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**SPECIAL TOWN MEETING
October 30, November 1 & 8, 2000**

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:46 p.m. There were 251 town meeting members. 126 checked in and a quorum was declared. The call and return of the warrant were read by Town Clerk, Margaret Z. Nartowicz. Town board and committee member recognitions were conducted prior to addressing articles in the warrant.

Consideration of Article 8 was postponed to after the disposition of Article 21.

ARTICLE 1. Reports of Boards and Committees

Voted that the Town hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.
Action taken on 10/30/00.

ARTICLE 2. Transfer of Funds - Unpaid Bills

Voted that the Town raise and appropriate \$2,031.33 to pay unpaid bills of prior years.
Action taken on 10/30/00.

ARTICLE 3. Petition – Resolution – Ballot Questions

(Article 3 was divided to address Questions 4 and 6 separately.)

Voted

“Whereas, in November, 2000, voters in Massachusetts will face Question 4, an initiative that would reduce state revenue by \$1.2 billion; and

Whereas, Question 4 would squander the Commonwealth’s opportunity to improve our children’s education by reducing class size and improving school buildings, such as state funding for our plan to expand and modernize the Crocker Farm School, and

Whereas, Question 4 would deprive the Commonwealth of the resources needed to expand access to health care, reduce the state’s debt, and help Amherst and other cities and towns to provide the quality services we need and expect; and

Whereas, Question 4 would deprive the Commonwealth of funds needed to maintain an affordable quality state university system, a resource that is critical to this Town and the entire Commonwealth; and

Whereas Question 4 would deplete Commonwealth resources needed to maintain safe roads and bridges, the only means by which Amherst and neighboring communities can improve dangerous and inadequate roads; and

Whereas, Question 4 would be unfair in their impact, primarily benefiting those with high incomes, leaving little or nothing for working and poor families who most need our help;

Therefore, be it resolved that Amherst Town Meeting supports and endorses the Campaign for Massachusetts’ Future and the Campaign’s effort to defeat Question 4, and that we will advise voters to reject Question 4 on the November ballot.”

Action taken on 10/30/00.

Voted

“Whereas, in November, 2000, voters in Massachusetts will face Question 6, an initiative that would reduce state revenue by \$700 million; and

Whereas, Question 6 would squander the Commonwealth’s opportunity to improve our children’s education by reducing class size and improving school buildings, such as state funding for our plan to expand and modernize the Crocker Farm School, and

Whereas, Question 6 would deprive the Commonwealth of the resources needed to expand access to health care, reduce the state’s debt, and help Amherst and other cities and towns to provide the quality services we need and expect; and

Whereas, Question 6 would deprive the Commonwealth of funds needed to maintain an affordable quality state university system, a resource that is critical to this Town and the entire Commonwealth; and

Whereas Question 6 would deplete Commonwealth resources needed to maintain safe roads and bridges, the only means by which Amherst and neighboring communities can improve dangerous and inadequate roads; and

Whereas, Question 6 would be unfair in their impact, primarily benefiting those with high incomes, leaving little or nothing for working and poor families who most need our help;

Therefore, be it resolved that Amherst Town Meeting supports and endorses the Campaign for Massachusetts’ Future and the Campaign’s effort to defeat Question 6, and that we will advise voters to reject Question 6 on the November ballot.”

Action taken on 10/30/00.

ARTICLE 4. Resolution – Prescription Drugs

Voted that the Town adopt the following resolution:

BECAUSE prescription costs deny access to lifesaving drugs for many seniors and people with disabilities, with skyrocketing prices that are a hardship to millions...
BECAUSE more than 70 thousand Massachusetts seniors and people with disabilities have been abandoned by HMOs in 1999, leaving many without prescription coverage...
BECAUSE HMOs and insurance plans have reduced and capped prescription coverage...
WE ENDORSE legislation to protect consumers from marketplace medicine.
WE SUPPORT H.R. 664, an act to provide substantial reductions in the price of prescription drugs for Medicare beneficiaries.
WE SUPPORT H.R. 1495, an act to provide coverage for outpatient prescription drugs under the Medicare program.

Action taken on 10/30/00.

ARTICLE 5. *Rescind Nigeria Bylaw*

Voted unanimously that the Town rescind the Human Rights and Democracy in Nigeria Bylaw.

Action taken on 10/30/00.

