

RESULTS
SPECIAL TOWN MEETING
July 27, 2009

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 7:35 p.m. There were 244 town meeting members. 123 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

ARTICLE 1. Local Option Meals Excise (Select Board)

VOTED unanimously that the Town accept M.G.L. c. 64L, §2(a) to impose a local meals excise.

Action taken on 7/27/2009.

A motion made by Vincent O'Connor to refer the article back to the Select Board and the School Committee was defeated.

ARTICLE 2. Local Option Room Occupancy Excise (Select Board)

VOTED unanimously that the Town amend its local room occupancy excise under M.G.L. c. 64G, §3A to the rate of 6%.

Action taken on 7/27/2009.

ARTICLE 3. Atkins Economic Opportunity Area – Amendment (Select Board)

VOTED to amend the existing Atkins Economic Opportunity Area (EOA) the area known as Atkins Fruit Bowl, 1151 West Street, shown as Parcels 25B-51 and 25B-57 and described in the Atkins Economic Opportunity Area Application, dated June 9, 2009 as amended which is on file with the Town Clerk, the Assessors' Office, and the Select Board's Office; and that the Town authorizes the Select Board to offer the granting of an amended Tax Increment Financing (TIF) agreement for qualified economic development projects undertaken within said Economic Opportunity Area.

Action taken on 7/27/2009.

ARTICLE 4. Atkins Economic Opportunity Area – Project Certification Application (Select Board)

VOTED to approve a new Project Certification Application dated June 9, 2009 as amended, submitted by Atkins Fruit Bowl, Inc. and Orchard Run Associates for construction of a new facility within the amended Atkins Economic Opportunity Area shown as 1151 West Street, Parcels 25B-51 and 25B-57 (Exhibit A of the EOA application) and the form of the amended Tax Increment Financing (TIF) agreement between Atkins Fruit Bowl, Inc. and Orchard Run Associates and the Town of Amherst. This approval is for the information contained in both the amended Economic Opportunity Area Application and the amended Project Certification Application that confirms:

The Project as proposed is consistent with and can reasonably be expected to benefit significantly from the inclusion in the amended Economic Opportunity Area; and

The Project contains an expansion of the existing project which was certified for the Economic Opportunity Area and together will not overburden the Town's infrastructure and utilities servicing the amended EOA; and

The Project as described in the amended Project Certification Application will increase employment for residents of the Greater Franklin County Economic Target Area, thereby reducing economic depression; and

The Town requests that the expanded project be designated a certified project for a term of twenty (20) years from the initial project certification date.
Action taken on 7/27/2009.

ARTICLE 5. Photovoltaic Solar Panel Systems Contract (Select Board)

VOTED unanimously to authorize the Town Manager to sign a five year contract with DCS Energy for a pilot program to install two photovoltaic solar panel systems for the Department of Public Works.
Action taken on 7/27/2009.

Robert Kusner, Nonny Burack, H. Oldham Brooks, Nancy Gordon, Hilda Greenbaum, and James Pistrang were sworn in as tellers.

ARTICLE 6. FY 10 Library Services Operating Budget Amendment (Jones Library Trustees)

DEFEATED Yes 78, No 96 [*To see if the Town will amend the action taken under Article 22 of the 2009 Annual Town Meeting (FY 10 Operating Budget) by increasing the amount approved for the Library Services Operating Budget by \$34,704 and the amount raised and appropriated for the Town's share of that budget by \$34,704.*]
Action taken on 7/27/2009.

ARTICLE 7. Petition – Library Services Operating Budget Amendment (Ms. Holland)

VOTED TO DISMISS [*“To see if the Town will amend the action taken under Article 22 of the 2009 Annual Town Meeting (FY 10 Operating Budget) by appropriating and transferring to the budget for Library Services the sum of \$34,704 from Free Cash in the Undesignated Fund Balance of the General Fund.”*]
Action taken on 7/27/2009.

The business of the warrant having been completed, the meeting voted to dissolve at 9:33 p.m. on Monday, July 27, 2009. 180 town meeting members were checked in.

Attest:
Sandra J. Burgess
Town Clerk

RESULTS
SPECIAL TOWN MEETING
November 2, 2009

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 7:40 p.m. There were 243 town meeting members. 122 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

Ms. O’Keeffe recognized the following for their service to the town: Magda Ahmed, Human Rights Commission; Ellen Leahy-Pile, Board of Health; and Brian Morton, Finance Committee.

ARTICLE 1. Reports of Boards and Committees (Select Board)

Voted to 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 11/2/2009.

Reports were heard from the Finance Committee and the Town Manager.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)

Voted to dismiss [To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken on 11/2/2009.

ARTICLE 3. FY 10 Budget Amendments (Finance Committee)

Voted unanimously to amend the action taken under Article 22 of the 2009 Annual Town Meeting – Fiscal Year 2010 Operating Budget to transfer sums of money between accounts to balance the FY 10 Fiscal Year, by increasing the appropriation and the amount to be raised by taxation for the General Government account by \$153,683 and by decreasing the appropriations and the amounts to be raised by taxation for the following accounts by \$153,683: Public Works by \$31,578, Planning, Conservation, and Inspections by \$67,984, and Community Services by \$54,121.

Action taken on 11/2/2009.

Voted unanimously to appropriate and transfer \$63,674 from Free Cash in the Undesignated Fund Balance of the General Fund to the Health Claims Trust Fund to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

Action taken on 11/2/2009.

Voted unanimously to appropriate and transfer \$81,159 from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2010 Fiscal Year.

Action taken on 11/2/2009.

ARTICLE 4. Pelham Watershed Land Acquisition (Conservation Commission)

Voted unanimously to 1) authorize the acquisition, for water supply, protection and other similar purposes, by purchase, gift, eminent domain or otherwise, of a portion of certain parcels of land in the

Town of Pelham, located at 339 Amherst Road, being shown as Parcels 18 and 19 on Pelham Assessors Map 15, 2) appropriate \$170,000 for such acquisition and to meet such appropriation transfer \$170,000 from the Water Fund Surplus, and 3) authorize the Town to apply for and accept grants for reimbursement of the cost of such acquisition.
Action taken on 11/2/2009.

ARTICLE 5. Street Acceptance - Lawrence Circle (Select Board)

Voted unanimously to accept as a town way Lawrence Circle, as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.
Action taken on 11/2/2009.

ARTICLE 6. Zoning Amendment – Footnote A. Amendment (Planning Board)

Voted by a declared two-thirds to amend footnote a. of Table 3, Dimensional Regulations, by deleting the lined out language and adding the language in ***bold italics***, 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 applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified front setback ***dimensional requirement*** in the context of the pattern(s) of front setbacks ***the same dimensions*** established by existing residential buildings ***and landscape features*** in the surrounding neighborhood.
Action taken on 11/2/2009.

ARTICLE 7. Zoning Amendment - Non-Conforming Structures (Planning Board)

Voted by a declared two-thirds to amend Section 9.200 of the Zoning Bylaw by adding the language in ***bold italics***, as follows:

9.200 Under Section 11.1, the Building Commissioner may permit the repair, alteration, reconstruction, extension or structural change of a lawful, dimensionally non-conforming single family or two family dwelling or, a portion thereof, or accessory structures thereto, provided the proposed change does not constitute a change of use under this Bylaw, and ***at least one of*** the following conditions are ***is*** met:

9.2000 In the case of a building non-conforming solely because of insufficient lot frontage or lot area, or both, the proposed change shall meet all dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors and maximum height.

9.2001 In the case of a dimensionally non-conforming building with sufficient lot frontage and lot area, where said building, or a portion thereof, is non-conforming as to one or more of the dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors or maximum height, all dimensional requirements met by the building prior to the proposed change shall be met after completion of the proposed change.

9.2002 In the case of a building non-conforming as to lot frontage and/or lot area, and non-conforming as to one or more of the dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors or maximum height, all dimensional requirements met by the building prior to the proposed change shall be met after completion of the proposed change.

Action taken on 11/2/2009.

ARTICLE 8. Zoning Amendment - Sign Area (Planning Board)

Voted by a declared two-thirds, as amended in the motion, to amend Section 8.0, and Article 12 of the Zoning Bylaw by reorganizing and renumbering that section, amending Section 8.04, and deleting lined out language and adding language in ***bold italics***, as follows:

Amend Section 8.0, as follows:

SECTION 8.0 GENERAL STANDARDS

Any exterior sign or advertising device, or any permanent interior sign or advertising device *situated*, designed and *or* intended *so as* to be viewed from the out of doors, which is hereafter erected or maintained shall, except as expressly provided, conform to the following restrictions. Any interior sign used only temporarily and *or* not permanently mounted *visible from the out of doors* shall be exempt from the provisions of this section. No sign or advertising device shall, in any district:

8.00 Projecting Signs

8.000 Exceed 10 square feet in area.

8.001 If affixed to, suspended from, or incorporated as part of a building, project more than 36 inches from the building, except that such a sign may project up to 48 inches from the building provided it does not exceed 6 square feet in area.

8.002 If supported by or suspended from a pedestal or post, project more than 36 inches over or into any pedestrian way customarily used by the public, except that any such sign may project up to 48 inches over any such way provided it does not exceed 6 square feet in area.

8.003 Extend into a 24 inch setback from a vertical plane above the curb line of any adjacent street customarily used by the public.

8.01 Project or *E*xtend more than four feet above the eavesline or parapet of any building to which it is affixed.

8.02 Incorporate or be lighted by, flashing or blinking lights, or be designed to attract attention by a change in light intensity or direction, or by repeated mechanical or electrical motion. Fixed banners or electronic billboards using changeable lights to convey the time, temperature, or other public information shall be exempt from this prohibition.

