such land and costs related thereto; and, (c) authorize the Select Board, the Town Manager, and/or such other boards or officers as they deem appropriate, to apply for and accept on behalf of the Town any and all applications for funds under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Program and/or other funds, gifts, and grants, including grants for reimbursement, under any federal and/or other state programs, and to enter into any and all agreements and execute any and all instruments necessary or convenient to effectuate the foregoing acquisition.

Action taken 11/16/2016.

ARTICLE 8. Groff Park Improvements

(Leisure Services and Supplemental Education Commission)

VOTED unanimously to: (1) transfer the care, custody, and control of a portion of the parcel of land located on Mill Lane, known as Groff Park, and identified by the Assessors as Parcel 17C-13, which portion contains .75 acres, more or less, and is approximately shown on a sketch plan entitled “PARC Grant: Improvements to Groff Park”, on file with the Town Clerk, from the board or officer having custody thereof for the purposes for which it is currently held to the Leisure Services and Supplemental Education Commission (LSSE) for active and passive recreational purposes under the provisions of G.L. c. 45, §3, as it may be amended, and other Massachusetts statutes related to recreation; (2) appropriate the sum of \$950,000 for the purpose of rehabilitating and preserving Groff Park and costs related thereto, \$400,000 of which shall be raised and appropriated, transferred from available funds, and/or borrowed, provided that the Town first obtains a grant reimbursement commitment in the same amount, and the remaining \$550,000 were appropriated and transferred from the Community Preservation Act Fund pursuant to the vote taken under Article 19A of the 2016 Annual Town Meeting; and (3) to authorize the Town Manager or designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants and/or reimbursements under any federal or other state programs in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project, and to meet the \$400,000 appropriation borrow, provided that the Town first obtains a grant reimbursement commitment in the same amount, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Action taken 11/16/2016.

ARTICLE 9. Temporary Easements - Mill Street Bridge (Select Board)

VOTED unanimously to acquire by purchase, gift and/or eminent domain, for public way, bridge, sidewalk and/or related purpose, temporary construction easements in, on and under a portion or portions of the parcels of land described below in connection with the Mill Street Bridge Replacement Project, which parcels are approximately shown on a plan entitled “Amherst Mill Street Over Mill River” prepared by Chappell Engineering Associates LLC for the Massachusetts Department of Transportation, a copy of which is on file with the Town Clerk, as said plan may be amended from time to time and land within 100 feet of said parcels.

<i>Owner</i>	<i>Address</i>	<i>Map and Parcel</i>	<i>Area (SF)</i>
<i>David S. Sharken</i>	<i>64 Mill Street</i>	<i>5B-15</i>	<i>1,311</i>
<i>Jones Properties</i>	<i>149-179 Summer Street</i>	<i>5B-17</i>	<i>965</i>
<i>Joshua and Judith Lewis</i>	<i>172 State Street</i>	<i>5B-32</i>	<i>4,496</i>
	<i>5 Mill Street</i>	<i>5B-31</i>	<i>1,372</i>

Action taken 11/16/2016.

At 10:05 p.m. on Wednesday, November 16, 2016, town meeting voted to adjourn to Thursday, November 17, 2016 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 185 town meeting members were checked in.

The November 17, 2016 session was called to order by the Town Moderator, James Pistrang, at 7:07 p.m. 126 town meeting members were checked in.

ARTICLE 10. Free Cash – OPEB Trust Fund Reimbursement Transfer (Finance Committee)

VOTED unanimously to appropriate and transfer \$202,802 from Free Cash in the Undesignated Fund Balance of the General Fund to the following accounts: \$106,163 to the Other Post-Employment Benefits (OPEB) Trust Fund of the Town of Amherst; \$7,806 to the Town of Pelham; and \$88,833 to the Amherst-Pelham Regional School District to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.
Action taken 11/17/2016.

ARTICLE 11. Free Cash – Stabilization Funds (Finance Committee)

VOTED unanimously to appropriate \$1,086,162 from Free Cash in the Undesignated Fund Balance of the General Fund for transfer to the Stabilization Fund.
Action taken 11/17/2016.

