

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL RECEIVED

MARTHA COAKLEY  
ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION  
1350 MAIN STREET  
SPRINGFIELD, MASSACHUSETTS 01103-1629

2009 SEP 30 A 10: 54  
(413) 784-1240  
AMHERST TOWN CLERK  
www.mass.gov/agd

September 29, 2009

Sandra J. Burgess, Town Clerk  
4 Boltwood Avenue  
Amherst, MA 01002

RE: Amherst Annual Town Meeting of May 4, 2009 --- Case # 5260  
Warrant Articles # 10 and 11 (General)  
Warrant Articles # 6, 7, and 8 (Zoning)

Dear Ms. Burgess:

Articles 6, 7, 8, 10, and 11 - We return with the approval of this Office the amendments to the Town by-laws adopted under these Articles on the warrant for the Amherst Annual Town Meeting that convened on May 4, 2009, and the map pertaining to Article 7.

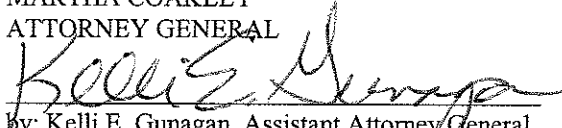
Note: Under G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of this section. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

MARTHA COAKLEY  
ATTORNEY GENERAL

  
by: Kelli E. Gunagan, Assistant Attorney General  
By-law Coordinator, Municipal Law Unit  
1350 Main Street, 4<sup>th</sup> Floor  
Springfield, MA 01103-1629  
(413) 784-1240, x 7717

enc.

cc: Town Counsel



Town of



AMHERST

Massachusetts

TOWN HALL  
4 BOLTWOOD AVENUE  
AMHERST, MA 01002-2301

TOWN CLERK  
(413) 259-3035  
Email: townclerk@amherstma.gov

**ARTICLE 10**  
**Form 2 – Attachment 2**  
**TOWN MEETING ACTION**

**VOTED** to rescind General Bylaws, Article IV, Housing Review Board, commonly known as the “Rent Control Bylaw,” voted by the Town at the February 26, 1986 Special Town Meeting under Article 4, pursuant to Chapter 72 of the Acts of 1986, and later amended at the May 1, 1989 Annual Town Meeting under Article 64.  
Action taken on 5/6/2009.

A true copy, Attest:

Sandra J. Burgess  
Amherst Town Clerk



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**ARTICLE 11**  
**Form 2 – Attachment 2**  
**TOWN MEETING ACTION**

**VOTED unanimously** to amend the HUMAN RIGHTS BYLAW (STM – November 8, 1999 - Art. 16), by adding the language in ***bold italics***, as follows:

1. The Town of Amherst hereby adopts a “Human Rights Policy” pursuant to which it shall be the policy of the Town that no person, public or private, shall be denied any rights guaranteed pursuant to local, state, and/or federal law on the basis of race or color, gender, physical or mental ability, religion, socio-economic status, ethnic or national origin, affectional or sexual preference, ***gender identity or expression, genetic information***, lifestyle, or age.

*a. The term “gender identity” shall include a person’s actual or perceived gender, as well as a person’s gender identity, gender-related self-image, gender-related appearance, or gender-related expression whether or not that gender identity, gender-related self image, gender-related appearance, or gender -related expression is different from that traditionally associated with a person’s sex at birth.*

*b. The term “genetic information” shall mean any written or recorded individually identifiable result of a genetic test as defined by this section or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes. For the purposes of this By-Law, the term genetic information shall not include information pertaining to the abuse of drugs or alcohol which is derived from tests given for the exclusive purpose of determining the abuse of drugs or alcohol.*

Action taken on 5/6/2009.

*A motion was made in terms of the article except to make changes in grammar and punctuation.*

A true copy, Attest:

Sandra J. Burgess  
Amherst Town Clerk



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**ARTICLE 6**  
**Form 2 – Attachment 2**  
**TOWN MEETING ACTION**

ARTICLE 6. Zoning Amendment – Taxi Services (Planning Board)  
**VOTED as amended, by a declared two-thirds** to amend Sections 3.340.3 and 5.013, and Article 12, of the Zoning Bylaw, by deleting the ~~lined out~~ language and adding the language in *bold italics*, as follows:

**A. Amend Section 3.340.3 as follows:**

3.340.3 *Transportation facility*

*3.340.30 Railroad or bus depot or other transportation facility*

R-O  
R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

SP SP SP SP SP SP SP SP SPR SP SP SP SP

Standards & Conditions

Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.

