

Town of



AMHERST Massachusetts

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-2301

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

ARTICLE 10
Form 2 – Attachment 2
TOWN MEETING ACTION

ARTICLE 10. Zoning Bylaw & Map- Professional Offices in Light Industrial District (Planning Board)

A. **VOTED Yes 104: No 46** to amend Section 3.358.1, Technical or professional office, of the Zoning Bylaw by changing the permit requirement in the Light Industrial (LI) District from N (No) to SP (Special Permit), as follows:

3.358.1 Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services predominantly by appointment to the public in person on the premises

R-O

R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC
N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	N	SPR	N

SP

For the purposes of this section, the public shall be defined as including all persons acting as customers or clients receiving services. "Predominantly by appointment" shall mean that a majority of customers or clients who are provided services in person on the premises during any extended period of operation (monthly, quarterly, or annually) shall do so through prior appointment. Exceptions shall be discretionary follow-up visits by customers or clients with regard to services already provided, visits by affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. Office uses under this section shall advertise their on-premises services as being available to the general public only by appointment.

Action taken on 11/17/2008

(The article was divided at the request of Vincent O'Connor. A motion to refer Part A back to the Planning Board was defeated by a Tally Vote YES 64: NO 91. Vote on Main motion was counted by Tally Vote)

B. **VOTED by a declared two-thirds** to amend the Official Zoning Map by changing the zoning designation on the following properties in the following manner:

Map 11D, Parcel 183 – Extending the LI District into the north and northwest portions of the property, currently zoned R-G, such that the entire property is within the LI District.

Map 14B, Parcel 98 – Rezoning the eastern end of the property from LI to R-G, such that the entire property is within the R-G District.

Action taken on 11/17/2008.

(A motion to change the map and parcel reference from 48 to 98 was voted.)

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 10
Form 2 – Attachment 3
FINAL VERSION OF BYLAW

SEE ATTACHED

A true copy, Attest:

Sandra J. Burgess
Amherst Town Clerk



Zoning Districts

Standards
&
Conditions

Bylaw Number Land Use Classifications R-O R-LD R-N R-Vc R-G R-F B-G B-L B-Vc COM OP LI FRP FPC

SECTION 3.35 RETAIL BUSINESS AND CONSUMER SERVICE USES

3.350	Retail establishments		N	N	N	N	N	SPR	SPR	SPR	SPR	N	N	N	N
3.350.0	Retail stores		N	N	N	N	N	SPR	SPR	SPR	SPR	N	N	N	N
3.350.1	Convenience store for the sale of prepared and packaged food or beverage.	Display & sales to be primarily conducted within the building.	N	N	N	N	N	SPR	SPR	SPR	SPR	N	N	N	N
3.350.2	Grocery, bakery, deli, butcher shop, fish market, caterer or similar establishment for the production and sale of food and beverage.	Display & sales to be primarily conducted within the building.	N	N	N	N	N	SPR	SPR	SPR	SPR	N	N	N	N
3.351	Personal care establishments.		N	N	N	N	N	SPR	SPR	SPR	SPR	N	N	N	N
3.351.0	Barber or beauty shop, hair salon, tanning salon or similar place for personal care services.		N	N	N	N	N	SPR	SPR	SPR	SPR	N	N	N	N
3.351.1	Laundry or dry-cleaning shop, or self-service dry-cleaning or laundry.		N	N	N	N	N	SPR	SPR	SPR	SPR	N	N	N	N
3.351.2	Tailor, garment maker, milliner, cobbler, or other shop for the repair or manufacture and sale of clothing or footwear.		N	N	N	N	N	SPR	SPR	SPR	SPR	N	N	N	N

3.352	Food & Drink Establishments		N	N	N	N	N	SPR	SPR	SPR	SPR	N	N	N	N
3.352.0	Class I Restaurant, café, luncheonroom, cafeteria or similar place.		N	N	N	N	N	SPR	SPR	SPR	SPR	N	N	N	N

For serving food or beverage to persons inside the building, where either: a) no alcohol is served and the establishment is not open after 11:30 p.m., or, b) alcohol is served, the establishment is not open after 11:30 p.m., and any outside wall of that portion of the building occupied by the establishment is located more than 150 feet from any residential dwelling in a Residence district. A management plan, as defined in terms of form and content by the permit granting board or authority, shall be included as an integral part of any application made under this section. The management plan shall address patrons gathered outdoors on the property, including those awaiting entry. Any service of food or beverages outside the building shall be to persons seated at tables for the purpose of outdoor dining.

