

**RESULTS**  
**ANNUAL TOWN MEETING**  
**April 27, 29, May 4, 6, 11, 13, 18 & 20, 2015**

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

There were 241 town meeting members. 121 checked in and a quorum was declared. The 257th Annual Town Meeting was called to order by the Moderator, James W. Pistrang at 7:07 p.m. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

Newly elected and re-elected town meeting members were sworn to the faithful performance of their duties by the Moderator.

The Moderator congratulated those elected and re-elected to town wide office.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of George Richason who had passed away since the last town meeting.

The Moderator explained the purpose of, and criteria used, for inclusion of articles in the Consent Calendar. Articles 2, 3, 4, 6, 7, 8, 9 and 12 were selected because they were considered to be routine articles, their meaning could be clearly explained in the Finance Committee Report, and it was reasonable to expect they would pass with no controversy.

Article 8 – Other Post-Employment Benefits was removed at the request of five town meeting members.

Town Meeting voted unanimously: Articles 2 – To dismiss the Article; Article 3 – In terms of the Article; Article 4 – In terms of the Article; Article 6 – In terms of the Article; Article 7 – In terms of the Article; Article 9 – In terms of the Article; Article 12 – In terms of the Article.

**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 4/27/15.

(Richard Roznoy gave a report on behalf of the Transportation Plan Task Force, and Henry Lappen gave a report on behalf of the Public Shade Tree Committee.)

**ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)**

**VOTED unanimously to DISMISS.**

[To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken 4/27/15.

**ARTICLE 3. Optional Tax Exemptions (Select Board)**

**VOTED unanimously** to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

Action taken 4/27/15.

**ARTICLE 4. Authorization for Compensating Balances (Select Board)**

**VOTED unanimously** to accept the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

Action taken 4/27/15.

**ARTICLE 5. FY 2015 Budget Amendments (Finance Committee)**

**A. VOTED unanimously** to amend the action taken under Article 12 of the 2014 Annual Town Meeting Fiscal Year 2015 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for the Public Safety account by \$29,200 and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for General Government by \$29,200.

Action taken 4/27/15.

**B. VOTED unanimously** to amend the action taken under Article 13 of the 2014 Annual Town Meeting Fiscal Year 15 Operating Budget by increasing the appropriations for the Reserve Fund

account by \$265,497.76 and to meet such increased appropriation by transferring \$265,497.76 from the Fund Balance Reserved for Overlay Surplus account.

Action taken 4/27/2015.

**ARTICLE 6. Retirement Assessment (Select Board)**

**VOTED unanimously** to raise and appropriate \$4,528,702 for the Hampshire County Retirement System assessment.

Action taken 4/27/15.

**ARTICLE 7. Regional Lockup Assessment (Select Board)**

**VOTED unanimously** to raise and appropriate \$35,928 for the Hampshire County Regional Lockup Facility assessment.

Action taken 4/27/15.

**ARTICLE 8. Other Post-Employment Benefits (OPEB) Trust Fund (Finance Committee)**

**VOTED** to raise and appropriate \$200,000 for the OPEB Trust Fund established under the provisions of Section 20 of Chapter 32B of the Massachusetts General Laws.

Action taken 4/27/15.

**ARTICLE 9. Revolving Fund Reauthorization (Finance Committee)**

**VOTED unanimously** to reauthorize a revolving fund pursuant to Chapter 44, §53E½ of the Massachusetts General Laws for the operation of an After School Program from which the receipts shall be credited for expenditure by the LSSE department as authorized by the Department Head of the LSSE or his/her designee for supplies and services, including salaries and benefits of staffing, and related administrative costs for the program operation with a limit of \$400,000 that may be expended from said revolving fund in the fiscal year which begins on July 1, 2015.

Action taken 4/27/15.

**ARTICLE 10. Amherst-Pelham Regional School District Assessment Method  
(Amherst-Pelham Regional School Committee)**

**VOTED** to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2016 as required by Section VI of the Regional Agreement.

Action taken 4/27/15.

**ARTICLE 11. FY 2016 Operating Budget (Finance Committee)**

**LIBRARY SERVICES**

Library Director Ms. Sharry gave a report prior to discussion of the Library Services portion of the FY16 Operating Budget.

**VOTED** to approve the Library Services operating budget of \$2,411,805 and that the Town raise and appropriate \$1,833,246 as its share of that budget.

Action taken 4/27/15.

**COMMUNITY SERVICES**

**VOTED Yes 97, No 77** to raise and appropriate \$1,829,276 for Community Services.

Action taken 4/27/15.

*(Motion to increase the Community Services portion of the budget by \$105,000 was made by Mr. Oldham. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. Mr. Oldham's motion to amend carried.)*

At 10:02 p.m. on Monday, April 27, 2015 town meeting voted to adjourn to Wednesday, April 29 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 191 town meeting members were checked in.

The April 29, 2015 session was called to order by the Town Moderator, James Pistrang, at 7:05 p.m. 121 town meeting members were checked in.

**CONSERVATION AND DEVELOPMENT**

**VOTED** to raise and appropriate \$1,285,577 for Conservation and Development.

Action taken 4/29/15.

