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## **Article 10. Public Water Supply Protection (Planning Board)**

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To see if the Town will amend Section 3.1, Restricted Uses – All Districts, and Section 3.24, Watershed Protection (WP) District, by adding the language in *bold italics*, as follows:

~ *SEE WARRANT* ~

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### Recommendation

The Planning Board unanimously (9-0) recommends that Town Meeting adopt Article 10.

### Background

The Massachusetts Department of Environmental Protection (DEP) requires that Amherst obtain and regularly renew permits, demonstrating that it manages and protects its public water supplies in accordance with state law. When Amherst recently applied to renew its permits, the DEP requested updates to the Zoning Bylaw.

### Proposed Change.

If adopted, Article 10 will amend the Zoning Bylaw by adding cross-references to the Commonwealth of Massachusetts Regulations (CMR) and the Amherst Board of Health regulations.

These proposed zoning amendments do not represent new constraints on land use in these areas. State regulations already impose these requirements. However, having the amendments in the Zoning Bylaw will alert property owners and developers that they must check DEP regulations and Amherst Board of Health regulations before proceeding with new development or uses near public water supplies.

The state and local regulations being referenced are not zoning regulations, so there will be no “grandfathering” effect from this zoning amendment.

### Public Hearing

The Planning Board held a public hearing on this amendment on Wednesday, September 5, 2012. A letter was received from an affected property owner asking that the Board examine the regulations of the existing Watershed Protection (WP) overlay district, to see if they are valid any longer and, if not, to consider removing that district and its regulations. There was no other public comment.

After discussion, the Planning Board voted unanimously (9-0) to recommend that Town Meeting adopt Article 10.