



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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

MARTHA COAKLEY
ATTORNEY GENERAL
www.mass.gov/ago

July 22, 2010

TEL: (413) 784-1240
FAX: (413) 784-1244

AMHERST TOWN CLERK
2010 JUL 27 AM 9:22

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

RE: Amherst Annual Town Meeting of May 3, 2010 --- Case # 5607
Warrant Articles # 28, 29, and 30 (General)
Warrant Articles # 23 and 24 (Zoning)

Dear Ms. Burgess:

Articles 23, 24, 28, 29, and 30- 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 3, 2010.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. 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, 4th Floor
Springfield, MA 01103
(413) 784-1240, x. 7717

enc.

cc: Town Counsel (via email)



Town of



AMHERST Massachusetts

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-2301

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

ARTICLE 28
Form 2 – Attachment 2
TOWN MEETING ACTION

ARTICLE 28. General Bylaw Amendment – Open Containers (Select Board)
VOTED to amend the General Bylaws, Article II, General Regulations, Conduct in or on Public Ways and Places, #7, Open Containers of Alcohol, by deleting the words “not more than \$50.00” in the second paragraph, and inserting in their place “\$300”.

Action taken on 5/17/2010.

[A motion was made to replace "\$300" with "\$150". In accordance with Section 7 of the Rules of Order for Town Meeting, town meeting voted on the higher amount first. The amendment failed by default.]

A true copy, Attest:

Sandra J. Burgess
Amherst Town Clerk



Town of



AMHERST

Massachusetts

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-2301

TOWN CLERK
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ARTICLE 29
Form 2 – Attachment 2
TOWN MEETING ACTION

ARTICLE 29. General Bylaw Amendment – Unlawful Noise (Select Board)
VOTED to amend the General Bylaws, Article II, General Regulations, Prohibitions, #3, Unlawful Noise, by deleting the first three sentences of Section 3. Penalties: “The first violation of this By-Law shall be punished by a fine of not less than one hundred dollars (\$100.00). The second violation of this by-law within 12 months after the first violation shall be punished by a fine of not less than two hundred dollars (\$200.00). Further violations within 12 months after the last violation shall be punished by a fine of three hundred dollars (\$300.00)”, and inserting in their place the following sentence: “Any person who violates this by-law shall be punished by a fine of \$300 for each violation.”

Action taken on 5/17/2010.

[A motion was made to replace "\$300 for each violation" with "\$150 for the first violation and \$300 for further violations within 12 months of the last violation". In accordance with Section 7 of the Rules of Order for Town Meeting, town meeting voted on the higher amount first. The amendment failed by default.]

A true copy, Attest:

Sandra J. Burgess
Amherst Town Clerk



Town of



AMHERST *Massachusetts*

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-2301

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ARTICLE 30
Form 2 – Attachment 2
TOWN MEETING ACTION

ARTICLE 30. General Bylaw Amendment – Keg Licensing (Select Board)
VOTED Yes 94, No 35 to amend the General Bylaws, Article II, General Regulations, Prohibitions, #6, Keg Licensing, by deleting the words “\$200 for a first offense and \$300 for a second or subsequent offense” in Section 6. Penalties, and inserting in their place “\$300 for each violation.”
Action taken on 5/17/2010.

A true copy, Attest:

Sandra J. Burgess
Amherst Town Clerk



Town of



AMHERST

Massachusetts

TOWN HALL
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ARTICLE 23
Form 2 – Attachment 2
TOWN MEETING ACTION

ARTICLE 23. Zoning Amendment – Master Plan Compliance (Planning Board)
VOTED by a declared two-thirds to amend Article 1, and Sections 10.38, 11.1, and 11.24, by deleting the ~~lined out~~ language and adding the language in *bold italics*, as follows:

A. Amend Article 1, Purpose, by adding the language shown:

ARTICLE 1 PURPOSE

This Zoning Bylaw is enacted pursuant to, and under the authority of, Chapter 40A of the General Laws as amended, for the purpose of promoting the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst, *and to encourage the most appropriate use of land throughout Amherst. This Zoning Bylaw is in accordance with the recommendations of the Master Plan adopted by the Planning Board and is consistent with the comprehensive plan of the regional planning agency.*

B. Amend Section 10.38, Specific Findings Required, by adding the language shown:

10.398 The proposal is in harmony with the general purpose and intent of this Bylaw, *and the goals of the Master Plan.*

C. Amend Section 11.1, Execution, by deleting and adding the language, as shown:

SECTION 11.1 EXECUTION

The Building Commissioner shall enforce the provisions of this Bylaw as hereinafter provided. No building shall be constructed, altered, moved, or changed in use in the Town without a permit from the Commissioner. Such permit shall be withheld unless such construction, alteration or proposed use is in conformity with all provisions of this Bylaw. Where a ~~Special Permit from the Board of Appeals~~ *or Site Plan Review approval* is required (pursuant to the provisions of this Bylaw), or where an appeal or petition involving a variance is pending, the Building Commissioner shall issue no such permit except in accordance with *the* written decision of said *the appropriate* Board.



D. Amend Section 11.24, Review Criteria/Guidelines, by adding the language shown:

11.2400 Conformance with all appropriate provisions of the Zoning Bylaw *and the goals of the Master Plan.*

Action taken on 5/12/2010.

A true copy, Attest:

A handwritten signature in black ink that reads "Sandra J. Burgess". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Sandra J. Burgess
Amherst Town Clerk

Town of



AMHERST Massachusetts

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-2301

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ARTICLE 24 Form 2 – Attachment 2 TOWN MEETING ACTION

ARTICLE 24. Zoning Amendment – Non-Profit Uses (Planning Board)
VOTED by a declared **two-thirds** to amend Section 3.330 of the Zoning Bylaw, by deleting the ~~lined-out~~ language, adding the language in ***bold italics***, and reorganizing it as follows:

3.330 *Non-profit Uses*

3.330.0 Non-profit educational institution, including any educational use on land owned or leased by the Commonwealth or any of its agencies, subdivisions, or bodies politic, or by a religious sect or denomination.

Standards & Conditions

See Sections ~~2.22~~ ***2.04*** and 3.21.

R-O

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3.330.1 Non-profit human service use.

Standards & Conditions

Uses under this section may include administrative offices and human service facilities providing services directly to members of the community on or from the premises, including facilities used as staging areas for off-site service delivery and facilities reasonably necessary for the safe, secure, and appropriate operation of the use.



A use under this section may offer a wide range of services on or from the premises, including but not limited to, counseling and therapy, training for employment and other life skills, distribution of food and clothing, provision of meals, and/or restrooms/shower facilities.

Other uses, such as retail sales, health services, personal care services, or similar uses, may be permitted, but shall be operated in a manner and during such limited hours as to render them clearly accessory and incidental to the principal non-profit human service use.

Non-profit human service uses involving overnight shelter or other residential activity shall be regulated under Section 3.336.1.

R-O
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Action taken on 5/12/2010.

A true copy, Attest:



Sandra J. Burgess
Amherst Town Clerk