**GENERAL GOVERNMENT**

**VOTED Yes 99, No 88**, to appropriate \$6,483,937 for General Government, that the salary of the Moderator be fixed at \$100, that of the Select Board at \$300 each, that of the Elector under the Oliver

Smith Will at \$20, and that to meet such appropriation, \$6,374,924 be raised by taxation and \$109,013 be transferred from the Ambulance Receipts Reserved For Appropriation Account.

Action taken 4/29/15.

*(A motion to decrease the General Government portion of the budget by \$85,901 was made by Mr. Burkart. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. Mr. Burkart's motion was defeated by default.)*

### **DEBT SERVICE**

**VOTED unanimously** to appropriate \$2,264,807 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,943,270 be raised by taxation and \$321,537 be appropriated and transferred from Community Preservation Fund annual revenues.

Action taken 4/29/15.

### **PUBLIC WORKS**

**VOTED unanimously** to raise and appropriate \$2,162,004 for Public Works.

Action taken 4/29/15.

### **WATER FUND**

**VOTED unanimously** to appropriate \$3,731,688 for the Water Fund and that to meet such appropriation \$3,731,688 be made available from Water Fund revenues of the current year.

Action taken 4/29/15.

### **SEWER FUND**

**VOTED** to appropriate \$3,857,510 for the Sewer Fund and that to meet such appropriation \$3,857,510 be made available from Sewer Fund revenues of the current year.

Action taken 4/29/15.

### **SOLID WASTE FUND**

**VOTED unanimously** to appropriate \$474,298 for the Solid Waste Fund and that to meet such appropriation \$474,298 be made available from Solid Waste Fund revenues of the current year.

Action taken 4/29/15.

### **TRANSPORTATION FUND**

**VOTED unanimously** to appropriate \$716,751 for the Transportation Fund and that to meet such appropriation \$716,751 be made available from Transportation Fund revenues of the current year.

Action taken 4/29/15.

### **PUBLIC SAFETY**

**VOTED** to appropriate \$9,943,955 for Public Safety and that to meet such appropriation \$7,537,676 be raised by taxation and \$2,406,279 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken 4/29/15.

At 10:17 p.m. on Wednesday, April 29, 2015, town meeting voted to adjourn to Monday, May 4, 2015 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 192 town meeting members were checked in.

The May 4, 2015 session was called to order by the Town Moderator, James Pistrang, at 7:10 p.m. 121 town meeting members were checked in.

### **SCHOOLS – ELEMENTARY**

Superintendent Geryk gave a report to Town Meeting prior to discussion of the Elementary Schools portion of the operating budget.

**VOTED** to raise and appropriate \$21,869,835 for the Amherst Elementary Schools.

Action taken 5/4/15.

### **SCHOOLS – REGIONAL**

Superintendent Geryk gave a report to Town Meeting prior to discussion of the Regional Schools portion of the operating budget.

**VOTED** to approve the Amherst-Pelham Regional School District operating and capital budget of \$30,022,840 and that the Town raise and appropriate \$14,825,506 as its share of that budget.

Action taken 5/4/15.

*[A motion by Vincent O'Connor to refer the Regional School Budget back to the Regional School Committee was defeated]*

**ARTICLE 12. Reserve Fund (Finance Committee)**

**VOTED unanimously** to raise and appropriate \$100,000 for the Reserve Fund for FY 2016.  
Action taken 4/27/15.

**ARTICLE 13. Capital Program – Equipment (Joint Capital Planning Committee)**

**VOTED** to appropriate \$1,198,024 to purchase, repair, and/or install new or replacement equipment and to meet such appropriation \$1,006,024 be raised by taxation and \$77,000 be transferred from the Ambulance Receipts Reserved for Appropriation account, and \$115,000 be transferred from the Fund Balance Reserved for Capital account.  
Action taken 5/4/15.

At 10:02 p.m. on Monday, May 4, 2015 town meeting voted to adjourn to Wednesday, May 6, 2015 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 179 town meeting members were checked in.

The May 6, 2015 session was called to order by the Town Moderator, James Pistrang, at 7:09 p.m. 121 town meeting members were checked in.

**ARTICLE 14. Capital Program – Buildings and Facilities (Joint Capital Planning Committee)**

**VOTED unanimously** to raise and appropriate \$684,550 to repair and/or improve buildings and facilities and to meet such appropriation \$684,550 be raised by taxation.  
Action taken 5/6/15.

**ARTICLE 15. Capital Program – Bond Authorizations (Joint Capital Planning Committee)**

**VOTED by a declared two-thirds** to:

**A.** Appropriate \$306,000 for purchasing Breathing Apparatus for the Fire Department and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

**B.** Appropriate \$110,000 for purchasing Radio Equipment for the Communications Center in the Police Department and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.  
Action taken 5/6/15.

**ARTICLE 16. Capital Program – Debt Repurpose (Select Board)**

**VOTED** to appropriate the following unexpended amounts of money that were initially borrowed to finance capital projects that are now complete, and for which no further liability remains, to pay a portion of the costs of roof replacement at Fort River School Barn Roof authorized by Article 14 of the Annual Town Meeting April 27, 2015 and to reduce by a like amount the portion of the Fort River School Barn Roof project funding to be raised by taxation, as permitted by Chapter 44, Section 20 of the General Laws:

Original	Repurposed	Unexpended	Repurpose
Wildwood School boiler	\$17,878.98	\$17,878.98	Fort River School Barn Roof

Previously Voted: ATM Article 8(C), June 18, 2007; STM Articles 8(B) and 8(C), Nov. 7, 2007; STM Article 6, November 4, 2013.  
Action taken 5/6/15.