**ARTICLE 12. Amend Prior Vote - Charter Commission Consultant Services
(Charter Commission)**

VOTED to amend the vote of the May 02, 2016 Annual Town Meeting under Article 35 by changing the purpose of the appropriation from Charter Commission "consultant services" to Charter Commission "consultant services and operational expenses".
Action taken 11/17/2016.

**ARTICLE 13. Town Bylaw – Amend Article 1: Rules of Order for Town Meeting
(Town Meeting Coordinating Committee)**

VOTED to amend Article 1 of the Town Bylaws: Rules of Order for Town Meeting, Rule Number 4, by deleting the lined out language and adding the language in bold italics, as follows:

4. GREEN, ~~AND~~ RED, **AND WHITE** CARDS DURING DEBATE. To assist the moderator in shaping an orderly and equitable debate, green and red cards shall be used by members to indicate a desire to speak for or against the current motion on the floor. A desire to speak without advocacy or to ask a question shall be indicated ~~by a raising a hand without a green or red card~~ **with a white card**.
Action taken on 11/17/2016.

ARTICLE 14. Zoning – Business Uses of Homes (Planning Board)

VOTED YES 106, NO 44 with 6 abstaining to amend Article 5, Accessory Uses, and Article 12, Definitions, as follows:

A. Delete Sections 5.012 and 5.013 in their entirety, replacing them with the new language below, and renumbering the remaining sections accordingly:

5.012 Use of Residences for Business Purposes

The Town of Amherst encourages the responsible operation of accessory home business enterprises in appropriate locations, as a resource for employment and economic stability for Amherst residents. Such businesses must likewise be operated in a manner which preserves and protects the character and peaceful enjoyment of Amherst's existing residential neighborhoods.

It is the purpose of this section to appropriately regulate such uses, with the expectation that once a home business has grown to a size where its impacts are no longer appropriate in its original location, it will be moved to a more appropriate location in a business or industrial/research park district where it can be operated as a principal business use making a

more significant contribution to the community's mix of goods and services and the local economy.

5.0120 The following categories of businesses (including professions and trades) may be conducted in or at a residence (dwelling) as an accessory use:

5.0120.1 Home Business — A business, profession, or trade conducted by a resident of the premises entirely within the residence or an accessory building on the same property, and involving only occasional business vehicular traffic to the property. Home businesses are permitted by right in all zoning districts subject to both the General Regulations (see below) and the following provisions:

1. The business must be conducted entirely within the residence or an accessory building.
2. Not more than two (2) persons other than residents shall be regularly employed in the business at the site.
3. There shall be no exterior display, no exterior storage of materials or equipment, and no other variation from the residential appearance and character of the premises.
4. The business shall not generate traffic that is inconsistent with the traffic associated with the residence use, in either quantity or type.

5.0120.2 Customary Home Office or Occupation — A business, profession, or trade conducted by a resident of the premises and involving an increase in traffic resulting from clients, patients, associates, or employees.

Customary Home Offices or Occupations are permitted in all zoning districts by Special Permit from the Zoning Board of Appeals. However, if the proposed use is in compliance with both the General Regulations (see below) and the following provisions, a waiver may be granted by the Building Commissioner:

1. The business must be conducted entirely within the residence or an accessory building.
2. Not more than two (2) persons other than residents of the premises shall be regularly employed in the business at the site.
3. There shall be no exterior display, no exterior storage of materials or equipment, and no other variation from the residential character of the premises.
4. The business shall not necessitate more than (4) parking spaces for clients, patients, non-resident employees, or other business-related demands and is appropriately constructed in accordance with the provisions of this section and Article 7 of this Bylaw.