ARTICLE 6. *Bylaw Amendment – Noise Bylaw*

Voted that the Town add to Section 2 of the Town Noise Bylaw, Exemptions, the following paragraph: d). Noise caused by agricultural, farm-related, or forestry-related activities as defined by M.G.L. Chapter 128, Section 1A, as amended from time to time, including but not limited to the operation of farm equipment, sawmills, harvesting equipment, noises from farm animals, and the like.

Action taken on 10/30/00.

10:05 p.m. The meeting voted to adjourn to Wednesday, November 1, 2000 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 177 town meeting members were checked in.

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The adjourned session of November 1, 2000 was called to order by the moderator at 7:50 p.m. 126 town meeting members checked in and a quorum was declared.

Peter Shea, Ann Grose, James Pistrang, Nonny Burack, H. Oldham Brooks and James Scott were sworn as tellers.

ARTICLE 7. *Zoning – Northampton Road*

Voted by a 2/3 declared vote that the Town amend the Official Zoning Map by rezoning Parcels 47 & 48, Map 13D, to the centerline of Northampton Road, from Professional Research Park (PRP) to Limited Business (B-L).

Action taken on 11/1/00.

ARTICLE 8. *Zoning Bylaw – Dimensional Regulations*

Voted to refer to the Planning Board. [that the Town will amend Table 3, Dimensional Regulations, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

- A. Add a superscript “a” to the values in Table 3 for Basic Minimum Lot Area and Basic Minimum Lot Frontage (ft.) in the R-LD, R-O, R-N, R-VC and R-G districts.
- B. Modify existing footnote “a” in Table 3 as follows:
 - 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~~ ***For cases of proposed modified basic minimum front setback and/or modified basic minimum lot area and/or basic minimum lot frontage within residential zoning districts, in*** applying the criteria established in Section 10.395 the Special Permit Granting Authority shall consider the proposed ~~modified front setback~~ ***modification(s)*** in the context of the ~~established~~ pattern(s) of ~~front setbacks~~ ***such dimensions*** established by ~~as reflected by~~ existing residential buildings ~~lots~~ in the surrounding neighborhood. ***Such dimensional modification(s) shall be permitted only for single family dwellings on lots with frontage on an established Town way. The modified dimension(s) shall not be less than 90% of the median of the corresponding dimension(s) in the surrounding neighborhood. The surrounding neighborhood shall be defined using the following criteria:***

- i) ***If the subject lot is located within an approved and recorded subdivision, then the subdivision shall define the neighborhood, unless the Special Permit Granting Authority finds unique circumstances (e.g., a large subdivision and/or one in which there are reasonably distinctly different areas in terms of lot sizes and/or dimensions) to determine otherwise.***
- ii) ***Normal boundaries, such as major streets, open space, significant nearby non-residential uses and the like shall be used.***
- iii) ***No fewer than five lots, and every lot any portion of which is within 500 feet of the subject property, shall be included. The majority of said lots must be in residential use. Large parcels of undeveloped land, non-residential property, and abutting subdivisions where the corresponding dimensions are significantly different shall not be considered.]***

Action taken on 11/8/00.

ARTICLE 9. Petition – Zoning Bylaw – Open Space PURD Community

Voted unanimously that Article 9 be referred to the Planning Board, with a recommendation that:

- 1) The Planning Board consider the development of an Open Space Planned Unit Residential Community zoning amendment which:
 - a) Protects a high degree of the developable land as open space;
 - b) Includes an allowance for a group of residential owner-occupants to develop an OSPURC by special permit;
 - c) Requires at least 10% affordable housing; and
 - d) Mandates greater than usual set-backs from adjoining residential properties;
- 2) The Planning Board report on the Article at the Spring, 2001 Town Meeting.

[To see if the town will vote to amend the Zoning Bylaw by adding **Section - 4.5 Open Space Planned Unit Residential Community** and amending other sections as shown by additions in *italic* and deletions in ~~strike thru~~:

Article 4 *Residential* Development Methods

Section 4.0 Overview

This Bylaw permits *four* (4) ~~three~~ (3) methods which may be utilized to develop land for residential purposes where such Uses are permitted in Section 3.3. The *four* ~~three~~ methods are:

Conventional ~~Residential~~ *Subdivision Development*;
 Cluster ~~Subdivision Development~~ *Development* and;
 Planned Unit Residential Development (PURD), and;
Open Space Planned Unit Residential Community

~~In order~~ To insure *residential* development which is compatible with the Purposes and Intent of this Bylaw, the *four* ~~three~~ Development Methods shall comply with the General Development Standards set forth in Section 4.1, and the applicable Standards set forth in Sections 4.32, ~~and~~ 4.42, and 4.52.