**ARTICLE 17. Community Preservation Act (Community Preservation Act Committee)**

**A.**

**VOTED** to appropriate a sum of \$414,101 for Community Preservation Act Purposes as recommended by the Community Preservation Act Committee and that the following amounts (items 1-10) be appropriated from Community Preservation Act Fund Estimated Revenues:

	Project	Total Appropriation	Source of Appropriation
	<b>AFFORDABLE HOUSING</b>		
1	Amherst Affordable Housing Trust – Surveys, Appraisals & Related Studies	\$ 25,000	
2	Amherst Community Land Trust - Land Acquisition	\$95,000	

	<b>Total Affordable Housing</b>	<b>\$120,000</b>	<b>FY 16 Estimated Revenues</b>
	<b>HISTORIC PRESERVATION</b>		
3	Cook Fountain Assessment	\$20,000	
4	Amherst Historical Society – Strong House Archaeology Survey	\$20,000	
5	Amherst Historical Society – Strong House Painting	\$25,000	
6	Goodwin Memorial AME Zion Church – Archaeological Survey	\$25,000	
	<b>Total Historic Preservation</b>	<b>\$90,000</b>	<b>FY16 Estimated Revenues</b>
	<b>OPEN SPACE</b>		
7	Surveys & Appraisals	\$25,000	
	<b>Total Open Space</b>	<b>\$25,000</b>	<b>FY16 Estimated Revenues</b>
	<b>RECREATION</b>		
8	North Amherst Field Improvements	\$50,000	
9	Amherst Baseball Inc. - Mill River Baseball Fields Improvements	\$127,351	
	<b>Total Recreation</b>	<b>\$177,351</b>	<b>FY16 Estimated Revenues</b>
	<b>ADMINISTRATIVE</b>		
10	CPAC Administrative Expenses	\$1,750	
	<b>Total Administrative</b>	<b>\$1,750</b>	<b>FY16 Estimated Revenues</b>
	<b>TOTAL FOR ARTICLE</b>	<b>\$414,101</b>	

Action taken 5/6/15.

[A motion was made by Melissa Perot to divide the article by separating Part 8 – North Amherst Field Improvements. Article 17A, Parts 1-7 and 9-10, and Article 17A, Part 8 were discussed and voted separately.]

## **B.**

### **OPEN SPACE - Hall Property Acquisition**

**VOTED by a declared two-thirds** to (a) authorize the Select Board to acquire by gift, purchase, and/or eminent domain, for open space purposes, all or a portion of the parcels of land located off Old Farm Road, shown on Assessors Map 18C as Parcels 20, 49 - 67, inclusive, and containing 31.60± acres in the aggregate, and described in deeds recorded with the Hampshire County Registry of Deeds in Book 3312, Page 1, Book 3565, Page 147, and Book 2198, Page 301, which parcels shall be under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (b) appropriate the sum of \$341,650 for the acquisition of said parcels and costs related thereto, of which \$105,995 shall be transferred from the Community Preservation Act Estimated Revenues; (c) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to accept, on behalf of the Town, funds granted under the LAND Program (G.L. c. 132A, §11) and/or any other funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into any and all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (d) authorize the Select Board and/or the Conservation Commission to convey a restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

Action taken 5/6/15.

### **Procedural Motion**

Town Meeting voted to hear Articles 21 and 22 at 7:00 p.m. on Monday, May 11, 2015.

At 10:06 p.m. on Wednesday, May 6, 2015 town meeting voted to adjourn to Monday, May 11, 2015 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 182 town meeting members were checked in.

The May 11, 2015 session was called to order by the Town Moderator, James Pistrang, at 7:04 p.m. 121 town meeting members were checked in.

### **Procedural Motion**

On a motion made by Michael Birtwistle, town meeting voted to consider Article 22 before considering Article 21.

At 10:14 p.m. on Monday, May 11, 2015, town meeting voted to adjourn to Wednesday, May 13, 2015 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 197 town meeting members were checked in.

The May 13, 2015 session was called to order by the Town Moderator, James Pistrang, at 7:10 p.m. 121 town meeting members were checked in.

### **Procedural Motion**

Town Meeting voted to consider Article 19 before considering Article 18.

#### **ARTICLE 18. Free Cash (Finance Committee)**

##### **VOTED unanimously to DISMISS**

[To see if the Town will appropriate and transfer a **sum of money** from Free Cash in the Undesignated Fund Balance of the General Fund to balance the Fiscal Year 2016 Budget.]

Action taken 5/13/15.

#### **ARTICLE 19. Stabilization Fund (Finance Committee)**

**VOTED by a declared two-thirds** to appropriate and transfer from the Stabilization Fund the sum of \$105,000 to balance the FY 16 Fiscal Year Budget.

Action taken 5/13/15.

