

ANNUAL TOWN MEETING
April 29, 30, May 4, 6, 11, 13, 18 and 20, 1998

The meeting was televised by Amherst Community Television and shown on the Government Channel 20.

The 239th Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:40 p.m. There were 254 town meeting members. 129 checked in and a quorum was declared. The call and return of the warrant were read by Town Clerk, Cornelia D. Como. The moderator was sworn to the faithful performance of his duties and the newly elected town meeting members were sworn to the faithful performance of their duties by the moderator. Steven Puffer, Jr. was recognized for his 60 years of service as a town meeting member. Harry Brooks, James Scott, Nonny Burack, James Pistrang, Hilda Greenbaum, Fred Hartwell, Edgar Bisson, Roger Wallace and Peter Shea were sworn as tellers.

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 4/29/1998.

ARTICLE 2. Rescind Borrowing Authorization for Parking Garage

DEFEATED. ["To see if the Town will vote to rescind the following borrowing authorization: Article 19, November 19, 1997 - \$4,000,000 for construction of a Parking Garage in Boltwood Walk."]

Action taken on 4/29/1998.

ARTICLE 3. Parking Garage

DEFEATED. [MOTION #1: I move that the town vote to amend the action taken under Article 19 of the Fall 1997 Special Town Meeting by amending Section A to read as follows (*additions in italic*):

A. That the Town raise and appropriate, subject to a guarantee of 75 percent reimbursement (max. \$3 million) by the Commonwealth of Massachusetts, \$4,000,000 for *design and* construction of a two-level parking garage (one underground level and one surface level), ~~but designed so as to accommodate a third, above-ground level in the future if separately approved by Town Meeting,~~ vehicular and pedestrian ways incorporating significant public, pedestrian space; and for other municipal purposes in Boltwood Walk; for the acquisition of land and easements necessary for the construction of said garage, and to meet such appropriation the Treasurer be authorized to borrow \$4,000,000 in accordance with the M.G.L. Chapter 44, Section 7, Clause 3, and further to authorize the application for and the acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further to authorize the Treasurer to borrow in anticipation of reimbursements for said grants.]

DEFEATED. [MOTION #2: *I move that the garage design and development process shall include the following:*

- a. *low- and no-cost improvements to existing municipal parking that include, but are not limited to: 1) metering presently unmetered spaces on Boltwood Avenue, Churchill and Hallock Streets; 2) reconfiguring metered on-street and municipal parking lot spaces to provide additional public parking spaces; 3) clearly designating the Town Hall parking lot for public use on weekends and after 5 PM weekdays; and 4) enforcing the prohibition on meter-feeding for Main, Amity, North and South Pleasant Streets;*
- b. *studies to be conducted on a contractual basis by the garage building committee at a time for #1 - #3 when the University and the colleges are in session -1) a block-by-block parking utilization survey of at least one full week's duration, 2) a vehicular origin and destination study of downtown users, 3) a traffic circulation impact study for the garage as designed including conclusions as to the need for, problems associated with, and parking management improvements to accompany construction of a Boltwood Walk parking garage, and 4) a financial feasibility study of the garage as designed, including any future additional level;*
- c. *garage plans providing for: 1) complete and easy access to and through Boltwood Walk for emergency and public safety vehicles, and handicapped vans; 2) off-site, above-ground venting clear of abutting housing of any exhaust collected from the under-ground portion of said garage; and 3) an estimate of construction time, and of the environmental impacts, including the duration of significant noises, that can be expected to occur during the construction and operation of said garage;*
- d. *assigning the parking garage advisory building committee complete responsibility for garage design and construction oversight and decision-making functions, including architect selection.]*

Action taken on 4/29/1998.

ARTICLE 4. Park-and-Ride Facilities

Voted unanimously that the Town request the Select Board to bring to the 1998 Fall Town Meeting a plan and budget for park-and-ride service(s) that would serve both as a parking garage construction mitigation measure and as a trial period for the possible continuation of such service.

Action taken on 4/29/1998.

ARTICLE 5. Authorization for Compensating Balance Accounts

Voted unanimously that the Town 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 on 4/29/1998.

ARTICLE 6. Optional Tax Exemptions

Voted unanimously that the Town authorize a maximum exemption of 100 percent for taxpayers qualifying for exemption under M.G.L. Ch. 59, Sec. 17D, 22, 37A, and 41C.

Action taken on 4/29/1998.

ARTICLE 7. Transfer of Funds - Unpaid Bills

Voted unanimously that the Town appropriate and transfer \$1,503.48 from Free Cash in the Unreserved Fund Balance of the General Funds to pay unpaid bills of previous fiscal years.

Action taken on 4/29/1998.

ARTICLE 8. Amherst Citizen Police Academy

Voted that the Town support the continuation of the Amherst Citizen Police Academy in the fiscal year 1999.

Action taken on 4/29/1998.

* * *

9:52 p.m. The meeting voted to adjourn to Thursday, April 30, 1998 at 7:30 p.m. in the auditorium of the Amherst Middle School. 195 town meeting members were checked in.

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The adjourned session of April 30, 1998 was called to order by the moderator at 7:40 p.m. 167 town meeting members were checked in and a quorum was declared.

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ARTICLE 9. FY 99 Operating Budget

Voted that the Town adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

GENERAL GOVERNMENT

Voted unanimously that the Town appropriate \$3,045,851 for General Government, that the salary of the Moderator be fixed at \$10, that the Board of Selectmen at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation \$3,045,851 be raised by taxation.