5.0120.3 Small Home-Based Contractor – A contracting business conducted by a resident of the premises and consisting of only an office and no external storage of materials. Small Home-Based Contractors shall be allowed without need for a Special Permit, subject to both the General Regulations (see below) and the following provisions:

1. The parcel on which the business is operated is within the R-G, R-VC, R-N, R-O or R-LD districts.
2. Not more than two (2) vehicles associated with the business shall be parked at the site at any given time, excluding personal vehicles not typically used for the operation of the business.
3. Construction Vehicles shall not be stored or parked on-site, whether in a garage or out of doors.
4. The activities related to the business shall be conducted entirely within the residence or an accessory building.
5. The total footprint of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet.
6. The business shall not generate traffic that is inconsistent with the traffic associated with the residential use, in either quantity or type.
7. Any resident wishing to establish such a business shall submit a request to the Inspection Services Department on the Management Form provided, for review by the Building Commissioner. Special Permit approval will be required if the Building Commissioner determines that the proposed business does not meet the criteria of this category.

5.0120.4 Large Home-Based Contractor — A contracting business conducted by a resident of the premises who performs work off-site but uses the residence as a base of operations that may include an office and small-scale storage of materials. This category is meant to serve the needs of contracting businesses with limited space needs, and to ensure that such accessory home business uses are located and operated in a manner that is reasonably compatible with the surrounding neighborhood. Large Home-Based Contractors are permitted by Special Permit from the Zoning Board of Appeals, in compliance with both the General Regulations (see below) and the following provisions:

1. The parcel on which the business is operated is within the R-N, R- O, or R-LD districts.

2. The parcel is a minimum of one (1) acre in area in the R-N District, or two (2) acres in area in the R-O and R-LD districts.
3. Not more than four (4) vehicles associated with the business, including a maximum of two (2) Construction Vehicles and including employee vehicles, shall be parked at the site at any given time, excluding personal vehicles not typically used for the operation of the business.
4. The activities related to the business may be conducted in part outdoors, but all such activities, equipment, and storage shall be permanently screened from the view of abutters and from public ways by buffers such as planting, fences, and/or topography.
5. Not more than one quarter (25%) of the total area of the subject parcel, exclusive of areas covered by buildings, shall be used for business activities, including outdoor storage or parking.
6. The total footprint of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet.
7. The Zoning Board of Appeals shall consider the capacity and condition of the road(s) serving the proposed business location with regard to the safety of residents in the vicinity, the types of vehicles to be used by the business, including delivery trucks, and the projected number of trips to and from the site.

5.0121 General Regulations. All categories of businesses are subject to the following requirements.

5.0121.0 The activity must be operated by residents of the dwelling unit.

5.0121.1 The activity must be clearly accessory to the primary use of the premises as a residence.

5.0121.2 The activity must not change the character of the premises or surrounding neighborhood. There shall be no window displays or other features not normally associated with a residential use.

5.0121.3 Required parking associated with the accessory business use shall be accommodated off-street and abide by the provisions of Section 7.1. To the greatest extent feasible, new or expanded parking areas shall be located at the side or rear of the residence or accessory buildings, and shall be screened from the view of abutters and from public ways (streets or pedestrian ways) utilizing plantings, fencing, and/or topography.

5.0121.4 Proof of compliance with all applicable environmental controls is required. This includes floodplain protection, aquifer protection, and the Wetlands Protection Act.

5.0121.5 All signage shall be installed in conformance with the sign regulations.

5.0121.6 Sound produced as a result of any activity associated with the accessory business use shall not generally exceed 70dB (A), as measured at any boundary of the subject property abutting another residential use.

5.0122 Waiver or Modification

As applicable, the Zoning Board of Appeals may waive or modify any aspect of this section for compelling reasons of public safety, site design, or the public welfare consonant with the purposes of this section, this Article, and this Bylaw, including whether the applicant demonstrates to the satisfaction of the Board that the use will not be detrimental to its surroundings, and the property's distance from adjacent dwellings and other uses, or other factors associated with the site, location, and proposal, will sufficiently prevent or mitigate potential impacts on the surrounding uses.

B. Amend Article 12 by adding the following new definitions in alphabetical order and renumbering the remaining sections accordingly:

12. __ Construction Vehicle: Any motor vehicle with a Gross Vehicle Weight (GVW) greater than 10,000 lbs.; any heavy equipment or machinery used for business purposes, including for general or specialized construction or for tasks requiring mechanical power, whether wheeled or of restricted mobility; or any trailer used predominantly for business purposes.