#### **ARTICLE 20. Amendments to Charge, Composition and Name of Public Transportation and Bicycle Committee (PTBC)**

**VOTED unanimously** to amend the actions taken under article 28 of the May 5, 1975 Annual Town Meeting and article 31 of the April 24, 1995 Town Meeting votes that established the Public Transportation and Bicycle Committee, changing its title to the Public Transportation, Bicycle, and Pedestrian Committee, whose purpose will be to promote bicycling, walking and public transportation as integral parts of daily life in Amherst, so that persons of all ages, abilities and circumstances can safely, conveniently, and affordably use these modes of transportation for all types of trips, with seven (7) voting members to include, where possible, people who represent the perspectives of bicyclists, pedestrians, and public transit users, drawn from a range of geographical areas.

Action taken 5/13/15.

#### **ARTICLE 21. Affordable Housing Property Tax Incentives (Select Board)**

**VOTED Yes 117, No 66** to authorize the Select Board to file a Special Act with the General Court which shall authorize the Select Board to enter into agreements allowing for the phasing in of the increase in assessed property value resulting from developments of residential or mixed uses with 10 or more dwelling units, in which at least 10 percent of the units are low or moderate income housing and subject to an affordable housing restriction (per section 31 of chapter 184 of the General Laws), such increases to be phased in increments over a period of up to ten years to the full assessed value of the property, provided further that the maximum property tax incentive shall be based on the difference in net operating income for such development with affordable units and the net operating income without such affordable units.

Action taken 5/11/15.

#### **ARTICLE 22. Zoning – Inclusionary Zoning (Planning Board)**

##### **DEFEATED Yes, 88, No 100**

[To see if the Town will amend Articles 4, 12, and 15 of the Zoning Bylaw by deleting existing sections, adding new sections, and by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

**A. Amend Article 12 by removing the text of Section 12.24 in its entirety and replacing it with the following two new subsections:**

12.24 Housing, Affordable

12.240 Affordable Housing: Low Income or Moderate Income residential units subject to an Affordable Housing Restriction. For purposes of this Bylaw, Low Income shall mean a dwelling unit affordable to a household with income at or below 80% of area median income (AMI), and Moderate Income shall mean a dwelling unit affordable to a household with income above 80% of AMI and at or below 95% of AMI. All program eligibility and AMI levels are as determined by the U.S. Department of Housing and Urban Development (HUD).

12.241 Affordable Housing Restriction: A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Amherst, that restricts occupancy of an affordable housing unit to a low or moderate income purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. The restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of MGL Chapter 184, Sections 31-32, as amended.

**B. Remove the entirety of Article 15, and replace it with the following:**

**ARTICLE 15 INCLUSIONARY ZONING**

**SECTION 15.0 NEXUS STATEMENT**

**SECTION 15.1 PURPOSES & INTENT**

**SECTION 15.2 APPLICABILITY**

**SECTION 15.3 AFFORDABLE UNITS**

**SECTION 15.4 COST OFFSETS & INCENTIVES**

**SECTION 15.5 PRESERVATION OF AFFORDABILITY**  
**SECTION 15.6 MODIFICATIONS & WAIVERS BY SPECIAL PERMIT**  
**SECTION 15.7 REGULATIONS**

**15.0 NEXUS STATEMENT**

Housing market conditions unique to Amherst have had a long-term detrimental effect on its affordable housing supply. Though a small, rural economic center, Amherst hosts Amherst College, Hampshire College, and the University of Massachusetts. They bring large and growing numbers of faculty, staff, and students seeking housing. They also create unique cultural and educational opportunities for retirees, professionals, and families. The resulting strong housing demand exceeds the existing housing stock, and there is very little remaining buildable land. Together, these forces severely limit the creation and preservation of affordable housing. Their cumulative effect is to diminish the supply of affordable housing in Amherst over time, as documented in Amherst's Housing Production Plan (March 2013) and Amherst Housing Market Study (March 2015).

Therefore, the Town of Amherst finds that, in order to supply housing for its low and moderate income residents, certain types of new market-rate housing development need to include affordable housing. This is consistent with the goals, objectives, and strategies of the 2010 Amherst Master Plan, which encourage mixed-income housing, seek to achieve a diverse and balanced community with housing available for households of all income levels as a matter of basic fairness, and encourage the use of reasonable cost offsets for developers who create affordable units.

**15.1 PURPOSES & INTENT**

The purposes of this Article are to create affordable housing in a lawful, equitable, and effective manner; to foster and support the development activity necessary to provide such housing; to promote the general welfare by providing for an economically integrated and diverse community; and to fulfill the goals of the Amherst Master Plan.

In addition, this Article is intended to serve the following community objectives:

- 15.10 To ensure that new residential developments generate affordable housing as defined in Article 12 of this Bylaw.
- 15.11 To create affordable housing that remains affordable in perpetuity or for the maximum period allowed by law.
- 15.12 To provide for geographic distribution of a full mix of housing types and affordable housing throughout Amherst.