Action taken on 4/30/1998.

PUBLIC SAFETY

Voted that the Town appropriate \$5,444,757 for Public Safety, that \$4,794,757 be raised by taxation and that \$650,000 be transferred from Ambulance Receipts Reserved for Appropriation.

Action taken on 4/30/1998.

PUBLIC WORKS

Voted that the Town appropriate \$1,571,017 for Public Works and that \$1,456,017 be raised by taxation, that \$110,000 be transferred from Parking Meter Receipts Reserved for Appropriation, and that \$5,000 be transferred from the Sale of Cemetery Lots Account.

Action taken on 4/30/1998.

PLANNING/CONSERVATION/INSPECTIONS

Voted unanimously that the Town raise and appropriate \$792,517 for Planning/Conservation/Inspections.

Action taken on 4/30/1998.

COMMUNITY SERVICES

Voted unanimously that the Town raise and appropriate \$960,949 for Community Services.

Action taken on 4/30/1998.

DEBT SERVICE

Voted unanimously that the Town appropriate \$1,168,783 for payment of the Town's General Fund indebtedness and that to meet such appropriation \$1,118,593 be raised by taxation and \$50,190 be transferred from Parking Meter Receipts Reserved for Appropriation.

Action taken on 4/30/1998.

LIBRARY SERVICES

Voted that the Town appropriate \$1,427,393 for Library Services, and to meet such appropriation, \$989,697 be raised by taxation, \$73,245 be transferred from the State Aid to Library Account, and \$364,451 be accepted from Jones Library, Inc.

Action taken on 4/30/1998.

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9:50 p.m. The meeting voted to adjourn to Monday, May 4, 1998 at 7:30 p.m. in the auditorium of the Amherst Middle School. 167 town meeting members were checked in.

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The adjourned session of May 4, 1998 was called to order by the moderator at 7:40 p.m. 130 town meeting members were checked in and a quorum was declared.

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ELEMENTARY SCHOOLS

Voted that the Town raise and appropriate \$12,959,660 for the Elementary Schools.

Action taken on 5/4/1998.

REGIONAL SCHOOL

Voted unanimously that the Town raise and appropriate \$6,995,732 as its proportionate share of the operating and capital costs of the Amherst-Pelham Regional School District.

Action taken on 5/4/1998.

WATER FUND

Voted that the Town appropriate \$1,718,880 for the Water Fund operating budget, \$621,226 for payment of Water Fund debt, \$648,000 for Water Fund capital, that \$2,778,505 be made available from Water Fund revenues of the current year and that \$476,499 be made available from Water Fund Surplus.

Action taken on 5/4/1998.

SEWER FUND

Voted that the Town appropriate \$1,790,750 for Sewer Fund operating budget, \$1,606,838 for payment of Sewer Fund debt, \$522,000 for Sewer Fund capital, that \$2,615,692 be made available from Sewer Fund revenues of the current year and that \$190,544 be made available from Sewer Fund Surplus.

Action taken on 5/4/1998.

SOLID WASTE FUND

Voted that the Town appropriate \$465,443 for Solid Waste Fund operating budgets, \$294,200 for payment of Solid Waste Fund debt, \$83,000 for Solid Waste Fund capital and that \$998,298 be made available from Solid Waste Fund revenues of the current year.

Action taken on 5/4/1998.

GOLF COURSE

Voted that the Town appropriate \$197,703 for the Golf Course Fund operating budget and \$20,000 for Golf Course Capital and that \$227,501 be made available from Golf Course revenues of the current year.

Action taken on 5/4/1998.

ARTICLE 10. Jones Library Open on Sundays

Voted unanimously to **DISMISS**. ["To see if the Town will raise and appropriate \$15,000 in order to have the Jones Library open on Sundays."]

Action taken on 5/4/1998.

ARTICLE 11. Reserve Fund

Voted unanimously that the Town raise and appropriate \$85,000 for the Reserve Fund for FY99.

Action taken on 5/4/1998.

ARTICLE 12. Retirement Assessment

Voted unanimously that the Town raise and appropriate \$1,465,191 for the Hampshire County Retirement System assessment.

Action taken on 5/4/1998.

ARTICLE 13. Retirement Reserve

Voted that the Town raise and appropriate \$150,000 to the Retirement Reserve Fund established in accordance with M.G.L. Chapter 40, Section 5D.
Action taken on 5/4/1998.

ARTICLE 14. Special Services - Amherst Community Television

Voted unanimously that the Town raise and appropriate \$4,000 for Amherst Community Television and related expenses.
Action taken on 5/4/1998.

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9:59 p.m. The meeting voted to adjourn to Wednesday, May 6, 1998 at 7:30 p.m. in the auditorium of the Amherst Middle School. 179 town meeting members were checked in.

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The adjourned session of May 6, 1998 was called to order by the moderator at 7:42 p.m. 186 town meeting members checked in and a quorum was declared. Elisa Campbell was appointed temporary moderator for Article 15 since Harrison Gregg's spouse is director of one of the programs.

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ARTICLE 15. Special Services - Human Services

Voted that the Town raise and appropriate \$130,060 for the following human services:

- Amherst Survival Center
- Cambodian American Association
- Big Brothers/Big Sisters
- Helen Mitchell Outreach
- Learning for Life
- Not Bread Alone
- Children's Aid and Family Services
- Homesharing - UMASS
- Everywoman's Center
- Food Bank
- Senior Health Services
- Amherst Family Center
- First Call for Help
- Men's Resource Center
- School-Age Tuition Assistance Fund

Action taken on 5/6/1998.