The Zoning Districts in which the *four* ~~three~~ Development Methods may be used are indicated in Table 2. Nonresidential zoning Districts are not included in Table 2 because the *four* ~~three~~ Development Methods described in this section apply only to residential development....

Table 2 - Development Methods

Bylaw Number	Method	Zoning Districts					
		R-LD	R-O	R-N	R-VC	R-G	R-F
4.2	Conventional Residential <i>Subdivision Development</i>	Y	Y	Y	Y	Y	Y
4.3	Cluster Subdivision Development <i>Development</i>	SPP	SPP	SPP	SPP	SPP	N
4.4	Planned Unit Residential Development	N	SP*	SP*	SP	SP	N
4.5	Open Space Planned Unit Residential Community	SP**	SP**	SP**	N	N	N

* Applies only to those areas included in an overlay district called "PURD DISTRICT" as shown on the Official Zoning Map; otherwise, not permitted.

** A Special Permit Use by application to the Planning Board if any individual building or housing lots are proposed, if not, then by application to the Zoning Board of Appeals.

Section 4.1 General Development Standards

The *four* ~~three~~ Development Methods listed in Section 4.0 - Overview shall be undertaken in accordance with the following General Standards:...

4.11 The frontage of lots shall be on existing or proposed minor or secondary streets as defined by the Amherst Planning Board's Rules and Regulations Governing the Subdivision of Land, except as provided for in Sections 4.4214 and 4.524.

Section 4.5 Open Space Planned Unit Residential Community

4.51 General Description and Purpose

The Open Space Planned Unit Residential Community development method is provided to allow organizations of prospective owner-occupant families to construct homes and common facilities for their collective and individual ownership on parcels of land of 5 or more contiguous acres in single ownership or control at the time of application, by which the following benefits may be reasonably expected to be gained:

- 4.510 Protection of significant open space, including but not limited to natural resources such as farmland, wetlands, and other wildlife habitat.
- 4.511 Economical and efficient street, utility, and public facility installation, construction, maintenance.
- 4.512 Efficient allocation, distribution, and maintenance of open space.

- 4.513 Land use harmonious with natural features.
- 4.514 Efficient use of land to increase the supply of affordable housing.
- 4.515 Housing development which allow for the integration of a variety of housing types within one projects.

4.52 Use and Dimensional Standards

- 4.520 The allowed uses in an Open Space Planned Unit Residential Community shall be: single-family dwelling, two family attached dwelling, townhouse, zero lot line and multi-family dwellings, nursery school, kindergarten, childcare center, common house with dining facilities for members, a library, laundry, place of meditation or worship, a non-profit educational institute and associated housing units not to exceed 25% of the maximum number of allowed housing units, guest sleeping spaces, personal office space for residents, and other shared and maintenance facilities which serve the residential community and its members.
- 4.521 The maximum number of residential units allowed in a Open Space Planned Unit Residential Community shall be calculated by subtracting 90% of the area of any 100-year floodplains and 90% of land in the FPC District and wetlands as determined by the Conservation Commission from the parcel area, further reducing the area remaining by 10%, and dividing that number by the minimum lot area of the zoning district in which the parcel is located.
- 4.522 66% of the land area of the parcel exclusive of wetlands, 100-year floodplain areas and 10-year retention basins shall be left in its existing or natural state.
- 4.523 The OSPURC use shall not be allowed in the ARP, WP, and FPC Districts.
- 4.524 The maximum number of single-family homes shall not exceed 50% of the total number of housing units. There shall be no more than 6 attached dwelling units in any one building. Flag lots shall not be allowed. The height standards in the Dimensional Table shall be observed for all structures. No structure for the Open Space Planned Unit Residential Community shall be constructed within the front setback for that zoning district nor within 40 feet of adjoining residential properties. If individual building lots are proposed, frontage need not be provided on a town way and the rear and side yard setbacks of the Dimensional Table shall not apply, except that buildings shall be separated as required by fire safety and building code regulations. For OSPURCs with lot lines for attached dwellings, maintenance easements and covenants to insure proper maintenance shall be provided.
- 4.525 The entire development shall be connected with the public sanitary sewer system, except where that system is not reasonably available the Board of Health may, in accordance with state and local health regulations, authorize individual or shared septic systems.
- 4.526 The parking requirements of the Bylaw shall be observed, and vehicular access to the Open Space Planned Unit Residential Community shall be located so as to minimize its impact on adjacent residential properties.