Standards
&
Conditions

Zoning Districts

By/Law Number	Land Use Classifications	R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC
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member of a recognized trade.

All trades shop operations shall undertake all reasonable measures to prevent noise, vibration, dust, fumes or odors from creating a disturbance or nuisance beyond the limits of the establishment. No operations shall be allowed which are hazardous by reason of potential fire, explosion, radiation or similar hazard.

3.357	Veterinary establishment, kennel, or place for the boarding of animals.	SP	N	N	N	N	N	N	SP	N	SPR	N	N	N	N
		(N)													

3.358 Office Uses

3.358.0 Bank, loan agency, real estate, insurance or other business or professional office providing services to the public in person on the premises.

3.358.1 Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services predominantly by appointment to the public in person on the premises.

For the purposes of this section, the public shall be defined as including all persons acting as customers or clients receiving services. "Predominantly by appointment" shall mean that a majority of customers or clients who are provided services in person on the premises during any extended period of operation (monthly, quarterly, or annually) shall do so through prior appointment. Exceptions shall be discretionary followup visits by customers or clients with regard to services already provided, visits by affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. Office uses under this section shall advertise their on-premises services as being available to the general public only by appointment.

3.358.2 Administrative business office or similar business or professional office not providing services to the general public in person on the premises.

For the purposes of these sections, the public shall be defined as including all persons acting as customers or clients. Exceptions shall be affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. No office use under this section shall advertise its services as being available to customers and clients on the premises. Services shall be advertised as being available exclusively by telephone, mail, on-line, or other remote means.

[For Sections 3.358.1 and 3.358.2, inclusive]

In the PRP District, uses under these sections shall be located on parcels served by town water and sewer. Notwithstanding the provisions of footnote f., of Table 3, Dimensional Regulations, when a use under these sections is located on a property adjoining a residential district, a minimum 50-foot uninterrupted vegetated buffer shall be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries. When the Special Permit Granting Authority or Permit Granting Board determine that an increased buffer is warranted and the subject property and site layout allow, a vegetated buffer of up to 100 feet in width may be required. Said buffer may include any drives or roadways.

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for an office use under Sections 3.358.1 or 3.358.2 providing it finds that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed office use meets the following conditions:

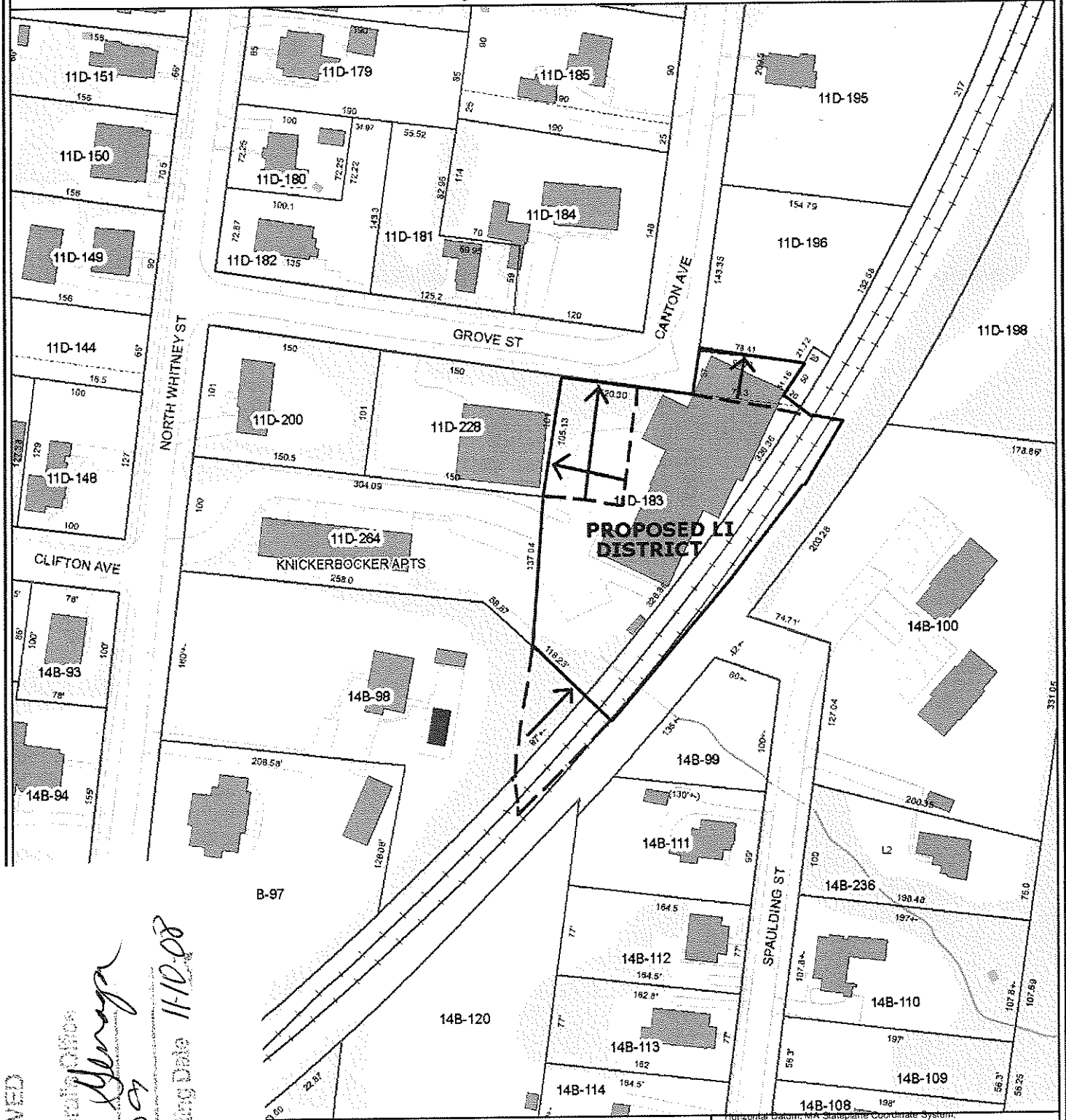
1. Is located on the ground floor only, and occupies no more than 50 percent of the gross floor area of the structure, exclusive of storage space.

Bylaw Number	Land Use Classifications	Standards & Conditions	Zoning Districts																
			R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC			
3.359	Medical or dental laboratory	<p>2. Shall be allowed only as a second Principal use, where the first Principal use is a residential use.</p> <p>3. Shares a property line with or is adjacent to another property with a similar use permitted under this section or a property in the BL, B-VC or COM districts.</p> <p>4. Employs no more than 3 persons (for a Section 3.358.1 office) or 5 persons (Section 3.358.2) who work onsite, other than residents of the property.</p> <p>5. Where located in an existing dwelling, the residential character of the structure and site shall be maintained.</p>	N	N	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SPR	N	N	(SP)

A TRUE COPY, ATTEST:

Sandra J. Burgess

SANDRA J. BURGESS
TOWN CLERK



APPROVED

Attorney General's Office
 By: *Kellis Ganga*
 Date: 01-15-09
 Art. 10 Town Meeting Date 11-10-08

A TRUE COPY, ATTEST:



SANDRA J. BURGESS

TOWN CLERK

Horizontal Datum: North American Coordinate System,
 Zone 4151, Datum NAD83, Feet

Planimetric basemap features compiled at 1"=40' and
 1"=100' scale from April, 1999 Aerial Photography,
 Aerial Photography, April, 2004. Parcels compiled through
 a "best-fit" methodology to match the basemap; revisions
 are ongoing.

The information depicted on this map is for planning
 purposes only. It may not be adequate for legal boundary
 definition, regulatory interpretation, or property
 conveyance purposes. Utility structures and underground
 utility locations are approximate and require field
 verification.

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 EXPRESSED OR IMPLIED, CONCERNING THE
 ACCURACY, COMPLETENESS, RELIABILITY, OR
 SUITABILITY OF THESE DATA. THE TOWN OF
 AMHERST DOES NOT ASSUME ANY LIABILITY