12. __ Principal Use: The primary and predominant land use or uses occurring on a given property.

C. Amend Article 5 renumbering the remaining sections accordingly:

(i) Renumber current Section 5.014, Livestock or Poultry, to **5.013**, Livestock or Poultry, and renumber all subsections and internal references accordingly.

(ii) Renumber current Section 5.015, Garaging or Parking of Motor Vehicles, to **5.014**, Garaging or Parking of Motor Vehicles, and renumber all subsections and internal references accordingly.

(iii) Renumber current Section 5.016, Dwellings in Office, Research & Industrial Districts, to **5.015**, Dwellings in Office, Research & Industrial Districts, and renumber all subsections and internal references accordingly.

(iv) Renumber current Section 5.017, Trailer, to **5.016**, Trailer, and renumber all subsections and internal references accordingly.

- D. Amend cross-references in the following sections as indicated by deleting the ~~lined-out~~ language and adding the language in *bold italics*:

SECTION 3.3 USE CLASSIFICATION AND STANDARDS

- (i) 3.340.31 Taxicab, limousine service and similar uses.

The operation of a taxicab or limousine service may be permitted as a business use of home under the provisions of Section ~~5.013~~ **5.012** when all of the following

- (ii) **ARTICLE 12 DEFINITIONS**

12.27 Livestock and Poultry: All domesticated mammals and birds Except as provided for under Section ~~5.014~~ **5.013**, livestock and poultry shall

- (iii) **SECTION 7.5 PARKING FOR ACCESSORY USES**

For regulations governing parking associated with accessory uses, see Section ~~5.015~~ **5.014**, Garaging or Parking of Motor Vehicles.

- (iv) **SECTION 5.07 SCIENTIFIC RESEARCH OR DEVELOPMENT**

5.0711 No manufacturing activity shall occur within two hundred (200) feet of a dwelling unit in a residential district, or within one hundred (100) feet of any dwelling unit in a non-residential district, including any accessory dwelling units under Section ~~5.016~~ **5.015**.

Action taken 11/17/2016.

ARTICLE 15. Zoning – Site Plan Review Applicability (Planning Board)

VOTED Yes 96, No 44 with 11 abstaining to:

A. Amend Article 11, Administration and Enforcement, by replacing Section 11.21, Applicability, in its entirety and replacing it with the following new language:

SECTION 11.21 APPLICABILITY

11.210 In all instances where Site Plan Review is required, no work shall commence to alter a site, no change of use shall occur, and no building permit shall be issued to construct, alter or relocate the exterior of a building until Site Plan Review has been granted by the Planning Board. Uses for which Site Plan Review is required are in accordance with Section 3.3, Table of Uses.

11.211 No Change to Building or Site: Site Plan Review shall not be required when no physical change will occur to the exterior of either a building or site.

11.212 Change of Use: In cases where a change of use is proposed and no physical changes to the exterior of a building or site will occur, Site Plan Review may be waived if the Building Commissioner determines that the change will not conflict with the purpose of this Bylaw and finds that the proposed use will not result in the need for further review under Section 11.243.

11.213 Signage: Site Plan Review shall not be required when the only change to the exterior of a building or site includes the installation of signs in compliance with Article 8 of this Bylaw.

11.214 Administrative Approval for Minor Alteration to Building Exterior or Site: The Building Commissioner may authorize work to proceed without Site Plan Review for minor alterations provided the following criteria are satisfied:

11.2140 The proposed alteration shall not violate any provision of this Bylaw.

11.2141 The proposed alteration does not result in an expansion of the building footprint other than those required by the building code related to means of egress or accessibility.

11.2142 The proposed alteration does not change the height or roof lines of any building.

11.2143 The proposal does not result in more than a minor change in lot coverage.

11.2144 The applicant demonstrates that the proposal does not increase the volume or rate of storm water runoff.

11.2145 Measures are taken to avoid any excessive noise, odor, dust, vibration, flood, light pollution, or visual impact resulting from the proposed alteration.

11.215 Other Review: The Building Commissioner may seek guidance in reviewing the above criteria from other Town staff and may require application to the Design Review Board and/or Historical Commission.