8.03 If free standing, extend more than twelve feet above ground level.

8.04 ***Maximum Surface Area***

8.040 Be larger *No sign shall have a surface area greater than 80 square feet, except that this requirement may be modified under a Special Permit issued by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw. No sign receiving such a permit for a modification of total surface area shall exceed 125 square feet in area, except as may be permitted under the provisions of Section 8.4.*

8.041 *Maximum surface area for signs under this and following sections shall be calculated as follows:*

1) *The surface area of any sign, either freestanding or attached, shall be considered to be the full visual presentation of the sign's display, including all lettering, numerals, symbols, decorative borders, background surface, framing, or ornamental structure, whether open or enclosed.*

2) *The surface area of a sign shall not include the surface area of any incidental supporting poles, arms, structural framework, bracing, lighting fixtures, or any open areas contained within or framed by such incidental structures which are not an integral part of the design of the sign's display.*

3) *For a sign consisting of individual letters, numerals, designs, and symbols attached to or painted directly on the surface of a building, wall, window, awning, canopy or other approved surface with no other structure or background, the surface area of the sign shall be considered to be that of the smallest quadrangle which encompasses all of the letters, numerals, designs, colors and symbols constituting the sign's display.*

4) *For a sign with display areas or surfaces mounted on two surfaces of the same structure, or on parallel and back-to-back structures within 12" of one another, or where the interior angle formed by two display surfaces on a single structure is 60 degrees or less, the display area of a single side—the larger side when there is a difference—shall constitute the total surface area for the purposes of this Bylaw. Where the interior angle formed by the two display surfaces is greater than 60 degrees, the combined area of both display surfaces shall be considered one surface for the purpose of establishing maximum surface area.*

C. Amend Article 12, Definitions, by adding the following new definition under Section 12.31, and renumbering the remaining sections accordingly:

12.31 *Sign, projecting: A sign affixed to and projecting laterally, in whole or in part, from the side of a building, wall, or structure for a distance of at least 12 inches.*

Action taken on 11/2/2009.

ARTICLE 9. Zoning Amendment - Medical Offices (Planning Board)

Voted Yes 105: No 51, as amended in the motion, to amend Section 3.360 and Article 12 of the Zoning Bylaw by deleting the lined out language and adding the language in *bold italics*, as follows:

A. **Amend Section 3.360 as follows:**

3.360 *Medical uses*

3.360.0 Medical office

R-O

<u>R-LD</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u>	<u>B-VC</u>	<u>COM</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>	<u>FPC</u>
<i>N</i>	<i>N</i>	<i>SP</i>	<i>N</i>	<i>N</i>	<i>SPR</i>	<i>SPR</i>	<i>SPR</i>	<i>SPR</i>	<i>SPR</i>	<i>N</i>	<i>SP</i>	<i>N</i>

Standards & Conditions

See definition under Article 12. In the R-VC District, a medical office shall be permitted only under Special Permit as part of a mixed use under Section 3.325, and is not otherwise permitted.

3.360.1 Medical group practice

R-O

<u>R-LD</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u>	<u>B-VC</u>	<u>COM</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>	<u>FPC</u>
<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>SPR</i>	<i>SPR</i>	<i>SPR</i>	<i>SPR</i>	<i>SPR</i>	<i>N</i>	<i>N</i>	<i>N</i>

Standards & Conditions

See definition under Article 12.

3.360.2 Medical or dental center

R-O

<u>R-LD</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u>	<u>B-VC</u>	<u>COM</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>	<u>FPC</u>
N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N

Standards & Conditions

See definition under Article 12.

3.360.3 Clinic or emergency care facility

R-O

<u>R-LD</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u>	<u>B-VC</u>	<u>COM</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>	<u>FPC</u>
N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N

Standards & Conditions

An outpatient public health clinic as defined under Article 12.

B. Amend Article 12 by adding the following new definitions in alphabetical order under the appropriate section numbers and renumbering the remaining sections accordingly:

12. __ *Medical Uses:*

12. __ *Medical office: Medical, dental, or psychiatric practice offering medical or dental services on an outpatient basis and including a total of no more than the full time equivalent of three (3) principal health care providers and two (2) other medical or dental professionals, exclusive of administrative or clerical staff, providing services on the premises. A medical or dental office may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, medical counseling services, and similar services.*

12. __ *Medical group practice: Medical, dental, or psychiatric practice including the full time equivalent of four (4) or more principal health care providers, and three (3) or more other medical or dental professionals, exclusive of administrative or clerical staff, providing services on the premises. A medical group practice may also contain in-house diagnostic testing facilities, medical counseling services, and similar services, or may be associated with other similar accessory or complementary principal uses in the same building.*

12. __ *Medical center: Two (2) or more medical group practices, or an equivalent aggregation of medical offices, operating in the same building or on the same property, which may also contain associated accessory uses such as diagnostic testing facilities, physical therapy, therapeutic or counseling services, pharmacies, medical supply retailers, and similar uses. A medical center shall not include medical residential facilities.*

12. __ *Clinic or emergency care facility: Any private or public health clinic, or other similar community health facility providing diagnosis and ambulatory emergency medical care to persons on an exclusively outpatient basis as a principal use. A clinic or emergency care facility may also be accessory to a medical center, hospital, or similar facility.*

12. Principal Health Care Provider: A health care professional licensed to operate as a physician or dentist in the Commonwealth of Massachusetts, who provides care to patients and may refer patients or receive referrals for specific medical or dental services, particularly in an outpatient setting. For the purposes of this Bylaw, principal health care providers shall include physicians, dentists, and physician specialists such as psychiatrists, dermatologists, dental surgeons, and ophthalmologists.

12. Other Medical or Dental Professionals: A health care professional who may provide patient care, patient support, or ancillary medical services under the supervision of a principal health care provider. For the purposes of this Bylaw, this shall include nurse practitioners, registered or licensed practical nurses, physicians' assistants, dental hygienists, sonographers, phlebotomists, and similar medical professionals.

Action taken on 11/4/2009.

ARTICLE 10. Zoning Amendment – Phased Growth Sunset (Planning Board)

Voted unanimously to amend Section 14.20, as follows:

14.20 This Article shall take effect beginning on the date of adoption by Town Meeting and shall continue in effect for five ~~six~~ calendar years from November 15, 2004, in order to provide the Town time to prepare and implement a master plan in accordance with MGL Ch. 41, Section 81D. Beginning on the date of adoption, the permit granting authority (Planning Board, Zoning Board or Building Commissioner) shall not approve any development schedule under Section 14.5 which would result in authorizations for more than 250 dwelling units over a 730 consecutive day (two year) period. All authorizations shall count toward this planned growth rate unless otherwise noted.

Action taken on 11/2/2009.

At 9:47 p.m. on November 2, 2009, town meeting voted to adjourn to Wednesday, November 4, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 157 town meeting members were checked in.

The November 4, 2009 session, adjourned from November 2, 2009, was called to order by the Town Moderator, Harrison Gregg, at 7:40 p.m. 122 town meeting members were checked in.

Hilda Greenbaum, Nancy Gordon, Jim Pistrang, Nonny Burack, Harry Brooks, and Rob Kusner were sworn in as tellers.

ARTICLE 11. Zoning Amendment - Neighborhood Business (B-N) District (Planning Board)

Voted by a declared two-thirds, as amended in the motion, to amend Sections 2.02, 3.3, Table 3, Dimensional Regulations, and Articles 5, 6, 7, 8, 10, and 11 of the Zoning Bylaw by deleting the lined out language and adding the language in bold italics, as follows:

A. Amend Section 2.02 by reordering the business district sections such that they appear in the following order—B-G, B-VC, B-N, B-L, OP, COM—and by adding the following new section between B-VC and B-L, as follows:

B-N Neighborhood Business

The purpose of the B-N District is to provide for areas of mixed use and moderate density to serve as small centers providing goods and services within or near residential neighborhoods, or as a transitional zone between more densely-developed business areas and residential neighborhoods.

B. Add the B-N District and corresponding use regulations to Section 3.3., Use Classification & Standards (Use Chart) for specific land uses, as follows:

- Key:** Y = Yes (allowed by right)
 N = No (not permitted)
 SPR = Site Plan Review approval by the Planning Board
 SP = Special Permit by Zoning Board of Appeals
 () = Permit requirement in the Aquifer Recharge Protection (ARP) District

<u>Use Category</u>	<u>B-N</u>
3.31 EXTENSIVE USES	
3.310 Forestry	Y
3.311 Orchard, nursery	Y
3.312 Farm stand	
Class I	SPR
Class II	SPR
3.313 Commercial poultry/livestock	N
3.314 Private conservation/preserve	Y
3.315 Outdoor recreation (commercial)	N
3.316 Impoundment or pond	SP
3.317 Commercial greenhouse	N
3.32 RESIDENTIAL USES	
3.320 Single family house	N
3.321 Duplex	SPR
3.322 Town House	SP
3.323 Apartments	SP
3.324 Subdividable/Converted dwellings	
3.3240 Subdividable dwelling	SP
3.3241 Converted dwelling	SP
3.325 Mixed res./comm. use	SPR
3.326 Fraternity/sorority	N
3.327 Overnight Lodging	
3.3270 Hotel/motel	SP
3.3271 Inn	SPR
3.3272 Hostel	SPR
3.328 Congregate housing	SP
3.329 Lodging/boarding house	SP
3.33 INSTITUTIONAL USES	
3.330 Non-profit educational	SPR
3.331 Kindergarten/day care	SPR
3.332 For-profit educational	SPR
3.333 Church/house of worship	SPR
3.334 Non-profit library/museum	SPR
3.335 Public park/playground	SPR
3.336 Medical/residential facilities	
3.3360 For-profit	SP
3.3361 Charitable/non-profit	SPR
3.337 Cemetery	N
3.338 Private lodge or club	SP
3.339 Univ./college service building	SPR

3.34 GOVT./PUBLIC USES	
3.340	Utility uses
3.3400	Energy facility
3.3401	Communication
3.3402	Wireless facility
3.3403	Transportation facility
-	Rail or bus depot
-	Taxi or limousine
3.341	Airport/heliport
3.342	Govt. admin., fire, police
3.343	Water or sewer facility
3.344	Other govt. use not specified
3.35 RETAIL BUSINESS & CONSUMER SERVICE USES	
3.350	Retail establishments
3.3500	Retail stores
3.3501	Convenience stores
3.3502	Grocery, bakery, deli, caterer
3.351	Personal care establishments
3.3510	Barber, beauty salon
3.3502	Laundry/dry cleaning
3.3503	Tailor, cobbler, etc.
3.352	Food & drink establishments
3.3520	Class I restaurant/café
3.3521	Class II bar/restaurant
3.3522	Class III drive-up
3.353	Theater, motion picture house, bowling alley, dance hall, arcade or other indoor amusement or assembly use
3.354	Funeral home
3.355	Studio/repair
3.3550	Photography studio
3.3551	Appliance repair
3.356	Trades/repair shop
3.357	Veterinarian, kennel
3.358	Office Uses
3.350.0	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 providing services predominantly by appointment to the public in person on the premises
3.358.2	Administrative business office or similar business or professional office not providing services to the public on the premises
3.359	Medical/dental laboratory
3.360	Medical Facilities