*3.340.31 Taxicab, limousine service and similar uses.*

R-O  
R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

*N N N N N SPR SP SPR SPR SP SP SP N*

Standards & Conditions

*The operation of a taxi or limousine (livery) service shall be considered a principal use regulated under this section of the Bylaw when any of the following conditions are met: 1) passengers are transported from or delivered to the site, or; 2) three or more vehicles are physically dispatched from or stored*



*on-site, or; 3) any vehicle carries more than 8 passengers, or; 4) on-site activities include ongoing associated vehicle maintenance and repairs.*

*The operation of a taxicab or limousine service may be permitted as an accessory home occupation under the provisions of Section 5.013 when all of the following conditions are met: 1) on-site activity is limited to dispatch and storage of no more than two vehicles, 2) no vehicle used by the service is capable of carrying more than eight passengers, 3) only occasional minor vehicle maintenance occurs on-site, and 4) no passengers visit the premises.*

**B. Amend the first paragraph of Section 5.013, as follows:**

5.013 Home Occupation - The Board of Appeals may authorize, by issue of a Special Permit, the use of a portion of a dwelling or building accessory thereto as the workroom of a resident artist, craftsperson, beautician, dressmaker, milliner, photographer, cabinetmaker, skate sharpener, radio repair technician, or other person engaged in a customary home occupation, *or as the office of a resident taxicab or limousine service operator (see Section 3.340.3)*, or as a place for incidental work and storage in connection with the off-premises trade by a resident builder, carpenter, electrician, painter, plumber or other artisan, or by a resident tree surgeon, landscape gardener or similar person, provided that: . . .

**C. Amend Article 12, by adding the following new definitions, the first under current Section 12.22, and the second under Section 12.34 or 12.35, as appropriate, with the remaining sections renumbered as appropriate:**

12.22 *Limousine: A livery vehicle primarily garaged or engaged for hire in the town of Amherst, which is used to carry passengers under pre-arranged contract for an agreed-upon hourly fare, or; operates as a charter, business courtesy, employee shuttle, customer shuttle, or; a motor vehicle on a regularly scheduled route without the use of a taximeter.*

12.35: *Taxicab: A vehicle for hire garaged in Amherst and used for the conveyance of persons from any point of origin within the town of Amherst to any other location for a fee, whether hourly or by a taximeter; except livery vehicles as previously defined or a vehicle operated in a manner and for the purposes stated in Massachusetts General Laws, Chapter 159A.*

Action taken on 5/4/2009

Motion made by James Burgess Oldham to reinstate deleted language in Section 3.340.30 "Statements & Conditions" was voted.

The Moderator denied a motion to divide the article.

A true copy, Attest:



Sandra J. Burgess  
Amherst Town Clerk

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**ARTICLE 7**

**Form 2 – Attachment 2**

**TOWN MEETING ACTION**

ARTICLE 7. Zoning Amendment – Municipal Parking District (Planning Board)  
**VOTED as amended Yes 137, No 47**, to amend the Official Zoning Map to increase the boundary of the Municipal Parking District (MPD) to include the entirety of the town center General Business (B-G) District and abutting Limited Business (B-L) districts north of Kellogg Avenue and Cowles Lane, along with the following properties in the General Residence (R-G) District:

- All of the properties comprising Kendrick Park
- The northern portions of Assessors Map 11C, Parcels 265 and 322, and Map 11D, Parcel 42.

Action taken on 5/4/2009.

*Upon a motion made by Gerald S. Weiss town meeting voted Yes 99, No 85 to delete the first two bulleted items.*

*A motion to refer back to the Planning Board was defeated.*

**A true copy, Attest:**

**Sandra J. Burgess  
Amherst Town Clerk**



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**ARTICLE 8**  
**Form 2 – Attachment 2**  
**TOWN MEETING ACTION**

ARTICLE 8. Zoning Amendment – B-G & B-VC Lot Frontage (Planning Board)  
**VOTED by a declared two-thirds** to amend footnote b. of Table 3, Dimensional Regulations of the Zoning Bylaw, by deleting the ~~lined out~~ language and adding the language in *bold italics*, as follows:

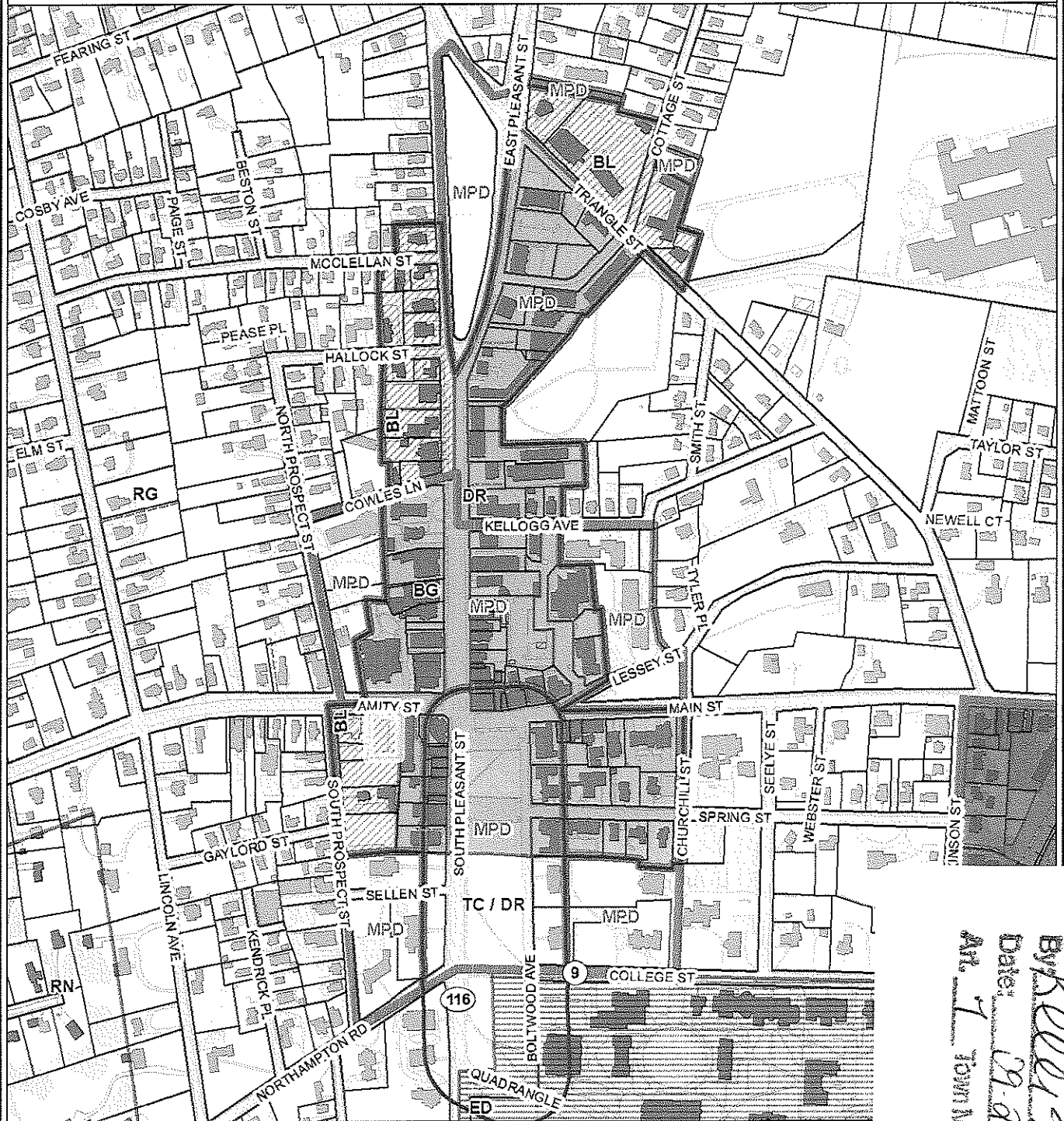
- b. Applies to Residence Uses only (Section 3.32). In the B-G and B-VC districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, and Additional Lot Area/Family, *and Basic Minimum Lot Frontage* requirements shall not apply.

Action taken on 5/6/2009.

A true copy, Attest:

Sandra J. Burgess  
Amherst Town Clerk





- Zoning Ma**
- Zone Overlay
  - Other Regulated Areas
  - Design Review Board Jurisdiction
  - Municipal Parking District
- Zoning**
- R-LD: Low Density Reside
  - R-F: Fraternity Residence
  - R-O: Outlying Residence
  - R-N: Neighborhood Resid
  - R-VC: Village Center Resi
  - R-G: General Residence
  - B-VC: Village Center Busi
  - B-L: Limited Business
  - B-G: General Business
  - OP: Office Park
  - COM: Commercial
  - PRP: Professional & Rese
  - LI: Light Industrial
  - ED: Educational
  - FPC: Flood-Prone Conser

1" = 500 ft



**A true copy: Attest**



*Handwritten signature: Sandra J. Burger*

Horizontal Datum: NAD 83 StatePlane Zone 4151, Datum NAD83, Feet

Planimetric basemap features comp 1"=100' scale from April, 1999 Aerial Photography, April, 2004. Par a "best-fit" methodology to match th are ongoing.

The information depicted on this ma purposes only. it may not be adequ definition, regulatory interpretation, conveyance purposes. Utility struct utility locations are approximate anc verification.

THE TOWN OF AMHERST MAKES EXPRESSED OR IMPLIED, CONC ACCURACY, COMPLETENESS, R SUITABILITY OF THESE DATA. TI AMHERST DOES NOT ASSUME A

*Handwritten signature: Attorney General's Office*  
*Handwritten signature: By: Sandra J. Burger*  
 Date: 07-09-09  
 At: 7 Town Meeting Date: 6-4-09

APPROVED