**15.2 APPLICABILITY**

- 15.20 Any development (including but not limited to town houses, apartments, mixed-use buildings, Cluster Developments, PURDs, and OSCDs) resulting in 10 or more new dwelling units shall include simultaneous construction of affordable housing.
- 15.21 "New dwelling units" means any combination of units located in new buildings or additions to existing buildings, and any net increase in units resulting from reconstruction of existing buildings, except for units resulting from:
  - 15.210 Affordable housing developments under M.G.L. Chapter 40B.
  - 15.211 Conventional Residential Subdivision Developments under Section 4.2.
  - 15.212 Any use permitted under Section 3.326 in the R-F District.
  - 15.213 Institutional Uses under Section 3.33 containing residential dwelling units.
  - 15.214 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program. Such housing may adhere to the requirements set forth by the funding agency provided that the purposes of these regulations are met.
  - 15.215 Replacement of units after damage or destruction by fire, water, or natural disaster.
- 15.22 For the purposes of this Article, the Permit Granting Board or Special Permit Granting Authority authorized to issue the permit for the residential development under Section 3.3, Use Classification and Standards, or Article 4, Development Methods, shall be referred to as the "approving board."
- 15.23 Affordable housing resulting from this Article 15 shall be administered by the Town of Amherst, its designee, or other agency acceptable to the approving board.

**15.3 AFFORDABLE UNITS**

- 15.30 Number of Units. The required number of affordable units shall be 10 percent of the total units proposed, as calculated prior to the addition of any market rate offset units. If any calculation under this Article results in a fraction of a dwelling units, the result shall be rounded up to the next whole number for a fraction of 0.5 or greater, or down to the nearest whole number for a fraction less than 0.5.
- 15.31 Type of Units. Affordable housing units may be units for ownership or rent or any combination thereof approved by the approving board. All affordable units shall be Low Income units as defined under Article 12, except that in the B-G, B-VC, B-N districts, and those B-L districts abutting the B-G zoning district, the required affordable units may be Low Income or Moderate Income units as defined under Article 12, or both, as may be approved.
- 15.32 **RESERVED.**
- 15.33 Location. Affordable units shall be dispersed throughout same premises as the proposed development ("on-site units"). On-site affordable units are required. No more than 50 percent of affordable units may be permitted to be located off-site by Special Permit under Section 15.60.

- 15.34 Design & Quality. Affordable units, wherever located, shall be of an equivalent design and quality as market rate units, including but not limited to exterior materials and finishes, energy efficiency, utilities, landscaping, and access to amenities and parking.
- 15.35 Unit Sizes. Affordable units shall be comparable to market rate units in terms of average size, habitable space, and number of bedrooms as market rate units, except as otherwise required by law.
- 15.36 Timing. Construction of and issuance of Certificates of Occupancy for affordable units shall be concurrent with that of market rate units.

**15.4 COST OFFSETS & INCENTIVES**

For developments where all affordable units are provided on-site, the following provisions apply in all zoning districts unless otherwise provided. The purpose of this section is allow for on-premises market rate cost offset units and to provide for their dimensional needs. If this section and Table 3 of Article 6 conflict, this section controls.

- 15.40 Additional Market Rate Offset Units. For each required affordable housing unit provided on-site, one and one half (1.5) additional market rate offset units shall be allowed.
- 15.41 Multi-Unit Residential Uses. To provide adequate space for market rate offset units in zoning districts where such uses are allowed, the approving board may increase the maximum number of dwelling units per building for multi-family uses under Sections 3.322 and 3.323 (town houses and apartments) to a maximum of 12 units per town house building and 30 units per apartment building. For cluster developments, the approving board may allow a maximum of 70 percent of total project units to be two family detached dwelling units and a maximum of 40% to be attached dwellings.
- 15.42 Lot Area. Table 3 of Article 6 controls the Basic Maximum Lot Area and Additional Lot Area/Family, except that no Additional Lot Area/Family (sq. ft.) is required for market rate offset units in any district. See Section 15.32.
- 15.43 Maximum Building Coverage and Lot Coverage. The Maximum Building Coverage and Maximum Lot Coverage allowed by right shall be increased as follows to meet the dimensional needs of additional market rate cost offset units:

Zoning Districts	Maximum Increase
R-N, R-O, R-LD	+5 percentage points
R-VC, R-G	+10 percentage points
B-G, B-L, B-VC, B-N, COM	+15 percentage points.

[Example: Maximum building coverage is 35% by right in the B-VC District. Adding 15 percentage points would result in a new maximum building coverage of 50%.]

The only exception shall be that in the B-G and abutting B-L zoning districts, Maximum Lot Coverage shall not exceed 95 percent.

- 15.44 Maximum Height. In ~~any district~~ **the B-G, B-VC, B-L, and COM Districts only**, the maximum height allowed by right under Table 3 of Article 6 shall be increased by 10 feet.
- 15.45 Maximum Floors. ~~Except in the B-G and B-N~~ **In the B-VC, B-L, and COM Districts only**, the maximum number of floors allowed by right under Table 3 of Article 6 shall be increased by one (1) floor.

**15.5 PRESERVATION OF AFFORDABILITY**

Affordable units created under this Article shall remain affordable in perpetuity. Affordable units shall be subject to an affordable housing restriction as defined in Article 12. Such restriction shall be subject to review and approval as to form by Town Counsel and approved by the Massachusetts Department of Housing and Community Development (DHCD).