3.360.0	Medical offices	SP
3.360.1	Medical group practice	SP
3.360.2	Medical center	N
3.360.3	Clinic/emergency care	N
3.361	Auction gallery	N
3.362	Artisan/craft shop	SPR
3.37	<i>RESEARCH & INDUSTRIAL USES</i>	
3.370	Warehouse, storage building	N
3.371	Lumber yard, other open-air storage	N
3.372	Research/Industrial	
3.3720	Research/testing facility	SP
3.3721	Light manufacturing, assembly, processing	SP
3.373	Manufacturing, assembly, processing	N
3.374	Quarrying rock or earth	N
3.375	Processing rock or earth	N
3.376	Radioactive waste storage & disposal	N
3.38	<i>MOTOR VEHICLE RELATED USES</i>	
3.380	Auto/truck rental	N
3.381	Filling station w/ sales	N
3.382	Salvage yard w/ sales	N
3.383	Car wash	N
3.384	Parking facilities	
3.3840	Commercial lot or garage	N
3.3841	Public lot or garage	SP
3.385	Vehicle repair shop	N
3.386	Vehicle sales	N
3.387	Vehicle parts store; no installation/repairs	SP
3.388	Vehicle parts store; installation & repairs	N
3.389	Truck terminal	N

C. Add Standards & Conditions for specific uses as follows:

3.323 Apartments

. . . Dimensional regulations in Article 6 shall be observed. In addition, the following requirements shall apply:

<u>District</u>	<u>Add'l Side/Rear Yards per Floor</u>	<u>Floor Area Ratio</u>	<u>Minimum Landscape or Natural Open Space</u>	
R-G		2 ft.		
B-L		2 ft.		
B-VC		2 ft.		
B-N		2 ft.	0.3	40%

NOTE: "Minimum Landscaped or Natural Open Space" shall include (a) those portions of the lot devoted to plantings, including lawns and grass areas (b) wooded land, and pedestrian-oriented paved or

unpaved areas devoted to social or recreational use in common by the residents of the building or complex provided that such areas are kept essentially open to the out-of-doors and are at ground level.

3.3240 Subdividable Dwelling

5. Prior to issuing a Special Permit for this use in the B-G, B-L, and B-VC **and B-N** districts, the Special Permit Granting Authority shall find that the proposed multiple dwelling use and the non-residential uses, both existing and permitted, in the district will be mutually compatible.

3.3241 Converted Dwelling

3. In the B-L, & B-VC, **and B-N** districts, the Zoning Board of Appeals shall issue a Special Permit in accordance with the provisions of this section only after finding the subject parcel in the nonresidential district would not be adversely affected by the multiple dwelling use and that the uses permitted in the district would not be noxious to the multiple dwelling use.

3.329 Lodging or Boarding House

In the B-VC, **B-N**, COM and R-VC districts, the Zoning Board of Appeals may grant a Special Permit for a lodging or boarding house, provided it finds that the proposal meets the provisions of Article 7, Section 10.38 and this section. In the R-VC District, a lodging or boarding house shall let or sublet no more than a total of 7 rooms.

3.3270 Hotel or Motel

The building shall be connected with the public sewer system prior to occupancy. Its lot, if in a residence district, shall fall within one of the following areas: areas close to heavily traveled streets; areas close to business, commercial and educational districts; areas already developed for multifamily use.

In the B-N District, only hotel or motel uses with lodging rooms on 2 or more floors shall be permitted.

The Zoning Board of Appeals may allow a restaurant as a second Principal use, along with hotel/motel-related retail and consumer services as accessory uses, under a Special Permit for a hotel or motel.

A management plan, as defined in terms of form and content by the Rules and Regulations adopted by the Zoning Board of Appeals shall be part of any application made under this section.

3.338 Private lodge or club

A club, civic, social, professional or fraternal organization that is non-profit and is operated for members or employees only, where the chief activity is one not customarily conducted as a gainful business. The organization shall be incorporated for service or charitable purposes under the regulations of the Commonwealth or other applicable authorities, and shall permit long-standing memberships.

In the B-N District, if alcohol is served as part of any function conducted or permitted by the organization, the establishment shall be closed by 9:00 p.m.; otherwise, the establishment shall be closed by 11:30 p.m.

3.340.31 Taxi or limousine service

The operation of a taxi or limousine (livery) service shall be considered a principal use regulated under this section of the Bylaw when any of the following conditions are met: 1) passengers are transported

from or delivered to the site, or; 2) three or more vehicles are physically dispatched from or stored on-site, or; 3) any vehicle carries more than 8 passengers, or; 4) on-site activities include ongoing associated vehicle maintenance and repairs.

The operation of a taxicab or limousine service may be permitted as an accessory home occupation under the provisions of Section 5.013 when all of the following conditions are met: 1) on-site activity is limited to dispatch and storage of no more than two vehicles, 2) no vehicle used by the service is capable of carrying more than eight passengers, 3) only occasional minor vehicle maintenance occurs on-site, and 4) no passengers visit the premises.

In the B-N District, if pick-up and drop-off from the site are permitted, the establishment shall be closed by 9:00 p.m. In that district, no more than three (3) vehicles associated with the use shall be kept on-site at any time.

3.350.0 Retail stores

Display & sales to be primarily conducted within the building.

In the B-N District, no more than four (4) employees shall be on-site at any time, walk-up facilities are permitted as an accessory use for food retail only, and the establishment shall be closed by 9:00 p.m.

3.350.1 Convenience store for the sale of prepared and packaged food or beverage.

Display & sales to be primarily conducted within the building.

In the B-N District, no more than four (4) employees shall be on-site at any time, walk-up facilities are permitted as an accessory use for food retail only, and the establishment shall be closed by 9:00 p.m.

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.

In the B-N District, no more than four (4) employees shall be on-site at any time, walk-up facilities are permitted as an accessory use for food retail only, and the establishment shall be closed by 9:00 p.m.

3.351.0 Barber or beauty shop, hair salon, tanning salon or similar place for personal care services.

In the B-N District, no more than four (4) employees shall be on-site at any time, and the establishment shall be closed by 9:00 p.m.

3.351.1 Laundry or dry-cleaning shop, or self-service dry-cleaning or laundry.

In the B-N District, no more than four (4) employees shall be on-site at any time, and the establishment shall be closed by 9:00 p.m. No dry-cleaning shop where the cleaning is conducted on the premises may be operated in the B-N District.

3.351.2 Tailor, garment maker, milliner, cobbler, or other shop for the repair or manufacture and sale of clothing or footwear.

In the B-N District, no more than four (4) employees shall be on-site at any time, and the establishment shall be closed by 9:00 p.m.

3.352.0 Class I Restaurant, café, lunchroom, cafeteria or similar place.

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.

In the B-N District, for a Class I restaurant there shall be no more than a total of 30 seats, both indoor and outdoor. Service of alcohol shall cease at 9:00 p.m., and any outside wall of a building occupied by the establishment shall be located more than 100 feet from any residential dwelling in a Residence district. Walk-up facilities may be permitted as an accessory use in concert with outdoor dining on the premises.

3.356 Shop of a bicycle mechanic, printer, blacksmith, builder, carpenter, caterer, electrician, lawnmower mechanic, mason, painter, plumber, roofer or other member of a recognized trade.

All work and storage to be conducted within a building.

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.

In the B-N District, there shall be no more than four (4) employees on site at any given time. No operations shall be allowed prior to 7:00 a.m. or after 7:00 p.m.

3.357 Veterinary establishment, kennel, or place for the boarding of animals.

In the B-N District, a veterinary clinic may be operated under the provisions of this section, but no kennel or overnight boarding of animals shall be permitted. There shall be no more than four (4) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

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.

In the B-N District, no drive-through facilities shall be permitted. There shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

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 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.

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 B-N District, there shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

In the PRP District, uses under these sections shall be located on parcels served by town water and sewer.

3.359 Medical/dental laboratory

In the B-N District, there shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

3.360.0 Medical office

In the B-N District, there shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

3.360.1 Medical group practice

In the B-N District, there shall be no more than eight (8) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.

3.372.0 Research and Development or Testing facility

In the B-G, B-L, B-VC, **B-N** and R-VC districts, the Zoning Board of Appeals may grant a Special Permit for a research and development use, provided that it consists only of office or similar uses and meets the provisions of Section 3.359, Article 7 and Section 10.38. An exception shall be where the B-L

District coincides with the R&D overlay district, in which case such a research and development use, similarly limited, shall be permitted through Site Plan Review approval.

3.387 Sale of auto parts, excluding installation and repair services

In the B-N District, there shall be no more than four (4) employees on-site at any time, and the establishment shall be closed by 9:00 p.m.

D. Amend Table 3, Dimensional Regulations, by adding the B-N District and the following corresponding dimensional regulations:

	<u>B-N</u>
Basic Min. Lot Area	<i>15,000^{ab}</i>
Add'l Lot Area/Family	<i>1,500^{ab}</i>
Min. Frontage	<i>100^b</i>
Min. Front Setback ^a	<i>10</i>
Min. Side/Rear Yards	<i>10^{ae}</i>
Max. Building Coverage (%)	<i>35^a</i>
Max. Lot Coverage (%)	<i>65^a</i>
Max. Floors ^a	<i>3</i>
Max. Height ⁿ	<i>40</i>

E. Amend footnote b. of Table 3, as follows:

b. Applies to Residence Uses only (Section 3.32). In the B-G, and B-VC *and B-N* districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.