11.216 Changes to Approved Site Plans and Buildings: Any revision or alteration to a previously approved site plan or building plan shall be submitted to the Building Commissioner to determine if the change is minor. The Building Commissioner shall either approve the alteration as minor or advise the applicant to make submission to the Planning Board for its review under Site Plan Review.

B. Amend Section 3.3 by deleting the ~~lined-out~~ language, as follows:

SECTION 3.3 USE CLASSIFICATION AND STANDARDS

For the purposes of this Bylaw, existing and future uses of land, buildings and other structures shall be allocated among the following categories. It is intended that every possible use be included in some category, and a use that does not readily fall into any category listed shall be included in the one to which it is most similar. Each use is assigned a number which is found in the left hand column of the following pages.

The Standards and Conditions column which is located to the right of the Use Classification column contains specific requirements which shall be met if the Use is to be permitted in any Zoning District by right, by Special Permit, or by Site Plan Review.

The column located to the right of the Standards and Conditions column indicates the Zoning Districts in which the specific Uses are permitted or prohibited. The following code is used in those columns:

- Y = Yes The Use is permitted by right in that Zoning District.
- N = No The Use is not permitted in that Zoning District.
- SPR = The Use is permitted ~~by right~~ with Site Plan Review (See Section 11.2)¹
- SP = The Use is permitted with a Special Permit, by the Zoning Board of Appeals (See Section 10.3)
- SPP = The Use is permitted with a Special Permit, by the Planning Board (See Section 10.3)
- () = The Use, if located within the Aquifer Recharge Protection District (ARP) shall be subject to the code designation within the parenthesis.

¹ No Site Plan Review shall be required in those instances where a use change is proposed and no substantial physical changes (other than signs) will occur to the site or building exterior and where no new or additional requirements of the Zoning Bylaw must be met for the proposed use.

Action taken 11/17/2016.

ARTICLE 16. Zoning – Educational District Project Review (Planning Board)

VOTED by a declared two-thirds to amend Section 3.21, Educational District (ED) of the Zoning Bylaw, as follows:

Amend Section 3.21 by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

3.21 Educational District (ED)

3.21 Educational District (ED)

3.211 In an Educational District any use of land and buildings is permitted which may legally be carried on by, or under the auspices of the College or University which owns or manages the property in said District provided that the appropriate officials shall file with the Planning Board, for its information, ~~plot~~ plans of any new construction, ***significant site alterations***, or significant change in use at ~~least 60 days~~ prior to initiation of said construction or change.

3.212 It is intended that the Zoning Map shall include in Educational Districts only land which is in fact owned or managed by Amherst College, Hampshire College, or the University of Massachusetts (but not all such land will necessarily be so zoned).

3.213 All setbacks, side and rear yards and heights within 50 feet of the boundary of an Educational District shall conform to the dimensional regulations applicable to the adjacent zoning district.

d

3.214 Within an Educational District, adequate off street parking shall be provided so that neither curb parking on public streets nor parking on property outside the Educational District shall be needed in connection with uses within the Educational District.

3.215 For wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.
Action taken 11/17/2016.

ARTICLE 17. Zoning – Table 3 Footnotes (Planning Board)

VOTED by a declared two-thirds to amend the Footnotes in Article 6, Table 3, Dimensional Regulations and its Footnotes of the Zoning Bylaw, as follows:

Amend Table 3 Footnotes by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

TABLE 3 – DIMENSIONAL REGULATIONS
FOOTNOTES

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.