ARTICLE 16. Special Services - Congregate Housing

Voted unanimously that the Town raise and appropriate \$45,000 for the development and coordination of support services essential to the tenants of congregate housing, said program to be fully reimbursed by the Department of Elder Affairs.
Action taken on 5/6/1998.

ARTICLE 17. Special Services - Transportation Subsidies

Voted unanimously that the Town endorse no-fare public transit services to the Echo Hill, Cushman, and Orchard Valley areas of the Town and for elderly and disabled special services, and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of the cost of such services.
Action taken on 5/6/1998.

ARTICLE 18. Capital Program - Equipment

Voted that the Town

a) appropriate \$669,200 to purchase, repair, and/or install the following new or replacement equipment and be authorized to turn in or sell corresponding items of equipment as part payment and to meet such appropriation raise \$346,008 by taxation, transfer \$55,000 from Ambulance Receipts Reserved for Appropriation and transfer \$268,192 from the FY 98 Excess Lottery Receipts Account.

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|--------------------------|-----------------------|
| Photocopiers (2) | Sander Body |
| Fire Computers | Tractor Attachments |
| Fire Replacement Vehicle | Dump Truck |
| Fire Pumper | MARS Computer Upgrade |
| Police Cruisers (4) | Library Computers |
| Pickup Truck | School Buses |
| Mower | SPED Van |

Voted, *by a two thirds vote, that the Town

b) appropriate \$605,000 for mapping and computers and to meet such appropriation, the Treasurer be authorized to borrow \$190,000 in accordance with Chapter 44, Section 7, Clause 18 for mapping and \$415,000 in accordance with Chapter 44, Section 7, Clause 28 for computers, and further to authorize the Treasurer to borrow in anticipation of such bond issue.

(*Acts of 1996, Chapter 448, Sec. 2.)

Action taken on 5/6/1998.

ARTICLE 19. Capital Program - Chapter 90

Voted unanimously that the Town authorize the expenditure of \$569,000 of Chapter 90 funds for the following purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

Dump Truck
Loader
Intersection Design
Drainage Improvements
Road Resurfacing

Action taken on 5/6/1998.

ARTICLE 20. Capital Program - Buildings and Facilities

Voted that the Town appropriate \$680,500 to repair and/or improve the following buildings and facilities and to meet such appropriation raise \$665,500 by taxation and transfer \$15,000 from the Expendable Cemetery Trust Fund Account.

Town Hall Roof Repair
Resurface Parking Lot (Town Hall)
Bangs Community Center - Major Maintenance
Fire Station Repairs
Public Works Renovation
Remove Underground Fuel Tanks (Fire Dept & Fort River)
Renovations (Fort River & Wildwood)
Mark's Meadow Security System
Comprehensive Plan
Planning and Preservation Grants Fund
ADA Improvements - CVS/Kellogg/Boltwood
APR
Open Space
Cemetery Improvements
Groff Park Comfort Station (ADA)
Mill River Comfort Station & Changing Area (ADA)
Mill River Playground
Mill River Court Reconstruction
Bikeway Extension
Conservation Paving Parking Lots

Action taken on 5/6/1998.

ARTICLE 21. Capital Program - Schools

Voted that the Town establish a building committee for the purpose of expanding and renovating the Crocker Farm Elementary School and raise and appropriate \$50,000 for the development of preliminary plans.

Action taken on 5/6/1998.

ARTICLE 22. Land Acquisition - Conservation Land for Water Tank

Voted to **DISMISS**. [To see if the Town will (1) appropriate \$8,000 for the purchase of approx. 9.3 acres off Station Road for conservation and watershed purposes, the land being a portion of Parcel 24B-4 of the Town Cadastre, now or formerly of Jeffrey Honig; (2) to meet such appropriation make \$8,000 available from Water Fund revenues of the current year; (3) authorize the Select Board to acquire said parcel to be managed and controlled by the Conservation Commission under MGL Chap. 40, Sec. 8C; (4) approve the release of approximately 4.25 acres of land off East Pleasant Street, the land being a portion of Parcel 8D-7 of the Town Cadastre, known as the Wildwood Conservation Area, from Conservation status under Chap. 40, Sec. 8C; (5) authorize the Select Board to petition the General Court for approval of the above release.]

Action taken on 5/6/1998.

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10:00 p.m. The meeting voted to adjourn to Monday, May 11, 1998 at 7:30 p.m. in the auditorium of the Amherst Middle School. 186 town meeting members were checked in.

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The adjourned session of May 11, 1998 was called to order by the moderator at 7:45 p.m. 135 town meeting members were checked in and a quorum was declared.

ARTICLE 23. Conveyance of Land on West Pomeroy Lane

Voted unanimously that the Town appropriate \$400 for an appraisal of a certain parcel of vacant land on West Pomeroy Lane, shown as Parcel 29, Tax Map 19D, containing 55,556 square feet, more or less, said appraisal to determine the fair market value of said parcel with and without affordable housing restrictions imposed thereon, and to meet such appropriation transfer \$400 from the Water Fund Surplus.
Action taken on 5/11/1998.