F. Amend the following Sections under Article 5, Accessory Uses:

5.0102 Bed and Breakfast

. . . In the B-G, B-L, and B-VC, *and B-N* districts, the Zoning Board of Appeals may grant a Special Permit for the taking of bed and breakfast lodgers in up to 10 rooms as a use accessory to the use of a dwelling unit, and for limited bed and breakfast-related retail and consumer services as a second accessory use.

5.041 Seasonal outdoor dining, including sidewalk cafes, courtyard or terrace dining and similar uses may be permitted in the B-G, B-L, B-VC, *B-N* and COM districts as an accessory use to: 1) a restaurant, café, lunchroom, cafeteria, refreshment stand, drive-up, fast-food eatery or similar eating establishment, or; 2) to a bakery, deli, or other similar establishment for the production and sale of food or beverage on the premises, or; 3) to a retail store or convenience store selling prepared and packed food or beverage on the premises, under a Special Permit or Site Plan Review approval, whichever is required for the principal use. In the case of a retail or convenience store selling prepared and packaged food on the premises, any unpackaged food or beverage such as ice cream or soft drinks sold in association with any

accessory seasonal outdoor dining use shall be sold and served only through a limited-access walk-up window or similar facility, to be consumed out of doors.

5.042 Live or pre-recorded entertainment involving music and/or human voice, whether amplified or unamplified, may be permitted in the B-G, B-L, B-VC, **B-N** and COM districts as an accessory use to a restaurant, bar, inn or bed and breakfast (Section 5.0102 only) under a Special Permit or Site Plan Review, whichever is required for the principal use, except that a Special Permit shall be required whenever any accessory entertainment is proposed and any outside wall of that portion of the building occupied by the principal use is located 150 feet or less from a residential dwelling in a Residence district.

5.0430 No drive-through facility shall be permitted in the B-G, **B-N**, OP, PRP or LI Districts. Drive-through facilities may be permitted in those portions of the B-L District abutting the B-G District under a Special Permit issued by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for the Principal Use.

5.081 A licensed day care facility shall be permitted as an accessory use in the following zoning districts, provided that the Zoning Enforcement Officer is provided with a copy of the license to operate: R-F, B-G, B-L, B-VC, **B-N**, COM, OP, LI, PRP.

G. Amend the following sections under Article 6, Dimensional Regulations:

6.13 Standard Lot frontage and Cluster Lot Frontage

. . . In the General Business (B-G), Limited Business (B-L), Commercial (COM), and Village Center Business (B-VC), **and Neighborhood Business (B-N)** districts, frontage requirements apply to Residence Uses only (Section 3.32).

6.20 Fences – Fences, walls, or any similar structure, shall be considered accessory structures and shall be permitted within the required front, side, and rear yards subject to the conditions and requirements of Sections 6.22 through 6.29, except that fences in the B-G and abutting B-L Districts and in the B-VC **and B-N** D districts shall require approval of the Permit Granting Board or Special Permit Granting Authority with jurisdiction over the proposed or existing Principal or accessory use(s) for which the fence serves as an accessory structure.

H. Amend the following sections under Article 7, Parking & Access Regulations:

7.004 For all retail, office and similar uses:

7.0040 In the B-G, B-VC, **B-N** and B-L (abutting B-G **and B-VC** 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. for GFA over 12,500 sq. ft.

7.201 Leased Parking: In the B-G, B-VC, **B-N**, 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 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.

I. Amend the following sections under Article 8, Sign Regulations:

8.24 In the B-G, B-VC, **B-N** Districts and B-L District adjacent to B-G *and* **B-N**, the following additional signs are permitted:

8.240 One free standing sign, or one monument sign, for each street frontage, subject to the following standards:

maximum height - 10 feet
maximum size - 25 square feet

8.25 For any sign located on a property in a B-VC, **B-N**, B-L or COM district and also in a National Historic Register District or local historic district, the minimum front setback may be the same as established for business uses in the B-G District, subject to approval of the sign location and design by the permit-granting authority.

J. Amend Sections 10.395 and 11.2420, as follows:

10.395 The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto. Within the B-L, B-VC, **B-N**, COM, OP, LI and PRP Districts, and any residential zoning district where the project in question occurs within the boundaries of a National Historic Register District, the Special Permit Granting Authority shall, if it deems the proposal likely to have a significant impact on its surroundings, be permitted to use the design principles and standards set forth in Sections 3.2040 and 3.2041, 1) through 9) to evaluate the design of the proposed architecture and landscape alterations. Within the B-G and abutting B-L districts, and for any Town project within any district, the provisions of Section 3.20, Design Review, shall remain in effect.

11.2420 Within the B-L, B-VC, **B-N**, COM, OP, LI and PRP Districts, and any residential zoning district where the project in question occurs within the boundaries of a National Historic Register District, the Permit Granting Authority shall, if it deems the proposal likely to have a significant impact on its surroundings, be permitted to use the design principles and standards set forth in Sections 3.2040

and 3.2041, 1) through 9) to evaluate the design of the proposed architecture and landscape alterations. Within the B-G and abutting B-L districts, and for any Town project within any district, the provisions of Section 3.20, Design Review, shall remain in effect.

Action taken on 11/4/2009

ARTICLE 12. Depot Center Rezoning (Planning Board)

Voted by a declared two-thirds to amend the Official Zoning Map changing the zoning designation on properties on Main, Dickinson, and High Streets, as follows:

A. Rezone the following properties or portions of properties on Main Street from General Residence (R-G) to Neighborhood Business (B-N) on Assessors Map 14B:

- A northerly portion of the property at 319-321 Main Street (Parcel 28) totaling 21,774 sq. ft. in area, more or less.
- 446 Main Street (Parcel 66)
- 462 Main Street (Parcel 68)
- A northerly portion of the property at 457 Main Street (Parcel 131) totaling 17,741 sq. ft. in area, more or less.

B. Rezone the following properties on Main, Dickinson, and Railroad Streets around the Amherst Depot from Commercial (COM) to Village Center Business (B-VC) on Assessors Map 14B:

- 437 Main Street (Parcel 65).
- 34 Dickinson Street (Parcel 53)
- 24 Dickinson Street (Parcel 56)
- 16 Dickinson Street (Parcel 57)
- 12 Dickinson Street (Parcel 58)
- 13 Railroad Street (Parcel 808)

C. Rezone the following properties on Dickinson and College Streets from Commercial (COM) to Limited Business (B-L) on Assessors Map 14B:

40 Dickinson Street (Parcel 52)
Dickinson Street (Parcel 216)
140 College Street (Parcel 51)

D. Rezone the following properties on Main and High Streets from Commercial (COM), or from Commercial (COM) and General Residence (R-G), to Neighborhood Business (B-N) on Assessors Map 14B:

- 502 Main Street (Parcel 130)
- 534 Main Street (Parcel 128)
- 13 High Street (Parcel 129)
- High Street (Parcel 234)

E. Rezone the following properties with frontage on Main Street plus two landlocked properties listed as being located at Kelley Square from Commercial (COM) to Business Village Center (B-VC) on Assessors Map 14B:

351 Main Street (Parcel 59)
 363 Main Street (Parcel 60)
 373 Main Street (Parcel 61)
 381-383 Main Street (Parcel 62)
 401-409 Main Street (Parcel 219)
 Main Street (Parcel 63)
 Kelley Square (Parcel 55)
 Kelley Square (Parcel 54)
 Action taken on 11/4/2009

(Mary Streeter made a motion to remove parcel 14B-28 and to leave this parcel as R-G. Streeter amendment was defeated.)

ARTICLE 13. Zoning Amendment - ‘Green’ Building & Lot Coverage (Planning Board)

Voted to refer Article 13 back to the Planning Board for further study.

[To see if the Town will amend the footnotes of Table 3, Dimensional Regulations, Sections 6.17 and 6.18, and Article 12 of the Zoning Bylaw by deleting the lined out language and adding the language in ***bold italics***, as follows:

A. Amend Table 3, Dimensional Regulations, by adding a new footnote o. to the title of Maximum Building Coverage in the table, and adding the following new footnote o.:

o. For developments including buildings with green roofs, as defined in Article 12, the maximum building coverage may be increased above the maximum established in Table 3, by an amount equal to 35% of the area covered by a green roof.

The resulting cumulative increase in maximum allowable building coverage shall not exceed the following maximums for building coverage in the applicable districts:

<u>R-LD</u>	<u>R-O</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-L</u> <u>B-G</u>	<u>COM</u>	<u>B-VC</u>	<u>B-N</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>
15	20	30	35 ^a	35 ^a	35	80 ^a	45	50	50	35	35	35

The provisions of this section shall not apply to buildings in the FPC District.

B. Amend Section 6.17 as follows:

6.17 Maximum Building Coverage

Maximum building coverage shall be computed as the percentage of the total lot area which may be covered by all principal and accessory buildings and structures. For the purposes of the subsection, a portion of a lot shall be considered as being covered by a structure if it is enclosed on at least three sides by a wall or other substantially sight-imperious fence more than six feet high (whether or not having a roof), or if it has any part of any structure above it in a vertical line. In the case of a Cluster Development, ***PURD, or OSCD*** as defined in Section 4.3, building coverage shall be calculated as the percentage of the total area of the development which may be covered by all principal and accessory buildings and structures. ***See Table 3, footnote o.***

C. Amend Section 6.18 as follows:

6.18 Maximum Lot Coverage

Maximum lot coverage shall include the percentage of a lot covered in the manner described in Section 6.17, Maximum Building Coverage, plus that portion of a lot covered by driveways, parking areas, walkways, tennis courts, swimming pools or other similar surfaces.