- b. Applies to Residence Uses only (Section 3.32). In the B-G, B-VC, and B-N districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.
- c. ~~Applies to any part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block, otherwise, no front setback is required. [Reserved.]~~
- d. A side yard need not be provided on one side of a single family dwelling if it shares a party wall or double wall with a single family dwelling on the next lot built at the same time.
- e. Rear and side yards shall be at least 20 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards are not required, but if provided, shall be at least 10 feet.
- f. Except as may be otherwise provided for specific uses, rear and side yards shall be at least 50 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards shall be at least 10 feet.
- g. ~~See Section 6.15 for interpretation. [Reserved.]~~
- h. A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.
- i. ~~Substitute the dimensional requirements in Section 4.332 for 10% affordable projects within cluster subdivisions only. [Reserved.]~~
- j. 85% in any B-L District adjacent to the B-G District, and along University Drive; 70% in any other B-L District and in the COM District.
- k. Requirements may be modified by the Permit Granting Board under a Site Plan Review approval granted for a cluster development, except that no such modification may result in a reduced requirement of less than eighty percent (80%) of the cluster requirement. Frontage requirements may be modified for not more than fifty percent (50%) of the lots in the subdivision.
- l. The dimensional regulations shown in Table 3 shall apply to all educational and religious uses located in the zoning districts listed, except as provided for in Section 6.6.
- m. In addition to the areas required by this table for any existing dwelling units on the lot, the density for new town houses (Section 3.322) and apartments (Section 3.323) shall not exceed one dwelling unit per 4,000 sq. ft. of the remaining lot area, or in the case where there are no existing dwelling units, 4,000 sq. ft. for each new dwelling unit beyond the first unit.
- n. ~~See Section 6.19 for interpretation.~~
- o. ~~See Section 6.18.~~

Action taken 11/17/2016.

At 9:50 p.m. on Thursday, November 17, 2016, town meeting voted to adjourn to Monday, November 21, 2016 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 164 town meeting members were checked in.

The November 21, 2016 session was called to order by the Town Moderator, James Pistrang, at 7:04 p.m. 125 town meeting members were checked in.

ARTICLE 18. Zoning – Inclusionary Zoning (Planning Board)

DEFEATED Yes 87, No 99, with 11 abstaining

[To see if the Town will amend Article 15 of the Zoning Bylaw, Inclusionary Zoning, by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

ARTICLE 15 INCLUSIONARY ZONING

SECTION 15.0 INTENT AND PURPOSE

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable and accessible housing in the Town of Amherst. This purpose includes:

- 15.00 Ensuring that new residential development generates affordable housing as defined in ~~Section 12.20~~ *Article 12*.
- 15.01 Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs
- 15.02 Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.
- 15.03 To the extent allowed by law, ensuring that preference for new affordable housing is given to eligible persons who live or work in Amherst.

SECTION 15.1 REGULATIONS

To ensure the purposes of this section, the following regulations shall apply to residential development in Amherst:

- 15.10 All residential development requiring a Special Permit *for any aspect of a proposed use or development, including, but not limited to, dimensional modifications*, and resulting in ~~additional new~~ *a net increase in* dwelling units, shall provide affordable housing units at the following minimum rates:

Total Development <i>Net Increase in</i> <u>Unit Count</u> <i>Attributable to Special Permit</i>	Required Affordable <u>Unit Provision</u>
1-9 units	None*
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21 units	Minimum 12% of total unit count

* While provision of affordable units is not required for developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections 4.33 and 4.55.

~~Where two or more units are required to be provided under this section, a minimum of forty-nine percent (49%) of affordable units shall be eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor. Calculation of the number of total affordable units or the number of SHI-eligible units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.~~

15.11 The number of units attributable to the Special Permit shall be calculated in accordance with Planning Board Rules & Regulations.

15.142 Affordable and accessible dwelling units provided under Section 15.10 shall be counted as meeting the requirements for density bonuses under the provisions of Section 4.55, Density Bonuses, of this Bylaw.

15.123 The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be ~~permanently~~ available for purchase **or rental** by eligible ~~low and moderate income~~ buyers **and tenants**, and available for a minimum of twenty years in the case of rental housing **in perpetuity or to the extent allowable under law.**

15.134 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purpose of these regulations are met.

15.145 In any residential development, affordable housing units provided shall be dispersed throughout the development, and shall be comparable to market rate units in terms of **size, bedroom count**, the quality of their design, materials, and general appearance of their architecture and landscape.]

Action taken 11/21/2016.

ARTICLE 19. Zoning Petition – South Prospect Rezoning (Guidera et al)

VOTED Yes 125, No 70, with 3 abstaining to refer to Planning Board.