**15.6 MODIFICATIONS & WAIVERS BY SPECIAL PERMIT**

Where a minimum of 50% of required affordable units are proposed to be on-site units, the approving board may grant a Special Permit for modifications or waivers as provided below.

- 15.60 Off-site affordable units may be allowed for projects principally located in the B-G, B-VC, B-N, and those B-L districts abutting the B-G District. Off-site units shall be located within the same zoning district, or within 500 feet of the premises of the development, subject to the provisions of Section 15.34, 15.35, and 15.36, inclusive.
- 15.61 Modification of those dimensions (front setbacks and side and rear yard setbacks) under Footnote a. of Table 3 of Article 6 that are not altered under Section 15.4.
- 15.62 Any combination of the above that the Special Permit Granting Authority may deem appropriate.
- 15.63 Findings. A Special Permit may be granted under this section only if, in addition to making the findings required under Section 10.38, the Special Permit Granting Authority finds that the applicant has demonstrated that:
  - 15.630 The development with the proposed modifications or waivers will serve the Purposes and Intent of this Article better than without; and
  - 15.631 The proposed modifications or waivers would neither nullify nor substantially derogate from the Purposes and Intent of this Article, nor would they result in any other substantial detriment to the public good; and
  - 15.632 The provisions of this Article would impose extreme hardship, financial or otherwise, that would otherwise render the project impossible.
- 15.64 The Special Permit Granting Authority may require the submission of whatever financial or other project-related documentation and information it deems necessary to make its determinations, including obtaining the services of an outside consultant under the provisions of MGL Ch. 44, Section 53G.

**15.7 REGULATIONS**



Approving boards shall adopt rules and regulations no less restrictive than the provision of this Article, including but not limited to submission requirements, procedures, standards, and criteria necessary to effectively implement the provisions of this Article.

**C. Amend Article 4, Development Methods, by amending Sections 4.3, 4.4, and 4.5, deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:**

**For Cluster Developments:**

4.323 Density/Setbacks

4.3230 Unless otherwise provided for, the Dimensional Regulations of Table 3 shall be complied with.

4.3231 *Except as provided under Article 15*, ~~the~~ maximum density of a cluster subdivision, ~~except for an affordable cluster~~, shall not exceed the allowed density for a standard subdivision in any zoning district, said density to be calculated by taking the parcel area, subtracting 10% of that area and dividing that number by the minimum lot area of the zoning district in which the parcel is located. See Section 4.12. In addition, it is the intention of this Section that ~~the~~ *a cluster subdivision development* not result in more lots than would be approved for a standard subdivision under a Definitive Subdivision Plan, except as *provided under Article 15 or as* may otherwise be authorized under this Bylaw.

4.3232 The Planning Board may reduce the frontage requirements for not more than 50 percent of the lots in the subdivision.

4.325 A minimum of 40% of the total dwelling units shall be single-family dwellings. A minimum of 20% of the total dwelling units shall be non-zero lot line, single family dwellings. A maximum of 60% of the dwelling units may be two-family dwellings. A maximum of 30% of the total dwelling units may be attached dwellings. There shall be no more than eight attached dwelling units allowed in one building. *See Article 15.*

4.33 ~~Affordable Units~~ *Affordability Requirements*

**[Remove the entirety of this section, and replace it with the following.]**

*See Article 15.*

**For Planned Unit Residential Developments (PURDs):**

4.421 In a Planned Unit Residential Development the following requirements relating to the density and intensity of land use shall be met: *See also Article 15.*

**For Open Space Community Developments (OSCDs):**

4.52 Density Standards

4.520 The maximum density allowed in an Open Space Community Development shall be calculated as follows: . . .

3. Divide the remaining buildable land area by the minimum lot area required under the applicable zoning district(s). *See also Article 15.*

4.53 Dimensional Standards . . .

**[Add new subsection, as follows.]**

**4.537 *See Article 15.***

4.55 ~~Density Bonuses~~ *Affordability Requirements*

**[Remove the entirety of this section, and replace it with the following.]**

*See Article 15. ]*

Action taken 5/11/15.

**ARTICLE 23. Zoning Petition – Butterfield Terrace Rezoning (Alpert et al)**

**VOTED to DISMISS**

[To see if the Town will amend the Official Zoning Map to change the zoning designation on Assessor's parcels 11A-66, 11A-67, 11A-71 and 11A-72 from Neighborhood Residence (R-N) to General Residence (R-G).]

Action taken 5/13/15.

**ARTICLE 24. Zoning Petition – Municipal Parking Districts Amended (Wentworth et al)**

**DEFEATED Yes, 97, No 83 (Articled failed to achieve the required two-thirds)**

[To see if the Town will vote to amend the Zoning By-Law as follows:

A. Deleting the ~~lined-out~~ portion under SECTION 7.4 Municipal Parking District

7.43 Regulation

Notwithstanding the other provisions of Section 7.0, off-street parking spaces need not be provided for any principal or related accessory uses under the following categories of the Section 3.3, Use Chart: ~~Residential Use~~

~~(Section 3.32)~~, Retail Business and Consumer Service Use (Section 3.35), and Research and Industrial Use (Section 3.37), located within the Municipal Parking District as herein defined. The following uses shall be required to meet the parking requirements of this Bylaw within the MP District: dormitory or similar college residence hall, hotel or motel, inn and all other principal and accessory uses under other categories of the Section 3.3, Use Chart.