ARTICLE 24. Land Acquisition - Hobart Lane

Voted to **DISMISS**. [“To see if the town will vote to authorize the Board of Selectmen to condemn as a public nuisance and to acquire from Peter Grandonico or his successors for municipal purposes by purchase, eminent domain, gift or otherwise in fee simple, easement or other interest therein, in accordance with Massachusetts General Laws, Chapter 40, Section 14, and Chapter 79, both as amended, and any other law so authorizing, the tract of land known as Parcel 56 of Map 5C of the Town Cadastre named Gilreath Manor and located at 18 to 40 Hobart Lane and comprising 14 condominium units of 70,000 square feet more or less; and, to raise and appropriate \$700,000 for these purposes, including land and utility surveys, appraisals, and legal costs, and to determine whether such appropriation shall be raised by taxation, by the transfer of available funds, by borrowing, or otherwise, and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further to authorize the Treasurer to borrow in anticipation of reimbursement for said grants.”]

Action taken on 5/11/1998.

ARTICLE 25. Stabilization Fund

Voted unanimously that the Town raise and appropriate \$15,000 to the Stabilization Fund.
Action taken on 5/11/1998.

ARTICLE 26. Free Cash

Voted 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 reduce the tax levy of the 1999 Fiscal Year.]
Action taken on 5/11/1998.

ARTICLE 27. Rescind Economic Opportunity Areas

DEFEATED. YES 77, NO 97. [“To see if the town will vote to rescind its action under Article 28 of the April 1997 Annual Town Meeting - by which it approved, with a majority vote, a proposal from the Tax Incentive Working Group to designate certain properties on Old Belchertown Road and Wildflower Drive and land between Montague and Sunderland Roads as Economic Opportunity Areas, thus making them eligible for local property tax exemptions.”]
Action taken on 5/11/1998.

ARTICLE 28. Zoning Bylaw - Public Notice Revision - Section 10.5 & 11.231

Voted unanimously that the Town amend Sections 10.5 and 11.231 of the Zoning Bylaw by adding the following language:

In addition to the notice requirements of M.G.L. Chapter 40A, the following requirements shall also apply:

In any instance where a Special Permit or Site Plan Review application is filed with the Town and there are tenants or lessees on the property which is the subject of the permit request, the applicant shall provide notice of the permit request to the tenants or lessees of the units by distributing a notice of the request, with the date, time and location of the public hearing, to those tenants or lessees, or by posting notice in one or more common areas such as will likely result in actual notice to tenants or lessees. The applicant shall submit a sworn and notarized letter to the permit granting authority stating that this requirement has been met and by what means.

If said notification requirements have been met to the satisfaction of the permit granting authority, a circumstance where individual tenants or lessees fail to receive notification shall not serve to invalidate the public hearing.

Action taken on 5/11/1998.

ARTICLE 29. Zoning Bylaw - Parking Standard Revision - Section 7

Voted unanimously that the Town amend Sections 7.004, 7.005, 7.01, 7.2, 7.5 and 7.8 by removing the lined (—) language and adding the shaded (■) language, as follows:

A. Replace Section 7.004 and amend Section 7.005, as follows:

7.004 For all retail, office and similar uses:

7.0040 In the B-G, B-VC and B-L (abutting B-G only) districts, and on any lot within a COM District that abuts a B-VC or R-VC District or is within or abuts a National Historic Register District - 3.3 parking spaces per 1,000 square feet of gross first floor area, plus 2.5 spaces per 1000 square feet of GFA (gross floor area), exclusive of storage space, on all other floors.

7.0041 In the B-L and COM Districts (exclusive of those areas cited in 7.0040) and the OP, PRP and LI Districts, the parking requirement shall be the sum of the following:

3.3 spaces/1,000 sq. ft. for the first 10,000 sq. ft. of GFA; plus 2.5 spaces/1,000 sq. ft. for GFA between 10,001-12,500 sq. ft.; plus 2.0 spaces/1,000 sq. ft.

7.005 For all other permitted uses, including veterinary establishments, day nurseries, farm stands, open lots sales or storage yards, building trades establishments, storage or distribution plants, office uses under Section 3.360, and all other commercial uses, adequate parking spaces to accommodate under normal conditions the cars of occupants, employees, members, customers, clients, and visitors to the premises.

B. Amend Section 7.01 as follows:

SECTION 7.0

7.01 Except in the Office Park (OP), Professional Research Park (PRP) and Light Industrial (LI) Districts, off-street parking spaces required herein shall be provided either on the lot with the principal use, or on any other associated premises within 800 feet. In the Office Park, OP, PRP and LI Districts, all required parking shall be contained within the Office Park said districts.

C. Replace Section 7.2, Common Facilities, with the following new section:

SECTION 7.2 SHARED OR LEASED PARKING

7.20 Parking spaces required for one use shall not be considered as providing the required facilities for any other use, except as hereinafter provided. Any existing parking above 120% of parking otherwise required for all uses on a property may be shared or leased by right. Where existing parking spaces are more than 100% but less than 120% of parking otherwise required for all on-site uses, applicants for a Site Plan Review approval or Special Permit may request to share and/or lease the parking spaces, based on the following conditions:

7.200 Shared Parking: Where it has been demonstrated to the satisfaction of the permit granting authority that one or more of the following conditions is met:

7.2000 Parking spaces to be shared represent the difference between peak parking needs generated by on-site uses occurring at different times. This may include reductions in parking use resulting from employees, tenants, patrons or other parking users of the site being common to and shared by more than one different use on the site, and/or;

7.2001 Parking spaces to be shared represent the difference between current levels of peak parking utilization and anticipated lower future levels of peak parking utilization, said difference to be generated in whole or in part by a parking management plan approved by the permit granting authority. Said plan shall include and implement measures such as car

and van pooling, bicycling and public transit. The permit granting authority may require periodic documentation of reductions in parking utilization realized as a result of the parking management plan.