6.180 For the purposes of this Bylaw, *the areas of* all such surfaces *shall count toward the calculation of maximum lot coverage as follows:*

- 1) whether *100% of the area of surfaces* constructed of *relatively* impermeable materials (i.e., concrete, bituminous asphalt, oil and stone *paving, as well as stone dust, trap rock gravel and other gravel materials which may compact and become less permeable over time*) with a runoff co-efficient of 0.75 or greater;
- 2) or constructed of permeable materials (i.e., gravel, peastone and the like) shall be included in the calculation of maximum lot coverage. *50% of the area of surfaces constructed of semi-permeable materials (i.e., porous paving systems, stream-washed gravel, peastone, and the like) with a runoff coefficient of 0.25 up to 0.75, inclusive; and*
- 3) *25% of the area of surfaces constructed of highly permeable materials (i.e., selected porous paving systems, unpaved porous soils, landscaped areas, and the like) with a runoff coefficient of less than 0.25.*

6.181 *For the purposes of this section, the runoff coefficient shall be as determined under the Rational Method for the applicable paving, surface materials, and soil types.*

6.182 *Except as may be otherwise permitted under the provisions of this Bylaw, all lot areas not included within allowed maximum lot coverage shall be maintained as undisturbed or planted green areas with unimpeded access to the sky.*

D. Amend Article 12 by adding the following new definitions in alphabetical order under the appropriate section numbers and renumbering the remaining sections accordingly:

12.__ *Paving Systems, Porous: Porous paving systems shall be those systems of paving involving surface and subsurficial treatments designed to accommodate pedestrian passage, vehicular parking or limited forms of vehicular traffic while allowing the infiltration of precipitation runoff on-site with a run-off coefficient of less than 0.75. Paving materials for these systems may include, but are not limited to, varying forms of stone, gravel, porous asphalt, pervious concrete, unit pavers (comprised of stone, brick or concrete), and grass pavers. To be considered a porous paving system, paving materials shall be installed over a base course of a bed of crushed even-sized stone or gravel of sufficient depth to store runoff and allow its infiltration given site conditions. Porous paving systems shall only be installed in accordance with accepted engineering standards on areas of gentle slopes of less than 5 percent where the underlying soils have a permeability of at least 0.3 inches per hour.*

12.__ *Method, Rational: An established method for calculating the direct precipitation peak runoff from a watershed, using the rainfall intensity, the area of the watershed, and the runoff coefficient appropriate for the type of watershed runoff surface. The runoff coefficient is a measure of how quickly water runs off of a surface and, conversely, how quickly water is infiltrated into that surface. The run-off coefficient has been calculated and tabulated by the American Society of Civil Engineers for many different types of land uses, surfaces, and*

12.__ *Roof, Green: A specialized roof system designed to accept, retain, and gradually drain off precipitation in a layer of soil or medium that supports vegetative growth. A green roof system can be a new structure or an extension of an existing roof involving a high quality water-proofing and root repellent membrane system, a drainage system, filter cloth, a lightweight growing medium, and plants. Precipitation is captured and slowly percolated through the green roof, and then recharged directly into the soils on the subject property.]*

Action taken on 11/4/2009.

ARTICLE 14. Petition – Resolution to Assist in the Safe Resettlement of Cleared Guantanamo Detainees (Hooke)

PART I

Voted to urge Congress to repeal the ban on releasing cleared detainees into the United States and

PART II

Voted to welcome such cleared detainees into our community as soon as the ban is lifted.

“WHEREAS, President Obama has vowed to close the prison at Guantánamo Bay Naval Base by January 2010; and

WHEREAS, many detainees at Guantánamo have been cleared by our government of wrongdoing and have been determined to pose no threat to the United States; and

WHEREAS, many of those detainees cannot be repatriated because they are either stateless or fear the harm awaiting them if returned to their home countries; and

WHEREAS, our government has asked other countries to accept cleared detainees but has banned their settlement in the United States; and

WHEREAS, these detainees have suffered unjust imprisonment for many years; and

WHEREAS, the Pioneer Valley has many resources to help such detainees with trauma from their imprisonment; and

WHEREAS, the Pioneer Valley has welcomed in the past many refugees from a variety of traumatic experiences in other countries,

Therefore Be it resolved that Amherst Special Town Meeting 2009:

Urges Congress to repeal the ban on releasing cleared detainees into the United States and Welcomes such cleared detainees into our community as soon as the ban is lifted.

And be it further resolved that copies of this Resolution be sent to the President and Attorney General of the United States, the United States Senators for Massachusetts, and the United States Representative for Massachusetts’ First District.”

Action taken on 11/4/2009.

(Paulette Brooks made a motion to eliminate the word “unjust” following the fifth (5th) WHEREAS, to read as follows: “Whereas these detainees have suffered imprisonment for many years;” The Brooks amendment was defeated. A motion was made to divide the article into two parts. Parts I and II were voted separately.)

The business of the warrant having been completed, the meeting voted to dissolve at 10:20 p.m. on Wednesday, November 4, 2009. 162 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

SPECIAL STATE PRIMARY
December 8, 2009

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

DEMOCRATIC PRIMARY

	1	2	3	4	5	6	7	8	9	10	Total
SENATOR IN CONGRESS											
Michael E. Capuano	103	201	79	56	134	227	173	333	178	79	1563
Martha Coakley	58	153	66	67	87	182	124	197	106	47	1087
Alan A. Khazei	17	37	15	26	37	31	41	78	29	35	346
Stephen G. Pagliuca	1	17	5	4	22	14	22	24	16	5	130
All Others	0	0	0	0	0	0	0	3	0	0	3
Blanks	0	0	0	0	1	0	0	0	0	0	1
TOTAL	179	408	165	153	281	454	360	635	329	166	3130

REPUBLICAN PRIMARY

	1	2	3	4	5	6	7	8	9	10	Total
SENATOR IN CONGRESS											
Scott P. Brown	7	9	8	3	3	18	11	19	5	1	84
Jack E. Robinson	4	3	1	2	3	5	2	7	4	2	33
All Others	0	0	0	0	0	0	0	2	0	0	2
Blanks	0	0	0	0	0	0	0	0	0	0	0
TOTAL	11	12	9	5	6	23	13	28	9	3	119

LIBERTARIAN PRIMARY

	1	2	3	4	5	6	7	8	9	10	Total
SENATOR IN CONGRESS											
All Others	3	0	0	0	0	0	0	0	1	0	4
Blanks	0	0	0	0	0	0	0	0	0	0	0
TOTAL	3	0	0	0	0	0	0	0	1	0	4

P ct	Registered Democrats	Democ-ratic Bal-lots Cast	Registered Republi-cans	Republi-can Bal-lots Cast	Registered Libertari-ans	Libertarian Ballots Cast	Unen-rolled Voters	P.M. Return	% Voting
1	620	179	65	11	7	3	613	9:15	14.79
2	829	408	81	12	6	0	522	9:53	29.21
3	571	165	66	9	5	0	615	9:02	13.84
4	693	153	90	5	6	0	715	9:10	10.51
5	737	281	82	6	2	0	601	9:10	20.18
6	1100	454	128	23	7	0	831	8:40	23.09
7	954	360	88	13	9	0	817	9:38	19.97
8	1346	635	152	28	7	0	815	9:10	28.58
9	981	329	101	9	7	1	951	8:58	16.62
10	627	166	57	3	6	0	581	9:10	13.30
	8458	3130	910	119	62	4	7061		19.73

The polls were closed at 8:00 p.m. as directed in the Warrant. 3,130 Democratic ballots were cast, representing 20.17% of the 15,519 (8,458 registered plus 7,061 unenrolled) voters eligible to vote in the Democratic Primary; 119 Republican ballots were cast, representing 1.49% of the 7,971 (910 registered plus 7,061 unenrolled) voters eligible to vote in the Republican Primary; 4 Libertarian ballots were cast, representing .06% of the 7,123 (62 registered plus 7,061 unenrolled) voters eligible to vote in the Libertarian Primary. Public announcement was made at 9:40 p.m.

Attest:

Sandra J. Burgess
Town Clerk

Results
SPECIAL STATE ELECTION
January 19, 2010

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

	1	2	3	4	5	6	7	8	9	10	TOTAL
SENATOR IN CONGRESS											
Scott P. Brown	73	144	68	73	94	183	141	226	124	54	1180
Martha Coakley	440	771	398	350	625	987	761	1208	675	339	6554
Joseph L. Kennedy	6	4	4	2	8	6	10	11	9	4	64
All Others	1	0	0	0	0	0	1	0	2	0	4
Blanks	0	0	0	0	0	0	0	0	0	0	0
TOTAL	520	919	470	425	727	1176	913	1445	810	397	7802

PCT.	REPORTING TIME	TOTAL REGISTERED VOTERS	MACHINE VOTES	HAND COUNTED VOTES	TOTAL VOTES CAST	% VOTING
1	9:20	1,329	520	0	520	39.13%
2	9:34	1,451	919	0	919	63.34%
3	9:05	1273	469	1	470	36.92%
4	9:37	1510	424	1	425	28.15%
5	9:38	1,439	726	1	727	50.52%
6	9:28	2,089	1173	3	1176	56.29%
7	9:15	1,900	912	1	913	48.05%
8	9:36	2,346	1445	0	1445	61.59%
9	9:05	2,051	809	1	810	39.49%
10	9:15	1,281	395	2	397	30.99%
TOTAL		16,669	7,792	10	7802	46.81%

The polls were closed at 8:00 p.m. as directed in the Warrant. 7,802 ballots were cast representing 46.81% of the 16,669 voters registered. The public announcement was made at 9:40 p.m. on January 19, 2010.