4.53 Affordable Units

- 4.530 10% of the units shall be made available to persons or families meeting the standards set forth in Sections 4.333 - 4.334. No additional housing units shall be authorized for the provision of affordable units. Affordable units shall be geographically dispersed throughout the development, and the applicant organization shall provide all required information and paperwork, and shall pay all required fees under the Massachusetts Local Initiative program to allow the Town to count said units as affordable units.

4.54 Common Land Standards

- 4.540 Within the common land set aside in an Open Space Planned Unit Residential Community, 1,000 square feet per housing unit in OSPURCs that provide individual house lots for at least one-half the housing units and 3,000 square feet otherwise shall be usable for active and passive recreation. Such space shall not include the interiors of common buildings, parking, roadway, sidewalk, building lot or laundry drying areas, nor land within the ARP, AP, or FPC Districts or Wetlands as determined by the Conservation Commission. Usable open space shall be defined as contiguous open space for play, tot lots or playgrounds, gardens, cycling, hiking or jogging trails, basketball or tennis courts or similar facilities.
- 4.541 In the FP District, all common land in an Open Space Planned Unit Residential Community not set aside as usable open space for active and/or passive recreation shall be permanently preserved and utilized as farmland.

4.55 Open Space and Common Land Ownership

Common land ownership standards shall be set forth in Section 4.35, except that the common land set aside to meet the per housing unit requirement of Section 4.540 shall remain in the ownership of an organization composed of members of the Residential Community.

4.56 Review and Approval Process

- 4.560 Special Permit approval in accordance with the standards set forth in Section 10.3, the standards and provisions of Section 4.5, and the standards and provisions of overlay districts such as the FP District, shall be by the Planning Board if individual housing unit lots are proposed and otherwise by the Zoning Board of Appeals.
- 4.561 Subsequent approval by the Planning Board of such portions of a Open Space Planned Unit Residential Community as constitute a subdivision shall be required as set forth in the Subdivision Control Law, including approval of the street and utility system. A favorable action which may be made by the Planning

Board on a Special Permit application shall not, therefore, be deemed either to constitute subdivision approval under the Subdivision Control Law or Rules and Regulations Governing the Subdivision of Land, nor imply that such approval will be given.

4.57 Flood-Prone Conservancy and Wetlands

Each application for a Open Space Planned Unit Residential Community Special Permit containing land within the Flood-Prone Conservancy District shall be accompanied by an additional set of plans and documents. Within ten days after receipt of the application, the Planning Board shall transmit a copy thereof to the Conservation Commission. Said Commission may, at its discretion, investigate the proposed development and report in writing its recommendation to the Board. The Planning Board shall not take final action on approval until it has allowed 35 days to elapse after receipt of such application without submission of a report. For parcels containing wetlands, a Request for a Determination shall be submitted to the Conservation Commission prior to or simultaneously with any OSPURC special permit application.

4.58 Open Space Planned Unit Residential Community Design Requirements

An Open Space Planned Unit Residential Community shall meet the design requirements of Sections 3.2850, 3.2853 through 3.2859 and 4.385 (wherein references to the Planning Board shall be apply to both permit-granting authorities), and Sections 4.380 - 4.381, and 4.383.

And amend the following sections:

3.28 Farmland Preservation (FP) District...

3.283 Residential Development

3.2830 *Residential development in the FP District shall be limited to subdivisions developed in accordance with Sections 3.2831 - 3.2833 or as an Open Space Planned Unit Residential Community as set forth in Article 4...*

[then renumber the existing sections under 3.283 as indicated]

14.46 PURD and Open Space Planned United Residential Community 30 points

An development ~~which is~~ to be constructed under the PURD or Open Space Planned Unit Residential Community provisions of Sections 4.4 and 4.5 of the Zoning Bylaw.”]

Action taken on 11/1/00.

ARTICLE 10. *Petition – Zoning Bylaw – Site Plan Review Appeal*

DEFEATED Yes 56, No 85 that the town amend the Zoning Bylaw by adding to Section 11.254 the clause “and the appeal shall be dismissed or denied before a building permit may be issued,” so that Section 11.254 shall read as follows: “Decisions of the Planning Board regarding site plan approval may be appealed as set forth in MGL, Chapter 40A, Section 17, and the appeal shall be dismissed or denied before a building permit may be issued.”

Action taken on 11/1/00.

9:42 p.m. The meeting voted to adjourn to Wednesday, November 8, 2000 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 153 town meeting members were checked in.