7.201 Leased Parking: In the B-G, B-VC, B-L, COM and R-VC Districts the lease of spaces for on- or off-site uses shall be by Site Plan Review, unless otherwise required. In the R-G, R-N, R-F, R-O and R-LD districts, the lease of more than two existing parking spaces shall require a Special Permit, unless requested as part of a Site Plan Review application for an associated use on the property. Any lease of parking spaces for on- or off-site uses may only be permitted under the following conditions:

7.2010 The parking is suitably located in the neighborhood in which it is proposed, as deemed appropriate by the permit granting authority.

7.2011 Adequate and appropriate facilities, including but not limited to appropriate paving, landscaping, screening, lighting, curbing or wheel stops, are provided for the proper operation of the proposed shared/leased parking. Special attention shall be paid to ensuring safe vehicular circulation on the site and at the intersection with abutting streets.

7.2012 The permit granting authority may require the preparation and submittal of a study to provide evidence of parking utilization levels.

D. Amend Section 7.5 as follows:

SECTION 7.5 **PARKING FOR ACCESSORY USES**

For regulations governing parking associated with accessory uses, see Section 5.15, Garaging or Parking of Motor Vehicles.

E. Amend Section 7.8 as follows:

SECTION 7.8 WAIVERS

7.80 Any section or subsection of Article 7.0, Parking Regulations may be waived or modified by the permit granting authority for compelling reasons of safety, aesthetics or design.

7.81 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 authority:

7.810 Peak parking needs generated by on-site uses occur at different times.

7.811 A significant number of employees, tenants, patrons or other parking users of the site are common to and shared by more than one use on the site.

7.812 A parking management plan approved by the permit granting authority is implemented with occupancy of the building or buildings. Said plan shall include the implementation of such measures as car and van pooling, bicycling and public transit use sufficient to reduce the need for parking. The permit granting authority may require periodic documentation of reductions in vehicle trips and parking utilization as a result of the parking management plan.

Action taken on 5/11/1998.

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9:55 p.m. The meeting voted to adjourn to Wednesday, May 13, 1998 at 7:30 p.m. in the auditorium of the Amherst Middle School. 188 town meeting members were checked in.

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The adjourned session of May 13, 1998 was called to order by the moderator at 7:48 p.m. 130 town meeting members checked in and a quorum was declared.

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ARTICLE 30 Zoning Bylaw - Phased Growth Bylaw Revision

Voted by a two-thirds vote to amend Article 14, Phased Growth, of the Amherst Zoning Bylaw by deleting the lined () language, adding the shaded () language, and rearranging and renumbering subsections, as follows:

A. Amend Section 14.0, Intent & Purpose, as follows:

SECTION 14.0 INTENT & PURPOSE

The purpose of this Article is to ensure that growth occurs in an orderly and planned manner that allows the Town to develop and maintain high quality municipal services for an expanding residential population while allowing a reasonable amount of additional residential growth. The citizens of Amherst insist on, have pride in, and enjoy a reputation for high quality and reliable municipal services, including water, human services and schools.

This Article will enhance the Town's ability to provide services that keep pace with the impacts of residential development. In addition, this Article encourages certain types and patterns of residential growth which reflect the values of the Town as previously expressed in both policies and appropriations.

B. Delete the text of Section 14.10 (shown below), and renumber the remaining subsections of Section 14.1, Regulations, accordingly.

14.10

C. Amend the portion of Section 14.13 shown below, as follows:

14.13 For the purposes of this Article, a single building lot that is to be sold as part of a transaction that will preserve a tract of land three acres or larger for open space preservation purposes or five acres or larger for farmland preservation purposes, may be exempted from the Planned Growth Rate (Section 14.2) and Development Schedule (Section 14.3). The land to be preserved shall be protected from development by an Agricultural Preservation Restriction, Conservation Restriction, dedication to the Town, or other similar mechanism that will ensure its protection.

D. Amend Section 14.3, Development Schedule, as follows:

SECTION 14.3 DEVELOPMENT SCHEDULE

Building permits for new dwelling units shall be authorized only in accordance with the following schedule:

<u>Number of New Units in Development</u>	<u>Dwelling Units/Year*</u>
1 - 4	50%
5 - 12	up to 45%
- 13+	up to 40%

*Percent of units in the development for which building permits may be authorized each year.

E. Amend Section 14.4, Modifications to Schedule, as follows:

SECTION 14.4 MODIFICATIONS TO SCHEDULE

The following modifications to the development schedule found in Section 14.3 shall be allowed by the Planning Board (for Definitive Subdivisions/Form A Subdivisions/Cluster Subdivisions Special Permits/Site Plan Review) or Zoning Board (for Special Permits) as part of the approval of any development. Points assigned in each category are to be cumulatively totaled to determine the modification to the schedule based on the MODIFICATION TO SCHEDULE TABLE found in Section 14.47.