Attest:

Sandra J. Burgess
Town Clerk

**RESULTS
ANNUAL TOWN ELECTION
March 23, 2010**

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

MODERATOR	1	2	3	4	5	6	7	8	9	10	TOTAL
Harrison L. Gregg	215	427	219	181	261	528	350	679	345	151	3356
All Others	1	1	3	3	8	5	6	8	2	2	39
Blanks	110	255	94	68	176	328	238	432	181	69	1951
TOTAL	326	683	316	252	445	861	594	1119	528	222	5346

SELECT BOARD

Alisa V. Brewer	183	355	190	153	217	458	319	558	287	138	2858
James J. Wald	168	316	141	119	186	393	278	508	254	124	2487
All Others	5	4	6	1	3	14	4	9	7	3	56
Blanks	296	691	295	231	484	857	587	1163	508	179	5291
TOTAL	652	1366	632	504	890	1722	1188	2238	1056	444	10692

SCHOOL COMMITTEE

Kathleen Dequence Anderson	108	164	77	68	154	236	201	253	144	72	1477
Ernest J. Dalkas	34	73	41	15	52	79	83	139	60	21	597
Robert A. Spence	65	275	100	102	114	368	204	493	182	72	1975
Richard Blake Hood	141	293	148	147	163	380	249	519	252	125	2417
Vincent J. O'Connor	143	183	109	45	114	221	142	187	150	50	1344
All Others	2	0	0	1	3	3	1	8	5	1	24
Blanks	159	378	157	126	290	435	308	639	263	103	2858
TOTAL	652	1366	632	504	890	1722	1188	2238	1056	444	10692

JONES LIBRARY TRUSTEE

Kathleen Wang	177	340	158	139	217	451	295	530	254	138	2699
Emily G. Lewis	144	258	131	116	194	375	267	473	233	124	2315
All Others	0	3	1	0	0	2	0	7	4	2	19
Blanks	331	765	342	249	479	894	626	1228	565	180	5659
TOTAL	652	1366	632	504	890	1722	1188	2238	1056	444	10692

ELECTOR, OLIVER SMITH WILL

John W. Coull	189	356	173	139	216	462	295	560	289	131	2810
All Others	2	1	2	0	1	2	2	3	1	0	14
Blanks	135	326	141	113	228	397	297	556	238	91	2522
TOTAL	326	683	316	252	445	861	594	1119	528	222	5346

HOUSING AUTHORITY

Paul G. Bobrowski	0	17	4	8	5	16	7	13	11	2	83
Judy Brooks	16	0	1	0	3	12	15	4	3	0	54
Mary Hough	0	6	0	4	2	2	1	2	3	1	21
All Others	3	12	9	0	9	14	18	11	4	3	83
Blanks	307	648	302	240	426	817	553	1089	507	216	5105
TOTAL	326	683	316	252	445	861	594	1119	528	222	5346

QUESTION

YES	214	355	177	170	261	504	322	588	323	147	3061
NO	101	321	135	76	173	346	269	513	193	65	2192
Blanks	11	7	4	6	11	11	3	18	12	10	93
TOTAL	326	683	316	252	445	861	594	1119	528	222	5346

Precinct I, three years (8)

Jane H. Wald	170
Joseph A. Waskiewicz	166
@Margaret A. Kroeplin	61
@Sharon T. Povinelli	45
@Janet Keller	42
@Sarah E. Swartz	21
@Joseph P. Swartz	20
@Christa Pylant	19

Precinct I, two years (2)

Muthoni C. Magua	131
Mary V. Szala	169

Precinct I, one year (2)

Diane A. Westfall	187
Robert F. Winne	133
+Stephen J. King	1

A vacancy occurred when James J. Wald was elected to the Select Board. The next highest write-in vote getter did not accept the vacancy. In accordance with Section 1.541 of the Amherst Town Government Act a special meeting of the remaining Precinct I town meeting members was held on April 22, 2010 and Stephen King was elected.

Precinct II, three years (8)

Sharon M. Vardatira	240
Sean Eddings	234
Conor S. Burke	230
Wolfe B. Lowenthal	211

Robert C. Biagi	257
Sean J. Burke	233
Rita K. Burke	236
Arnold L. Alper	280

Precinct III, three years (8)

Anurag Sharma	157
Thomas Paul Flittie	135
Leeta L. Bailey	128
*Patrick MacWilliams	98
Robert B. Kusner	110
Nonny Burack	135
Alice H. Allen	137
Brian D. Morton	144
Andrew M. Churchill	175

Precinct III, two years (1)

Janet Lansberry	175
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Precinct III, one year (1)

Three candidates received one write-in vote each for the one year position. Two withdrew negating the need for a special tie-breaker election in accordance with Section 1.541 of the Amherst Town Government Act. The remaining candidate did not accept election.

Precinct IV, three years (8)

Charles Moran	153
Michael L. Rossen	128
Audrey Yale Smith	137

Peter Roland Blier	134
Patricia G. Blauner	134
@Gregg Edward Anderson	17

Precinct IV, two years (3)

@Carol M. Johnson	7
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Two three-year vacancies remained in Precinct 4 following the election. Four candidates received one write-in vote each. Three withdrew negating the need for a special tie-breaker election in accordance with Section 1.541 of the Amherst Town Government Act. The remaining candidate did not accept election.

Precinct V, three years (8)

Walter J. Wolnik	177	@Thomas Ajr Ehrgood
Florence M. Boynton	187	@John Charles Urschel
Michael Joseph Mascis	194	@Nina Wishengrad
Mark Power	160	

Precinct V, one year (3)

5	Kevin J. Noonan	229
6	@Thomas S. Mosakowski	7
8		

Three* vacancies remained in Precinct 5 following the election. Three candidates received two write-in votes each for the three-year position. One withdrew. The two remaining candidates did not accept election.

Four candidates received one write-in vote each for the one-year position. Three withdrew negating the need for a special tie-breaker election in accordance with Section 1.541 of the Amherst Town Government Act. Lydia J. Vernon-Jones was the only remaining candidate for the one-year position. Ms. Vernon-Jones declined election.

(*The third vacancy occurred after the final date to submit nomination papers.)

Precinct VI, three years (8) Precinct VI, two years (1)

Silvia R. Brinkerhoff	328	Vladimir Morales	367	Joseph J. Wronka	376
Michael C. Medeiros	309	James Avery Smith	351		
Lisa Kleinholz	362	Joan Ross Logan	374	+Constance E. Kruger	44
Josef J. Wille	278	Paul E. Drummond	354		

A vacancy occurred in Precinct 6 following the election due to Robert A. Spence's election to the School Committee. Constance E. Kruger was the next highest vote getter in Precinct 6. In accordance with Section 1.541 of the Amherst Town Government Act Ms. Krueger will serve until the next annual town election.

Precinct VII, three years (8)

Jeffrey C. Lee	220	Richard Blake Hood	264
Richard B. Morse	221	Christopher J. Hoffmann	222
Janet W. Chevan	235	Isabelle M. Callahan	252
James E. Scott	242	Susan C. Pynchon	230

Precinct VIII, one year (2)

Gary S. Abbott	169
*Paul M. Wright	138
Robert L. Quinn	231

One vacancy occurred in Precinct 7 following the election due to Richard Blake Hood's election to the School Committee. Three candidates received one write-in vote each. One withdrew. In accordance with Section 1.541 of the Amherst Town Government Act a special meeting of the remaining Precinct 7 town meeting members was held on April 15, 2010 and James D. Pitts III was elected. Section 1.541 requires that write-in candidates accept their election in writing.

Precinct VIII, three years (8)

Eleanor R. Manire-Gatti	394	Robert Todd Felton	415
Gerald S. Weiss	517	Flo R. Stern	384
David D. Mullins	471	Sonya R. Sofield	406
Fred Moseley	390	Pamela Crotty	407

Precinct VIII, two years (3)

David J. Bryne	421
@Nancy E. Foster	41
@Paul G. Bobrowski	11

Precinct IX, three years (8) Precinct IX, two years (1)

John F. Edwards	183	D. Joseph Bodin	184
Richard T. Roznoy	163	Gavin A. Andresen	205
Nina Weyl	214	Margaret R. Roberts	229
Joshua James Stoffel	163	Ben T. Grosscup	179

*Daniel Edward Melick	88
Tom W. Roeper	151
+Pamela S. Rooney	46

One vacancy occurred in Precinct 9 due to the resignation of Charles Traitor. Pamela S. Rooney was the next highest vote getter. In accordance with Section 1.541 of the Amherst Town Government Act Ms. Rooney will serve until the next Annual Town Election.

Precinct X, three years (8)Precinct X, two years (1)

Jonathan P. Nelms	103	Adele G. Levine	116	Robin A. Fordham	133
Judy L. Simpson	107	Keith R. Ulrich	121		
William M. Spurgin	100	@Brigitte A. Ruhe	41		
John O. Fox	126	@Philip S. Jackson	24		

@ Write-In Candidate

* Defeated

+ Section 1.541 Amherst Town Government Act

<u>Precinct</u>	<u>Ballots Cast</u>	<u>Number Registered</u>	<u>PM Return Time</u>	<u>% Turnout</u>
1	326	1,490	9:56	21.88
2	683	1,443	9:54	47.33
3	316	1,258	9:46	25.12
4	252	1,343	9:50	18.76
5	445	1,470	9:51	30.27
6	861	2,081	9:15	41.37
7	594	1,878	10:40	31.63
8	1,119	2,350	9:48	47.62
9	528	1,981	9:10	26.65
10	222	1,297	9:30	17.12
TOTAL	5,346	16,591		32.22%

The public announcement was made at 10:40 p.m. on March 23, 2010. 5,346 ballots were cast, representing 32.22% of the 16,591 voters registered.

Attest:

Sandra J. Burgess
Town Clerk

RESULTS
ANNUAL TOWN MEETING
May 3, 5, 10, 12 and 17, 2010

The meeting was televised by Amherst Community Television and shown on the government channel.

The 252nd Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:41 p.m. There were 243 town meeting members. 122 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

The Town Moderator was sworn to the faithful performance of his duties. The Moderator swore in newly elected and re-elected town meeting members.

The Moderator acknowledged those who were elected and re-elected to town wide offices.

Select Board Chair Stephanie O'Keeffe made a motion that Article 16 be heard at 7:30 p.m. on May 17th, 2010. The motion was seconded and carried.

Ms. O'Keeffe made a motion that Article 15 be heard immediately following Article 16. The motion was seconded and carried.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED unanimously to hear 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 5/3/2010.

Reports were heard from Margaret Roberts, Town Meeting Coordinating Committee; Barry Roberts, 250th Anniversary Celebration Committee. The Finance Committee report was given by Chair, Andrew Steinberg immediately prior to consideration of Article 9.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)

DISMISSED [To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken on 5/3/2010.

ARTICLE 3. Optional Tax Exemptions (Select Board)

VOTED unanimously to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

Action taken on 5/3/2010

ARTICLE 4. Authorization for Compensating Balances (Select Board)

VOTED unanimously to 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 5/3/2010.

ARTICLE 5. FY 10 Budget Amendments (Finance Committee)

VOTED unanimously to amend the action taken under Article 22 of the 2009 Annual Town Meeting – Fiscal Year 2010 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for Public Safety by \$173,000, and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for General Government by \$173,000.

Action taken on 5/3/2010.