[To see if the Town will vote to amend the Official Zoning Map of the Zoning Bylaw to change the zoning designation for the contiguous area currently zoned Limited Business (B-L) and located south of Amity Street and east of South Prospect Street to General Business (B-G), including the following properties or portions of properties: 14A-214; 14A-216; 14A-217; 14A-218; 14A-219; and 14A-330.]

Action taken 11/21/2016.

ARTICLE 20. Zoning Petition – Hallock Area Rezoning (Guidera et al)

VOTED Yes 128, No 61, with 6 abstaining to refer to Planning Board.

[To see if the Town will vote to amend the Official Zoning Map of the Zoning Bylaw to change the designation for the contiguous area currently zoned Limited Business (B-L) and located west of North Pleasant Street and north of Cowls Lane to General Business (B-G), including the following properties: 11C-174; 11C-179; 11C-180; 11C-181; 11C-195; 11C-196; 11C-197; 11C-227; 11C-229; 11C-230; 11C-231; 11C-304; and 11C-305.]

Action taken 11/21/2016.

ARTICLE 21. Zoning Petition – Triangle Rezoning (Guidera et al)

VOTED to refer to Planning Board.

[To see if the Town will vote to amend the official Zoning Map of the Zoning Bylaw to change the zoning designation for the contiguous area currently zoned Limited Business (B-L) and located west of Triangle Street, east of East Pleasant Street and west of Cottage Street, to General Business (B-G),

including the following properties or portions of properties: 11C – 265; 11C – 322; 11D – 40; and 11D – 42.]

Action taken 11/21/2016.

ARTICLE 22. General Petition – East Pleasant Street/Triangle Street Intersection (O’Connor et al)

VOTED Yes 95, No 77, with 12 abstaining to see if the Town will vote to request that the Select Board, Town Manager and Public Works Department cease activities and expenditures designed to replace the East Pleasant Street/Triangle Street Intersection with a roundabout, including applying for and/or accepting grants for that purpose; and, instead, develop plans, without adding any traffic lanes, to install traffic control equipment at that intersection that would allow three separate phases – the present North/South phase, an East-only phase, a West-only phase, and the capability to cancel or bypass any phase or component of a phase for which no vehicles are waiting or immediately approaching, or to take any action directly related thereto.

Action taken 11/21/2016.

ARTICLE 23. General Petition – Removal of Public Works Building from 5 Year Capital Plan (O’Connor et al)

VOTED unanimously to Dismiss.

[To see if the Town will vote: Whereas, the Town of Amherst has an estimated \$17 million backlog of public road repairs and many sidewalks that need either to be extended or repaired out of concern for public health and safety; and,

Whereas, the “Facilities” section of the Town’s 5-Year Capital Plan projects the expenditure of less than \$1 million annually and less than \$4.5 million from FY 2017 through FY 2021 to reduce the backlog of public road repairs and prevent further deterioration of the Town’s public ways – primarily from Chapter 90 funds augmented by \$100,000 in General Fund revenues per year; and,

Whereas, the “Buildings” section of the Town’s 5-Year Capital Plan projects the expenditure for FY 20 of \$1 million and for FY 21 of \$26 million for a new Public Works Department building, while, for a fee of \$70,000, a consultant employed by the Town has recommended construction of a \$38 million building to house the Town’s Public Works Department offices, shops and vehicles; and,

Whereas, the “Facilities” section of the Town’s 5-Year Capital Plan proposes the expenditure of only \$30,000/year, from FY 18 through FY 21, to repair, extend, and improve the Town’s sidewalk network; and,

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Representative Town Meeting requests that: 1) the Town’s Joint Capital Planning Committee remove from its proposed 5-Year Capital Plan all references to a new Public Works Department building, and, 2) the Select Board, Town Manager, Public Works Department and Town committees cease activities and expenditures directly related to the construction of a new Public Works Department building until such time as the backlog of repairs to the Town’s public ways has been significantly reduced and high priority sidewalk repairs and extensions have been accomplished.]

Action taken 11/21/2016.

The business of the warrant having been completed, Town Meeting voted to dissolve at 10:17 p.m. on November 21, 2016. 203 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