14.41 AFFORDABLE HOUSING

14.410 Any development which includes 25% or more of its units for low and/or moderate income people and which is subsidized by federal, state or local programs, or proposed by the Amherst Housing Authority, or by a non-profit or limited dividend partnership, or any development which includes non-subsidized housing units priced to be affordable to people whose income is equal to or less than 120% of the median income for Amherst and which provides that the mix of affordable and market rate housing built in any one year is equivalent to the

overall mix for the entire development, and which further provides that resale restrictions are established by the developer which ensure that the affordable units remain affordable for a period of forty years, shall be exempt from the Planned Growth Rate in Section 14.2 . ~~and shall be allowed in accordance with the following schedule:~~

Number of New Units Dwelling Units/Year

1-50	total units	100%
51-100	total units	up to 50%
100+	total units	up to 33%

All market rate units within the development shall count toward the 250 units in the 730 consecutive day period.

Points
Assigned

30 pts.

14.411 Any development that meets the criteria found in Section 14.410, but which includes 10% - 24% of its units for low and moderate income people.

20 pts.

14.42 VILLAGE CENTER & MIXED USE DEVELOPMENT

14.420 Any development or conversion within the General Business (B-G) and the abutting Limited Business (B-L) districts, or within the General Residence (R-G), Village Center Business (B-VC) or Village Center Residence (R-VC) districts.

30 pts.

14.421 Any development or conversion within 1,000 feet of said districts.

20 pts.

14.422 Any use under Section 3.325 within the COM District.

15 pts.

14.423 Any use under Section 3.325 within the B-G, B-L, B-VC or R-VC District.

10 pts.

14.43 OPEN SPACE/FARMLAND

14.430 Provision of open space/parkland, as part of any development, which meets the criteria in Section 4.344 and 4.382.

Open space consisting of at least 2,000 sq. ft. of usable land per dwelling unit.

5 pts.

Open space consisting of at least 4,000 sq. ft. of usable land per dwelling unit.

10 pts.

Open space consisting of at least 6,000 sq. ft. or more of usable land area per dwelling unit.

15 pts.

14.431 Protection and retention of farmland according to the following impacts on working farms:

Development on agricultural land, defined as land classified prime, unique or of state and local importance by the USDA SCS or land characterized by active agricultural use as defined by Chapter 61A of the Mass. General Laws.

-30 pts.

In the Farmland Preservation (FP) District, retention and preservation of agricultural land, as a percentage of the total area of the

proposed development, under permanent agricultural restriction.

2 pts./5% of total project area protected (max. 30 pts.)

Provision of a 100-foot buffer zone, including a fence and screening vegetation, from the property boundary of a working farm.

5 pts.

14.44 AQUIFER PROTECTION

Development on the Aquifer Recharge Protection Overlay District:

Average lot size one-half acre or less, no public sewer.

-30 pts.

Average lot size more than one-half acre, no public sewer.

-15 pts.

Average lot size one acre or less, public sewer.

- 5 pts.

Average lot size more than one acre, public sewer.

0 pts.

14.45 CLUSTER

Any development which is constructed under the cluster provisions of Section 4.3 of the Zoning Bylaw.

For any development which includes both cluster lots and standard lots, the 30 points shall be pro-rated based on the percentage of cluster lots to total lots in the development.

30 pts.

14.46 PURD

Any development which is constructed under the PURD provisions of Section 4.4 of the Zoning Bylaw.

30 pts.

14.47 OTHER

The Planning Board (Definitive Subdivisions/Form A Subdivisions/Cluster Subdivision Special Permits/Site Plan Review) and Zoning Board of Appeals (Special Permits) may grant up to a total maximum of 30 additional points or may deduct up to a total maximum of 30 points based on, and with due consideration to the following:

14.470 Improvements or contributions which will allow the Town to adequately serve the proposed development with streets, utilities, drainage, educational and protective services and other public services and facilities such as childcare, health care, elder services, disabled services, recreation, the arts, transportation or water conservation. These need not occur on-site, but may take the form of contributions or improvements to off-site infrastructure.

14.471 Amelioration of other development impacts, such as the development of lower densities than otherwise permitted in the outlying areas of the town i.e., the R-N District (within the FP and ARP overlay districts) and the R-O and R-LD districts, or the preservation of natural, agricultural, historic, archeological or cultural resources, significant street or shade trees and scenic views.

14.472 Provision of housing needs for diverse population groups including, but not limited to, the elderly and persons with disabilities. Special consideration may be given to the scheduling of developments that include attached units or apartments to meet these needs.

14.473 Commitments already made in the development schedules for approved developments.

14.474 Site design which responds to, incorporates and protects natural features such as vegetation, topography, water courses and views, or which is designed to respond to, preserve and/or enhance the character of the neighborhood.

14.475 Site design which maximizes energy efficiency including, but not limited to, passive and active solar energy.

14.476 Provision of walking, bicycle or bridle paths or trails on-site, including consideration of links to off-site paths.

14.48 DEVELOPMENT SCHEDULE MODIFICATION TABLE

Points accumulated under Sections 14.410 through 14.476 shall be totaled and the total shall modify the Development Schedule in Section 14.3 according to the following table.

[DELETE THE EXISTING TABLE AND REPLACE IT WITH THE FOLLOWING NEW TABLE]

Dwelling Units/Year*

<u>Point Total</u>	<u>Developments of 1-4 units</u>	<u>Developments of 5-12 units</u>	<u>Developments of 13+ units</u>
≤-60	20%	15%	10%
-50 to -59	25%	20%	15%
-40 to -49	30%	25%	20%
-30 to -39	35%	30%	25%
-20 to -29	40%	35%	30%
-10 to -19	45%	40%	35%
-1 to -9	50%	45%	40%
0 to 9	60%	50%	45%
10 to 19	70%	55%	50%
20 to 29	80%	60%	55%
30 to 39	90%	70%	60%
40 to 49	100%	80%	70%
50 to 59	100%	90%	80%
60 to 69	100%	100%	90%
70+	100%	100%	100%

* Unit counts/year including fractions shall, if the fractional portion is equal to 0.5 or greater, be rounded up to the nearest whole number; and, if the fractional portion is less than 0.5, shall be rounded down to the nearest whole number (examples: 1.8 = 2 units; 3.2 = 3.0 units).