AND

B. Adding the words in **bold** under SECTION 7.9 WAIVERS

7.91

**With the exception of Residential Use in the Municipal Parking District,** parking space requirements under Section 7.0 may be modified when one or more of the following conditions are met to the satisfaction of the Permit Granting Board or Special Permit Granting Authority:]

Action taken 5/13/15.

At 10:00 p.m. on Wednesday, May 13, 2015 town meeting voted to adjourn to Monday, May 18, 2015 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 183 town meeting members were checked in.

The May 18, 2015 session was called to order by the Town Moderator, James Pistrang, at 7:11 p.m. 122 town meeting members were checked in.

**ARTICLE 25. Zoning Petition – Mixed Use Building Amendments (Wentworth et al)  
VOTED Yes 105, No 60 to refer to Planning Board.**

[To see if the Town will vote to amend the Zoning By-Law, Section 3.325 “Building containing dwelling units in combination with stores or other permitted business or commercial use” by changing the nature of the permits required in some zoning districts, amending the first paragraph under Standards and Conditions (deletions in ~~strike thru~~, additions in **bold face**) to create three separate, numbered paragraphs, and to designate the existing second paragraph by the number “4”.

**Mixed-use building.** A mixed-use building shall be a building containing dwelling unit(s) in combination with permitted retail, business, institutional, government, public service, consumer service, office or similar principal use(s) and lawful accessory use(s).

R-O/R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N
					<b>SP*</b>	<b>SP*</b>							

Standards and Conditions

1. A management plan **shall include evaluation and calculations of the parking needs for each separate use, delivery and residential move-in and move-out requirements, and a plan to safely meet those needs and requirements in a manner that does not constitute a nuisance or substantial inconvenience or hazard to abutters, vehicles or pedestrians. That management plan shall be further** defined in terms of form and **additional** content in the Rules and Regulations adopted by the Permit Granting Authority **and** shall be included as an integral part of any application made under this section.
2. **In the General Business (B-G) District and Limited Business (B-L) Districts adjacent to the General Business District, the retail and commercial gross floor area of each proposed structure of three (3) or less stories shall be at least 40% of the building’s gross floor area, no residences shall be permitted on the ground floor or basement, and permitting shall be by Site Plan Review. \*In those same districts, proposed structures of four (4) to five (5) stories shall be authorized by Special Permit only. The ground and second floors of each such building, except for ancillary residential features such as elevators, stairwells, mailboxes, trash and recycling facilities, etc., shall be entirely devoted to retail and commercial uses, and at least 40% of the gross floor area of each building shall be restricted to retail and commercial use.**
3. In those Limited Business (B-L) Districts, et seq. – no changes
4. In the Commercial (COM) District, et seq. – no changes]

Action taken 5/18/15.

**ARTICLE 26. Petition – Earned Sick Leave (Spiegelman et al)  
VOTED to refer back to the Amherst Personnel Board.**

[To see if the Town will authorize earned sick leave for all part-time, non-benefited Town employees, on the same basis as the voters of Massachusetts required by referendum in November, 2014, for employees of firms with eleven (11) or more employees, i.e. such employees are entitled to earn and use one hour of sick time for every 30 hours worked, and would begin accruing those hours on the date of hire or on July 1,2015, whichever is later, and to see if the Town will appropriate the funds necessary.

An employee could begin to use earned sick time on the 90<sup>th</sup> day after hire. An employee could use earned sick time, if required, to miss work in order:

- (1) To care for a physical or mental illness, injury, or medical condition affecting the employee or the employee’s child, spouse, parent, or parent of a spouse;
- (2) To attend routine medical appointments of the employee or the employee’s child, spouse, parent, or parent of a spouse; or
- (3) To address the effects of domestic violence on the employee or the employee’s dependent child.

Earned paid sick time would be compensated at the same hourly rate paid to the employee when the sick time is used. Employees could carry over up to 40 hours of unused sick time to the next calendar year, but could not use more than 40 hours in a calendar year.

If an employee missed work for a reason eligible for earned sick time, but agreed with the supervisor to work the same number of hours or shifts in the same or next pay period, the employee would not have to use earned sick time for the missed time, and the Town would not have to pay for that missed time. Supervisors would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee. The Town would not have to pay employees for unused sick time at the end of their employment.

Supervisors would be prohibited from interfering with or retaliating based on an employee's exercise of earned sick time rights, and from retaliating based on an employee's support of another employee's exercise of such rights.

This article would not override the Town's obligations under any contract or benefit plan with more generous provisions than those proposed here.]

Action taken 5/18/15.

#### **ARTICLE 27. Petition – Mill Street Bridge (O'Connor et al)**

**VOTED** to refer back to Public Works Committee and Planning Board.

[To see if the Town will vote to request that the Select Board and Town Manager direct the Superintendent of Public Works and/or Town Engineer to prepare and submit to the Massachusetts Department of Transportation District #2 and Boston offices a request and plan to reopen the Mill Street Bridge in front of the Puffers Pond Dam for unsignalized, one-lane, two-way traffic while the Town awaits repair/reconstruction of that bridge.]