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The adjourned session of November 8, 2000 was called to order by the moderator at 7:43 p.m. 127 town meeting members checked in and a quorum was declared.

Ann Grose and Faythe Turner were sworn as tellers.

ARTICLE 11. *Petition – Sewer – Middle Street*

Voted that Article 11 be referred to the Select Board/Sewer Commissioners for consultation with the Board of Health, Aquifer Protection Committee and Planning Board and for a recommendation on sewer extension priorities and funding at the next Town Meeting. [“To see if the Town will appropriate \$3,000,000 to construct a sewer on Middle Street, Potwine Lane, South Orchard Drive, Sherry Circle, Blossom Lane, and Barry Circle and determine whether such appropriation shall be met by taxation, by transfer of available funds, by borrowing, by acceptance of gifts, bequests, or grants, or otherwise.”]

Action taken on 11/8/00.

ARTICLE 12. *Regional Schools Stabilization Fund*

Voted unanimously that the Town authorize the establishment on the books of the District a stabilization fund for the Amherst-Pelham Regional School District that was proposed by vote of the Amherst-Pelham Regional School District Committee on March 28, 2000.

Action taken on 11/8/00.

ARTICLE 13. *Capital Program - Schools – Crocker Farm Renovation Project*

Voted unanimously that the Town amend the action taken under Article 26 of the 2000 Annual Town Meeting by deleting the following: “subject to approval of the State Board of Education for a school construction grant of at least 65%.”

Action taken on 11/8/00.

ARTICLE 14. *Capital Program - School – Wildwood School Roof Replacement*

Voted unanimously that the Town appropriate \$750,000 for Wildwood School roof replacement and to meet such appropriation borrow \$750,000 in accordance with M.G.L. Chapter 44, Section 7, Clause 3A. Action taken on 11/8/00.

ARTICLE 15. *Capital Program – Cushman and North Amherst Schools*

Voted Yes 102, No 50 that the Town raise and appropriate \$20,000 for an architectural and engineering evaluation of the Cushman and North Amherst Schools and for design of electrical and fire alarm improvements for the Cushman School. Action taken on 11/8/00.

ARTICLE 16. *Lease of Larch Hill Building*

Voted unanimously that the Town authorize the Select Board to enter into a 20 year lease of the main building at the Larch Hill Conservation Area for continued use in providing environmental education programs. Action taken on 11/8/00.

ARTICLE 17. *Capital Program - Agricultural Preservation Restriction*

Voted unanimously that the Town (1) authorize the Select Board to purchase, together with the Massachusetts Department of Food and Agriculture and the American Farmland Trust, an Agricultural Preservation Restriction over a 48-acre parcel of land on the easterly side of South East Street belonging to Ted and Phyllis Kentfield (Town Atlas Parcel 26B-2); (2) raise and appropriate \$15,000 for said purchase, together with \$215,000 from the Massachusetts Department of Food and Agriculture, with the condition that the Town shall not be obligated for any additional payment toward the purchase of the Restriction. Action taken on 11/8/00.

ARTICLE 18. *Capital Program – Main Intersection Improvements*

Voted that the Town raise and appropriate \$75,000 for improvements to the Main/Amity/North and South Pleasant Streets intersection. Action taken on 11/8/00.

ARTICLE 19. *Land Acquisition – Easement – North Pleasant Street Benches*

Voted that the Town authorize the Select Board to acquire two (2) easements totaling not more than 150 square feet in area along the east side of the property at 122 North Pleasant Street (Map 11C, Parcel 234 of the Town Cadastre) owned by the Roman Catholic Bishop of Springfield, Massachusetts, in exchange for a quantity of used granite pavers from the vicinity having a value of less than \$500, for the purpose of placing public benches. Action taken on 11/8/00.

ARTICLE 20. *Amend FY 2001 Operating Budget – Fire/EMS*

Voted to amend the FY 01 Operating Budget by increasing the Public Safety budget by \$92,600 to provide four additional firefighter/EMT positions and by increasing the General Government budget by \$12,400 to provide benefits for those positions and to meet such appropriation raise \$105,000 by taxation. Action taken on 11/8/00.

ARTICLE 21. *Stabilization Fund*

Voted that the Town raise, appropriate and transfer \$300,000 to the Stabilization Fund. Action taken on 11/8/00.

The business of the warrant having been completed, the meeting voted to dissolve at 10:32 p.m. 164 town meeting members were checked in.