(*Acts of 1996, Chapter 448, Sec. 2.)
Action taken on 5/13/1998.

ARTICLE 31. Town Bylaw - Rescind Applications of Recombinant DNA Technology Bylaw

Voted unanimously to **DISMISS**. [To see if the Town will rescind the Applications of Recombinant DNA Technology bylaw, enacted by Town Meeting on October 23, 1978, in Article 3 of the Town Bylaws.]
Action taken on 5/18/1998.

ARTICLE 32. Smoking Ban

Voted that the Town support the Board of Health's smoking regulations, encourage citizens to support Amherst businesses that may be affected by such regulations, and support efforts to enact uniform General Laws of the Commonwealth of Massachusetts to regulate smoking in public places.
Action taken on 5/13/1998.

ARTICLE 33. Postering

Voted that the Town declare Amherst a poster friendly community, which discourages poster bans, bars, limitations, prohibitions, restraints and the untimely removal of posters.
Action taken on 5/13/1998.

* * *

10:05 p.m. The meeting voted to adjourn to Monday, May 18, 1998 at 7:30 p.m. in the auditorium of the Amherst Middle School. 163 town meeting members had checked in.

* * *

The adjourned session of May 18, 1998 was called to order by the moderator at 7:43 p.m. 128 town meeting members checked in and a quorum was declared.

* * *

ARTICLE 34. Access to Recycling Center

DEFEATED YES 48, NO 99. ["To see if the town will vote to amend the Town By-laws to include the following: No town board, committee, or official shall bar, restrict, or condition access to the recycling area of the town's landfill, except that such guarantee of access shall not affect the making or enforcement of reasonable regulations denying unpermitted access to the waste disposal area of the landfill, or restricting the time and manner of access to "the take or leave it" and "book exchange" sections of the landfill's recycling center, or the issuing of trespass notices to those who repeatedly flaunt such regulations or engage in disorderly conduct upon the premises."]

Action taken on 5/18/1998.

ARTICLE 35. Resolution - Union Town

Voted the following resolution:

Whereas, the Amherst Representative Town Meeting has by resolution recognized and declared the town of Amherst, Massachusetts, to be a union town;

Now, Therefore Be It Resolved, that the Amherst Representative Town Meeting calls upon Amherst employers, public and private, to accept without resort to unfair or coercive labor practices the right of their employees to organize and seek recognition as a union under state and federal laws; and,

Be It Also Resolved, that the Amherst Representative Town Meeting calls upon Amherst employers, public and private, to bargain collectively in a timely and good faith manner with employee unions; and,

Be It Further Resolved, that the Town Clerk of the Town of Amherst be directed to mail a written copy of this resolution and the Amherst Representative Town Meeting's action thereon to: the Amherst Chamber of Commerce, the Presidents of Amherst and Hampshire Colleges, the President of the University of Massachusetts and the Chancellor of University's Amherst campus, Acting Governor Paul Cellucci, Senate President Thomas Birmingham and State Senator Stanley Rosenberg, Speaker of the House Thomas Finneran and State Representative Ellen Story.

Action taken on 5/18/1998.

ARTICLE 36. Resolution - University Apartments

DEFEATED. YES 52, NO 86. ["To see if the town will vote the following resolution:

Whereas, the Town of Amherst participated in the Regional Commission on Affordable Housing Needs of Academic Communities, otherwise known as the Rosenberg Commission, whose January 1990 Final Report: 1) observed that "many local landlords, developers, and home owners have ... profited directly" from the impact of "UMass-affiliated households ... which boost housing prices" and result in "market conditions [that] adversely impact the University's ability to recruit faculty and students" (p. 93); 2) recognized the University's commitment to rehabilitate North Village and University Apartments (p. 85); and 3) recommended "that UMass should immediately initiate visible and effective efforts to house more of its own students," in part by construction of "up to 500 new apartments to serve students with families and graduate students" (p. 107).

Whereas, the financial status of graduate and undergraduate students with children or other dependents at the Amherst campus of the University of Massachusetts has deteriorated relative to that of other University students, in part because of actions taken by the federal and state government relative to the availability of affordable housing, and also in part because the Town of Amherst has been barred from enforcing its rent review statute; and,

Whereas, because of fiscal constraints, the University has been unable to fulfill its intention to rehabilitate University Apartments or to implement other recommendations proposed in the Regional Commission on Affordable Housing Needs of Academic Communities' Final Report;

Now, Therefore, Be It Resolved, that the Amherst Representative Town Meeting requests our representatives to the General Court to sponsor, support, obtain passage by the legislature, and the approval of the governor for a targeted appropriation of sufficient size to provide for the rehabilitation of University Apartments on the campus of the University of Massachusetts at Amherst for use as University family housing; and,

Be It Further Resolved, that the Town Clerk of the Town of Amherst be directed to mail a written copy of this resolution and the Amherst Representative Town Meeting's action thereon to: William Bulger, President of the University of Massachusetts, David Scott, Chancellor of University's Amherst campus, Acting Governor Paul Cellucci, State Senate President Thomas Birmingham and State Senator Stan Rosenberg, Speaker of the State House of Representatives Thomas Finneran and State Representative Ellen Story."]