DISMISSED [To see if the Town will amend the action taken under Article 24 of the 2009 Annual Town Meeting

(Reserve Fund) and appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund.]

Action taken on 5/3/2010.

ARTICLE 6. Retirement Assessment (Select Board)

VOTED to raise and appropriate \$3,190,355 for the Hampshire County Retirement System assessment.

Action taken on 5/3/2010.

(James Brissette made a motion to decrease the amount to be raised to \$3,030,837.25. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) town meeting voted on the motions in descending order beginning with the largest sum. The Finance Committee motion carried and the amendment failed by default.)

ARTICLE 7. Regional Lockup Assessment (Select Board)

VOTED to raise and appropriate \$31,323 for the Hampshire County Regional Lockup Facility assessment.

Action taken on 5/3/2010.

ARTICLE 8. Amherst-Pelham Regional School District Assessment Method (Amherst-Pelham Regional School Committee)

VOTED unanimously to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2011 as required by Section VI of the Regional Agreement.

Action taken on 5/3/2010.

ARTICLE 9. FY 2011 Operating Budget (Finance Committee)

CONSERVATION & DEVELOPMENT

VOTED to raise and appropriate \$745,073 for Conservation and Development

Action taken on 5/3/2010.

PUBLIC WORKS

VOTED unanimously to raise and appropriate \$1,941,540 for Public Works.

Action taken on 5/3/2010.

PUBLIC SAFETY

VOTED unanimously to appropriate \$8,394,386 for Public Safety and that to meet such appropriation \$6,374,224 be raised by taxation and \$2,020,162 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 5/3/2010.

At 10:06 p.m. on May 3, 2010, the meeting voted to adjourn to Wednesday, May 5, 2010 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 189 town meeting members were checked in.

The May 5, 2010 session, adjourned from May 3, 2010, was called to order by the Town Moderator, Harrison Gregg, at 7:40 p.m. 122 town meeting members were checked in.

COMMUNITY SERVICES

VOTED to raise and appropriate \$1,474,725 for Community Services.

Action taken on 5/5/2010.

GENERAL GOVERNMENT

VOTED unanimously to appropriate \$6,037,195 for General Government, that the salary of the Moderator be fixed at \$100, that of the Select Board at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation \$5,939,379 be raised by taxation and \$97,816 be transferred from the Ambulance Receipts Reserved For Appropriation Account.

Action taken on 5/5/2010.

DEBT SERVICE

VOTED unanimously to appropriate \$1,376,755 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,265,500 be raised by taxation, \$66,411 be appropriated and transferred from Community Preservation Fund annual revenues, and \$44,844 be appropriated from Wildwood School Roof Reserved for Debt Service Account.

Action taken on 5/5/2010.

LIBRARY SERVICES

VOTED unanimously to raise and appropriate \$1,541,736 for the Town share of the Library budget.

Action taken on 5/5/2010.

ELEMENTARY SCHOOLS

VOTED to raise and appropriate \$20,407,534 for the Amherst Elementary Schools.

Action taken on 5/5/2010.

At 10:13 p.m. on May 5, 2010, the meeting voted to adjourn to May 10, 2010 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 179 town meeting members were checked in.

The May 10, 2010 session, adjourned from May 5, 2010, was called to order by the Town Moderator, Harrison Gregg, at 7:40 p.m. 122 town meeting members were checked in.

REGIONAL SCHOOLS

VOTED to approve the Amherst-Pelham Regional School District operating and capital budget of \$27,962,907 and to raise and appropriate \$13,112,795 as its share of that budget.

Action taken on 5/10/2010.

On a motion made by Stephanie O'Keeffe Town Meeting voted to bring Articles 15 and 16 forward for immediate consideration.

Ms. O'Keeffe made a motion to refer Articles 15 and 16 back to the Select Board for further consideration. The motion was seconded and carried.

WATER FUND

VOTED unanimously to appropriate \$3,791,975 for the Water Fund and that to meet such appropriation \$3,646,351 be made available from Water Fund revenues of the current year and \$145,624 be transferred from Water Fund Surplus.

Action taken on 5/10/2010.

SEWER FUND

VOTED unanimously to appropriate \$3,425,726 for the Sewer Fund and that to meet such appropriation \$3,176,809 be made available from Sewer Fund revenues of the current year and \$248,917 be transferred from Sewer Fund Surplus.

Action taken on 5/10/2010.

SOLID WASTE FUND

VOTED unanimously to appropriate \$532,274 for the Solid Waste Fund and that to meet such appropriation \$495,575 be made available from Solid Waste Fund revenues of the current year and \$36,699 be transferred from Solid Waste Fund Surplus.

Action taken on 5/10/2010.

TRANSPORTATION FUND

VOTED unanimously to appropriate \$874,051 for the Transportation Fund and that to meet such appropriation \$818,218 be made available from Transportation Fund revenues of the current year and \$55,833 be transferred from Transportation Fund Surplus.

Action taken on 5/10/2010.

ARTICLE 10. Reserve Fund (Finance Committee)
VOTED unanimously to raise and appropriate \$100,000 for the Reserve Fund for FY 2011.
Action taken on 5/10/2010.

ARTICLE 11. Capital Program – Chapter 90 (Joint Capital Planning Committee)
VOTED unanimously to authorize the sum of \$538,000 for the expenditure of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.
Action taken on 5/10/2010.

ARTICLE 12. Capital Program – Equipment (Joint Capital Planning Committee)
VOTED to raise and appropriate \$865,300 to purchase, repair, and/or install new or replacement equipment, and to meet such appropriation, \$675,300 be raised by taxation, and \$190,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account.
Action taken on 5/10/2010.

ARTICLE 13. Capital Program – Buildings & Facilities (Joint Capital Planning Committee)
VOTED unanimously to appropriate \$602,500 to repair and/or improve buildings and facilities, and to meet such appropriation, \$544,835 be raised by taxation, \$8,800 be transferred from Article 34H of the 2004 Annual Town Meeting (North Amherst School HVAC), \$18,695 be transferred from Article 34 of the 2006 Annual Town Meeting (East Street School Handicapped Access), \$15,000 be transferred from Article 31 of the 2007 Annual Town Meeting (East Street School), \$10,000 be transferred from Article 31 of the 2007 Annual Town Meeting (Marks Meadow HVAC Modifications), \$4,778 be transferred from Article 22K of the 2008 Annual Town Meeting (Actuarial Valuation), and \$392 be transferred from Article 16 of the 2009 Annual Town Meeting (East Street School Locks).
Action taken on 5/10/2010.

ARTICLE 14. Capital Program – Bond Authorization (Joint Capital Planning Committee)
VOTED by a declared two-thirds that the sum of \$180,000 be appropriated to pay costs of roof repairs and other extraordinary repairs to the South Amherst School building, including the payment of any and all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
Action taken on 5/10/2010.

ARTICLE 15. Acceptance of Massachusetts General Laws chapter 43D (Select Board)
VOTED to refer Article 15 back to the Select Board. [To see if the Town will accept the provisions of Chapter 43D of the Massachusetts General Laws, as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for designation as a Priority Development Site an area on Sunderland Road which includes the following properties: Assessors' Map 1D-1, 2C-2, 2C-3, 2C-9, and 2C-30.]
Action taken on 5/10/2010.

ARTICLE 16. Patterson Property – Option Agreement (Select Board)
VOTED to refer Article 16 back to the Select Board. [To see if the Town will vote to authorize the Town Manager to enter into an option agreement with Bruce H. Patterson, Trustee of the Patterson Nominee Trust, and accept an option granting the Town and its assignees the right, to be exercised in the Town's, or its assignee's, sole discretion, to lease three (3) parcels of land on Montague Road and further described below, which option agreement shall be for a term not in excess of three (3) years and contain such other terms and conditions as the Town Manager deems in the best interest of the Town, and further to raise and appropriate, transfer from available funds, or borrow a sum of money for consideration to be paid for the option and any expenses related thereto, said parcels of land being a portion of the property described in a deed recorded with the Hampshire Registry of Deeds in Book 6217, Page 146, and described as follow:
(a) a parcel identified by the Assessors as Lot 2C-3, containing 38.97 acres, more or less,

- (b) a parcel identified by the Assessors as Lot 2C-9, containing 21.5 acres, more or less, and
(c) a parcel identified by the Assessors as Lot 2C-30 containing 0.165 acres;
excluding from said option the portions of the parcels shown as “Excluded” on a plan on file with the Town Clerk’s Office, entitled “Excluded Option Parcels.”]
Action taken on 5/10/2010.

ARTICLE 17. Community Preservation Act (Community Preservation Act Committee)

PART A.

1. **VOTED unanimously** to appropriate a sum of \$50,000 for Community Preservation Act Affordable Housing Purposes recommended by the Community Preservation Act Committee and that the following amounts (items 1) be appropriated from Community Preservation Act Fund Estimated Revenues:

	Project	Total Appropriation	Source of Appropriation
	AFFORDABLE HOUSING		
1	Habitat for Humanity	\$50,000	\$50,000 from CPA FY11 Estimated Revenues
	Total Affordable Housing	\$50,000	

Action taken on 5/10/2010.

2. **VOTED** to appropriate a sum of \$217,600 for Community Preservation Act Historic Preservation Purposes recommended by the Community Preservation Act Committee and that the following amounts (items 2 – 7) be appropriated from Community Preservation Act Fund Estimated Revenues:

	Project	Total Appropriation	Source of Appropriation
	HISTORIC PRESERVATION		
2	Amherst History Museum	\$45,000	\$45,000 from CPA FY11 Estimated Revenues
3	Jones Library Roof Restoration	\$40,000	\$40,000 from CPA FY11 Estimated Revenues
4	North Amherst Library Rehabilitation	\$12,000	\$12,000 from CPA FY11 Estimated Revenues
5	Jones Library HVAC Special Collections Climate Control	\$75,000	\$75,000 from CPA FY11 Estimated Revenues
6	Kimball House Historic Preservation 575 North East Street (Year 4 of 5)	\$25,600	\$25,600 from CPA FY11 Estimated Revenues
7	Archival Material Conservation & Restoration: Town Clerk – Special Collections Jones Library – Special Collections	\$20,000	\$20,000 from CPA FY11 Estimated Revenues
	Total Historic Preservation	\$217,600	

Action taken on 5/10/2010.