Action taken 5/18/15.

At 10:09 p.m. on Monday, May 18, 2015 town meeting voted to adjourn to Wednesday, May 20, 2015 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 168 town meeting members were checked in.

The May 20, 2015 session was called to order by the Town Moderator, James Pistrang, at 7:05 p.m. 122 town meeting members were checked in.

#### **ARTICLE 28. Petition – Resolution Towards a Human Rights Culture (Wronka et al)**

**VOTED** the following resolution:

WHEREAS, Article VI, Clause 2 of the US Constitution asserts: "All treaties made or shall be made...shall become the Supreme Law of the Land and the judges in every state shall be bound thereby...";

And, WHEREAS, the UN Charter, the Universal Declaration of Human Rights, as the authoritative statement of customary international law, and major UN human rights conventions have the status of international treaty,

NOW THEREFORE BE IT RESOLVED: The Town of Amherst calls upon all federal state, and municipal legislative, executive, and judicial bodies to sign, ratify, and implement such conventions as they presently exist and evolve. This warrant article will be deposited with Representative Elizabeth Warren; President Obama; Samantha Powers, US Representative to the UN; Senator Bob Corker, Chair of the Senate Foreign Relations Committee; Charlie Baker, Governor of Massachusetts and other policy makers as appropriate in order that they take positive steps in that direction. Doing so, would be a step towards creating a human rights culture among the general populace, a "lived awareness" of human rights principles in our minds and hearts and carried into our everyday lives, ultimately resulting in socially just policies, where every person, everywhere can live with dignity and have their human rights realized.

Action taken 5/20/15.

#### **ARTICLE 29. Petition – Race Amity Day Proclamation (Elliott et al)**

**VOTED unanimously:**

WHEREAS the greatest asset of the Town of Amherst is its people; and

WHEREAS the Town of Amherst holds dear the motto of the United States of America, *E Pluribus Unum* (out of many, one), recognizing the principle of the oneness of the humankind, and the rich cultural, ethnic and racial diversity of its inhabitants; and

WHEREAS civility, respect, kindness and friendship are commonly shared values of the collective citizenry of the Town of Amherst; and

WHEREAS the Town of Amherst promotes communities and neighborhoods to join in reflection on the beauty and richness of our diverse cultures and ethnicities while reaching out with a spirit of amity toward one another,

NOW THEREFORE, the Town of Amherst hereby proclaims the second Sunday of June to be **Race Amity Day**,

And urges all the people of Amherst to recognize this event and to celebrate its annual observance.

Action taken 5/20/15.

**ARTICLE 30. Petition – Resolution in Opposition to Construction of Proposed Pipeline  
(Perkins et al)**

**VOTED Yes 133, No 7** to adopt the following resolution:

WHEREAS, a proposed high pressure pipeline carrying natural gas obtained through hydraulic fracturing (“fracked gas”), currently called the ‘Northeast Energy Direct’ project, of Kinder Morgan/Tennessee Gas Pipeline Company, L.L.C. (the “TGP Pipeline”), would run through many communities in western Massachusetts;

WHEREAS, additional plans for other such new or expanded fracked gas pipelines have been proposed for other locations in the Commonwealth;

WHEREAS, the New England governors previously proposed a utility bill tariff or tax to help pay for new pipeline construction, which would have required ratepayers to invest in more fossil fuel infrastructure, although the prior Massachusetts administration stepped back from that proposal;

WHEREAS, in addition to the inherent risks of high pressure gas pipelines – possible ruptures, fires and explosions, and possible impacts to sensitive areas along the pipeline route – fracked gas may carry additional risks of hydraulic fracturing (“fracking”) chemicals; recognizing as well the added environmental burdens for communities that are the site of the fracking;

WHEREAS, there is growing concern regarding the impact of methane, the main component of natural gas, on global climate change, from gas leaks at drilling sites and along pipelines, in addition to the impact of the carbon dioxide produced when the gas is burned;

WHEREAS, instead of increasing our dependency on fossil fuels like natural gas, we are better served by embracing and strengthening the Commonwealth’s commitments to combating global climate change through increased energy efficiency and renewable energy; and

WHEREAS, the Town of Amherst has a direct interest in protecting public health, public land and the environment in the Pioneer Valley, the Commonwealth, New England and our shared world;

NOW, THEREFORE, BE IT RESOLVED that the Town of Amherst through its Representative Town Meeting:

- 1) Opposes the construction of the proposed TGP Pipeline and any such new or expanded pipelines carrying fracked gas in the Commonwealth;
- 2) Opposes any tariffs that may be imposed on Massachusetts ratepayers to fund the TGP Pipeline or other such new or expanded fracked gas pipelines;
- 3) Stands in solidarity with communities opposing the TGP Pipeline and other such pipelines; and
- 4) Asks that our state and federal representatives and the Governor oppose the TGP Pipeline and any other such new or expanded pipelines carrying fracked gas in the Commonwealth and oppose any tariffs or taxes that may be imposed on ratepayers to fund any of the same; and

Action taken 5/20/15.

The business of the warrant having been completed, Town Meeting voted to dissolve at 8:25 p.m. 152 town meeting members were checked in.

**Attest:**

**Sandra J. Burgess**  
**Town Clerk**