Action taken on 5/18/1998.

* * *

10:03 p.m. The meeting voted to adjourn to Wednesday, May 20, 1998 at 7:30 p.m. in the auditorium of the Amherst Middle School. 164 town meeting members were checked in.

* * *

The adjourned session of May 20, 1998 was called to order by the moderator at 7:45 p.m.. 130 town meeting members were checked in and a quorum was declared.

* * *

ARTICLE 37. Sand Hill Road

Voted, *by a two thirds vote, that the Town

(a) discontinue and abandon such portion of the old town way adjacent to Sand Hill Road, a combination 1884 county layout and 1794 town way as may cross any portion of the property owned by Walter E. Sands and Kathleen St. John as more particularly described in a deed to Kathleen St. John and Walter E. Sands from Thomas M. Carhart and May A. Carhart dated October 3, 1986 and recorded in the Hampshire County Registry of Deeds in Book 2824, Page 343 and further:

(b) Authorize the transfer of the care, custody and control of all town land within the area described by said deed as recorded in the Hampshire County Registry of Deeds at Book 2824, Page 343 held for highway purposes to the Selectboard for the purposes of conveying by release deed without covenants for no consideration to Walter E. Sands and Kathleen St. John or their successors and assigns; and

(c) Authorize and direct the Selectboard to convey by release deed to Walter E. Sands and Kathleen St. John or their successors and assigns, with out covenants for no consideration all right, title and interest in and to any portion of said property as described in said deed recorded in the Hampshire County Registry of Deeds at Book 2824, Page 343.

(*Acts of 1996, Chapter 448, Sec. 2.)

Action taken on 5/20/1998.

ARTICLE 38. Town Hall Renovation Financial Report

DEFEATED. [“To see if the town will vote to require that the Select Board direct the town manager to prepare and distribute to all town meeting members a full and complete financial report on the Town Hall renovation including but not limited to:

- a. a fully itemized breakdown by fiscal year for architectural services;
- b. an itemized breakdown of all costs associated with the design and construction of the manager/finance director's mezzanine office area, including - additional redesign and construction costs for the second floor layout, demolition of the theater attic, contractor penalties or offsetting accommodations related to time lost because of the redesign process or to changes in construction plans/specifications, installation of a fire pump system, and the nature, extent, and value of any services, "volunteer" or otherwise, provided by town employees;
- c. an itemized breakdown of FY 96, FY 97, and FY 98 operating budget appropriations used to pay for Town Hall renovation expenses including - employee regular time or overtime spent on demolition or construction, the purchase of equipment or furnishings, moving out and back, telephone and utility transfers, and so forth;
- d. an itemized accounting of the purpose, cost or saving, and approval process for every change order to the as-bid Town Hall renovation plans advertised in the spring of 1996.”]

Action taken on 5/20/1998.

ARTICLE 39. Representative Town Meeting Act and Town Manager Act

Voted that the Town authorize the Moderator to appoint a committee or committees to review the provisions of Amherst’s Representative Town Meeting Act and Town Manager Act, including, but not limited to, those contained in Section 8 of the Representative Town Meeting Act (so-called referenda), and those contained in Section 11 of the Town Manager Act (“Powers and Duties of the Town Manager”), said committee or committees to report to Town Meeting its/their recommendations for amendments and for the appropriate method of seeking approval of those amendments.

Action taken on 5/20/1998.

ARTICLE 40. Saturday Legal Municipal Holidays

Voted that the Town ratify the long-standing custom and policy of prior town meetings by determining, in accordance with Chapter 41, Section 110A, and Chapter 4, Section 9, of the Massachusetts Laws, that Saturday shall be considered legal holidays for the purpose of transacting business with municipal offices.

Action taken on 5/20/1998.

ARTICLE 41. Special Act - Amend Representative Town Meeting Act

Voted to **REFER** to the review committee to be appointed under article 39. [“To see if the Town will vote to request the Select Board to seek a special act of the Legislature to amend further Amherst's Representative Town Meeting Act, Chapter 10 of the Acts of 1936, as amended, in substantially the following form:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 8 of Chapter 10 of the Acts of 1936 is hereby amended by inserting before the word "Sundays", in the second sentence, the words:- Saturdays and.

SECTION 2. Section 8 of Chapter 10 of the Acts of 1936 is hereby further amended by striking out the words “two o'clock in the afternoon” in the fourth sentence, and inserting in place thereof the words: - seven o'clock in the morning.

SECTION 3. Section 8 of Chapter 10 of the Acts of 1936 is hereby further amended by striking out, in the seventh sentence, after the word "meeting", the words: - but no action of the representative town meeting shall be reversed unless at least twenty per cent of all the registered voters shall so vote. The existing comma after the word "meeting" shall be replaced with a period.

SECTION 4. This act shall take effect upon its passage.”]
Action taken on 5/20/1998.

ARTICLE 42. *Amend Representative Town Meeting Act*

Voted to **REFER** to the review committee to be appointed under article 39.

Action taken on 5/20/1998.

* * *

The business of the warrant having been completed the meeting voted to dissolve at 10:16 p.m. on 5/20/1998. 175 town meeting members had checked in.

Attest:

Cornelia D. Como
Town Clerk