At 10:10 p.m. on May 10, 2010, the meeting voted to adjourn to Monday, May 12, 2010 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 165 town meeting members were checked in.

The May 12, 2010 session, adjourned from May 10, 2010, was called to order by the Town Moderator, Harrison Gregg, at 7:41 p.m. 122 town meeting members were checked in.

3. VOTED unanimously to appropriate a sum of \$15,000 for Community Preservation Act Open Space Purposes recommended by the Community Preservation Act Committee and that the following amounts (item 8) be appropriated from Community Preservation Act Fund Estimated Revenues:

	Project	Total Appropriation	Source of Appropriation
	OPEN SPACE		
8	Open Space Surveys and Appraisals	\$15,000	\$15,000 from CPA FY11 Estimated Revenues
	Total Open Space	\$15,000	

Action taken on 5/12/2010.

4. VOTED unanimously to appropriate a sum of \$1,500 for Community Preservation Act Administrative Purposes recommended by the Community Preservation Act Committee and that the following amounts (item 9) be appropriated from Community Preservation Act Fund Estimated Revenues:

	Project	Total Appropriation	Source of Appropriation
	ADMINISTRATIVE		
9	To Fund CPAC Administrative Expenses	\$1,500	\$1,500 from CPA FY11 Estimated Revenues
	Total Administrative	\$1,500	

Action taken on 5/12/2010.

PART B.

VOTED by a declared two-thirds to appropriate a sum of \$500,000 from CPA Funds for the purposes of Open Space, Recreation, and/or Community Housing for the purchase of the Hawthorne property (Map 11B, Parcel 54), and, to meet this appropriation, authorize the Town Treasurer, with the approval of the Select Board, to borrow \$500,000 pursuant to Chapter 44B, Section 11 of the General Laws or any other enabling authority, and issue bonds or notes of the Town therefor, including any and all costs incidental thereto; to authorize the Select Board, the Town Manager and/or other boards or officers to apply for and receive grants and/or other funds and to execute any and all instruments and agreements to effectuate said purchase; and, further, to authorize the Select Board to acquire said property by gift, purchase, or eminent domain and to accept and/or convey restrictions on said property, all in accordance with Chapter 44B and Chapter 184 of the General Laws.

Action taken on 5/12/2010.

PART C.

VOTED unanimously to appropriate a sum of \$350,000 for the purpose of preserving and/or supporting community housing, as recommended by the Community Preservation Act Committee, which funds are to be granted to the Amherst Housing Authority for the aforementioned purposes, including, without limitation, to pay the cost of capital improvements to 22 units of low income housing under the care and custody of the Amherst Housing Authority, and any and all costs incidental and related thereto; and to meet that appropriation, authorize the Town Treasurer, with the approval of the Select Board, to borrow \$350,000 under and pursuant to Chapter 44B, Section 11 of the General Laws or any other enabling authority, and to issue bonds or notes of the Town therefor.

Action taken on 5/12/2010.

PART D.

VOTED unanimously to appropriate a sum of \$18,000 from Community Preservation Act Fund Estimated Revenues for open space purposes recommended by the Community Preservation Act Committee for the purchase of land in North Amherst (Map 4B, Parcel 14) and to: 1) authorize the Select Board to acquire by gift or negotiated

purchase the fee interest in said parcel to be managed and controlled by the Amherst Conservation Commission in accordance with M.G.L. c. 40, § 8C for conservation and passive recreation purposes which parcel is located on Meadow Street and contains a total of 7.79 acres, more or less, all as shown on a plan entitled "Meadow Street Conservation Land Plan," and 2) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to enter into all agreements and execute any and all instruments, including the conveyance of a perpetual conservation restriction on the parcel in accordance with M.G.L. c. 184 as required by Section 12(a) of M.G.L. c. 44B, as may be necessary on behalf of the Town to effectuate said purchase.
Action taken on 5/12/2010.

James W. Pistrang was elected Moderator pro tem and having been sworn to the faithful performance of his duties served for the duration of Article 18.

ARTICLE 18. Olympia Drive – Disposition of Property
(Housing Partnership/Fair Housing Committee)

VOTED unanimously to authorize the Select Board to convey or lease, for term not in excess of ninety-nine (99) years, a certain parcel of land located on Olympia Drive, which parcel contains 13 acres, more or less, and is a portion of the parcel identified on Assessors Map 8D as Parcel 20 and the land described in the Order of Taking recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, together with any easements appurtenant thereto, for affordable housing purposes on such terms and conditions as the Select Board deems appropriate, provided such conveyance or lease shall be subject to an affordable housing restriction requiring at least 25% of the units constructed on said parcel be sold or rented to low and/or moderate income individuals or households, and further to authorize the Select Board to accept such affordable housing restriction and sign any instruments to effectuate the foregoing; or take any other action relative thereto.
Action taken on 5/12/2010.

Harrison Gregg resumed his duties as Moderator.

ARTICLE 19. Petition – Hire Energy Facilitation Outreach Worker (Collins)

DEFEATED [Whereas: the elderly, poor and disabled are being forced out of their homes by high heating bills in the town of Amherst.

Be it resolved: that Amherst Town Meeting raise and appropriate \$55,000 for the purpose of hiring an energy facilitation outreach worker to help bring energy incentives to Amherst residents and businesses in order to reduce long term energy costs and make Amherst more affordable.]

Action taken on 5/12/2010.

ARTICLE 20. Free Cash (Finance Committee)

DISMISSED Yes 90, No 62 [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 balance the 2011 Fiscal Year Budget.]

Action taken on 5/12/2010.

ARTICLE 21. Stabilization Fund (Finance Committee)

DISMISSED [To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2011 Budget.]

Action taken on 5/12/2010.

ARTICLE 22. Accept Massachusetts General Laws Chapter 40U,
Collection of Unpaid Municipal Fines (Select Board)

VOTED unanimously to refer back to the Select Board. [To see if the Town will vote to accept Massachusetts General Laws Chapter 40U, An Act Relative to the Collection of Unpaid Municipal Fines.]

Action taken on 5/12/2010.

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:

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.*

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.*

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.

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.

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

<u>R-LD</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u>	<u>B-VC</u>	<u>B-N</u>	<u>CO</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>	<u>FPC</u>
<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>M</u> <u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>

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

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

Action taken on 5/12/2010.

At 10:11 p.m. on Wednesday, May 12, 2010, the meeting voted to adjourn to Monday, May 17, 2010 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 168 town meeting members were checked in.

The May 17, 2010 session, adjourned from May 12, 2010, was called to order by the Town Moderator, Harrison Gregg, at 7:41 p.m. 122 town meeting members were checked in.

The Moderator asked for town meeting members to rise for a moment of silence to remember John Roberts who passed away on Monday, May 16, 2010.

ARTICLE 25. Zoning Amendment – University Drive Rezoning (Planning Board)

DEFEATED Yes 79, No 85 [To see if the Town will vote to amend the Official Zoning Map to change the zoning designation of Map 13B, Parcel 33, from Office Park (OP) to Limited Business (B-L)]

Action taken on 5/17/2010.

ARTICLE 26. Petition – Zoning Amendment – Four Unrelated Persons Definition (Melick)

VOTED to refer Article 26 to the Planning Board and Board of Health. [To see if the Town will amend Section 12.142 of the Zoning Bylaw by deleting the lined out language:

12.142 A group of unrelated individuals, not to exceed 4, residing cooperatively in one dwelling unit. In this instance, an accessory use as described in Sections 5.010 and 5.011 is not permitted.]

Action taken on 5/17/2010.

ARTICLE 27. Charge Amendment-Public Transportation and Bicycle Committee (Select Board)

VOTED to amend the charge of the Public Transportation & Bicycle Committee, by replacing the entire current charge with the following language:

Name: PUBLIC TRANSPORTATION & BICYCLE COMMITTEE

Appointing authority: Select Board

Type: Committee

Town Bylaw: no

Number of voting members: 9

Member appointment: 3 yrs

Voting members to include (where possible): One member to represent the perspective of handicapped citizens and two members to represent the town's cyclists. Otherwise a spread of geographical areas in town is desirable.

Non-voting liaison:

Committee charge summary:

The Committee advises the Select Board and the Town Meeting on policy concerning transportation, pedestrian and bicycle issues. Its explicit purposes include:
reviewing all proposals concerning public transportation safety,
advising the Select Board and the town's representative to the Pioneer Valley Transit Authority,
reporting to Town Meeting on any article that concerns public transportation,
reviewing Town bylaws and other laws that affect bicycling and making recommendations regarding these laws and their enforcement,
fostering public awareness of the rules for safe bicycling,
reviewing plans for subdivision or development of land, and construction or reconstruction of sidewalks, roads, and intersections within the Town,
advocating and promoting alternatives to private automobile ownership and use,
recommending designation and development of commuter and recreational routes for bicycle and for pedestrians, as well as parking facilities for bicycles within the town,
advising on transportation safety and accessibility for persons with disabilities.

This Committee was established by vote of the Annual Town Meeting of April 1995. (The initial Public Transportation Committee was established by a vote of the 1975 Annual Town Meeting.)

Action taken on 5/17/2010.

[A motion to refer this article back to the Select Board and Public Transportation and Bicycle Committee was defeated.]

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.]

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.]

Town Meeting voted to continue with Article 30 in accordance with Section 13 of the Rules of Order for Town Meeting.

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.

ARTICLE 31. Authorize the Select Board to Accept Right of Way on University Drive (Select Board)
VOTED unanimously to authorize the Select Board to acquire, by gift, purchase or eminent domain, the fee in parcels of land from the owners described below:

To acquire from Amherst Shopping Center Association LLC the fee in a parcel or parcels of land and related easements, all as shown on the plans entitled "Reconstruction and related work on University Drive," prepared by Stan-tec Engineering, dated April 1, 2010 which are on file with the office of the Town Clerk.
Action taken on 5/17/2010.

The business of the warrant having been completed, the meeting voted to dissolve at 10:22 p.m. on Monday, May 17, 2010. 177 town meeting members were checked in.

Attest:
Sandra J. Burgess
Town Clerk