

* * *
TOWN WARRANT
Annual Town Meeting
April 24, 1995

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the Annual Town Meeting to be held in the Auditorium of the Amherst Regional Junior High School in said Amherst at seven-thirty o'clock p.m. on Monday, the 24th day of April, nineteen hundred and ninety-five, when the following articles will be acted upon by town meeting members:

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

To see if the Town will hear only those reports of the Town officers, Finance Committee, and any other Town boards or committees which are not available in written form.

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

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

ARTICLE 3. Authorization for Temporary Borrowing (Select Board)

To see if the Town will authorize the Town Treasurer to borrow money from time to time in anticipation of the revenue for the fiscal year beginning July 1, 1995, in accordance with the provisions of the General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17.

ARTICLE 4. Optional Tax Exemptions (Select Board)

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

ARTICLE 5. Special Act - Hotel/Motel Tax (Select Board)

To see if the Town will authorize the Select Board to petition the General Court to seek a special act to amend Section 2 of Chapter 64G of the Massachusetts General Laws for the purpose of imposing a local excise tax under the provisions of Chapter 64G for transient occupancy of residential lodging accommodations at federal, state, municipal, religious, charitable, or educational philanthropic institutions in the Town of Amherst.

ARTICLE 6. FY 95 Operating Budget Amendment - Police Arbitration Decision
(Select Board/Town Manager)

To see if the Town will amend the FY 95 Operating Budget for Public Safety by raising and appropriating or appropriating and transferring an additional \$32,575.

ARTICLE 7. Personnel Bylaw - Personnel Board Report
(Personnel Board)

To see if the Town will:

- a: amend the Personnel Bylaw to revise the text and amend pay schedules;
- b: amend the Personnel Bylaw to authorize the Select Board to approve changes in the classification and compensation plans, hours of work and employee benefits.

ARTICLE 8. FY 96 Operating Budget (Finance Committee)

To see if the Town will adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

ARTICLE 9. Retirement Assessment (Select Board)

To see if the Town will raise and appropriate \$1,350,167 for the Hampshire County Retirement System assessment.

ARTICLE 10. Special Services - Amherst Community Television (Select Board)

To see if the Town will raise and appropriate \$3,500 for Amherst Community Television and related expenses.

ARTICLE 11. Special Services - Congregate Housing (Select Board)

To see if the Town will raise and appropriate \$60,000 for the development and coordination of support services essential to the tenants of congregate housing, said program to be fully reimbursed by the Department of Elder Affairs.

ARTICLE 12. Special Services - Transportation Subsidies (Select Board)

To see if the Town will endorse no-fare public transit service to the Echo Hill, Cushman, and Orchard Valley areas of the Town and for elderly and disabled special services, and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of the cost of such services.

ARTICLE 13. Special Services - Human Services Agencies (Select Board)

To see if the Town will raise and appropriate \$112,700 for the following human services agencies:

Amherst Survival Center.....	\$22,000
Cambodian American Association.....	5,000
Center for Human Development Helen Mitchell Family Outreach Project.....	15,000
Center for Human Development - Not Bread Alone.....	5,000
Children's Aid and Family Services.....	6,000
Commuter Resources - Homesharing.....	1,200
Everywoman's Center.....	2,500
First Call for Help.....	8,000
Hampshire Community Action Commission - Amherst Family Center.....	1,000
Hampshire County VNA Senior Health Services.....	6,000
Necessities/Necesidades.....	5,000
Resource Center - Companion Program.....	15,000
Resource Center - Counseling Program.....	4,000
YWCA.....	4,000
After-School Tuition Program.....	13,000

ARTICLE 14. Special Services - Charter Commission (Charter Commission)

To see if the Town will raise and appropriate \$7,000 for operating expenses of the Charter Commission.

ARTICLE 15. Capital Program - Chapter 90 - Road Maintenance (Select Board)

To see if the Town will appropriate such amount as the State may provide for the construction or repair of certain roads in town, authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or borrow in anticipation of reimbursement for said grants.

ARTICLE 16. Capital Program - Chapter 90 - Road Maintenance - Market Hill Road (Select Board)

To see if the Town will authorize expenditure of \$150,000 of Chapter 90 funds for road improvements to Market Hill Road.

ARTICLE 17. Capital Program - Chapter 90 - Land Acquisition/Easements - College Street and South East Street (Select Board)

To see if the Town will appropriate \$26,000 of Chapter 90 funds to acquire certain parcels of land (or portions thereof) in the vicinity of the intersection of College Street and South East Street by eminent domain, purchase, gift or otherwise, in fee, or as easements or other interest in land necessary for the reconstruction of said intersection and associated costs of acquisition, being lands and easements now or formerly of V.S.H. Realty, Inc., Fleet Bank of Massachusetts NA, and Angelo M. Baggetta.

ARTICLE 18. Capital Program - Equipment (Joint Capital Planning Committee)

To see if the Town will appropriate \$767,500 to purchase, repair, and/or install new or replacement equipment listed below and be authorized to turn in or sell corresponding items of equipment as part payment and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

Photocopier	Backhoe
Computers	Pickup truck
Police station card readers	Sidewalk snow plow
Cruisers (3)	Road sweeper
Repeater/Antenna system	5' riding mower
Breathalyzer	Used tractor
Fire department breathing apparatus	Special Education vans (2)
Dump truck	Ambulance
	Paramedic Equipment

ARTICLE 19. Capital Program - Buildings and Facilities (Joint Capital Planning Committee)

To see if the Town will appropriate \$227,500 to repair and/or improve facilities listed below and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

- Child Care Facility kitchen exhaust system
- Downtown improvements
- Public Works facility improvements
- ADA parking facility improvements
- Oil-storage tank removals
- Mill River ADA and bathhouse renovations
- School carpet replacement
- School HVAC modifications
- Energy management system for Wildwood School
- North Amherst Library improvements

ARTICLE 20. Sale of Cushman School (Advisory Committee on Children's Services/Select Board)

To see if the Town will authorize the sale of the Cushman School to the Cushman Children's Center for \$115,000.

ARTICLE 21. Exchange of Land - Henry Street (Select Board)

To see if the Town will authorize the Select Board to relinquish a certain easement owned by the Town over land now or formerly of Carol Steele at 197 Henry Street, in exchange for a certain portion of land, in fee, at 197 Henry Street, which portion contains 2,000 square feet, more or less, and which lies between Henry Street and the railroad right of way.

ARTICLE 22. Capital Program - Conservation - Agricultural Preservation Restrictions (Conservation Commission)

To see if the Town will appropriate \$20,000 to assist the Department of Food and Agriculture, Commonwealth of Massachusetts, with the purchase of Agricultural Preservation Restrictions on farms in Amherst and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise.

ARTICLE 23. Capital Program - Conservation - Purchase of Property - Meadow Street Agricultural Preservation Restriction (Conservation Commission)

To see if the Town will appropriate \$175,000 for the acquisition by eminent domain, purchase, gift or otherwise, for agricultural preservation purposes, of 20 acres of land on Meadow Street now or formerly of Donald LaVerdiere and Leigh Andrews; authorize the Select Board to accept funds from the Commonwealth of Massachusetts to pay for the simultaneous purchase of an Agricultural Preservation Restriction on said property; and authorize the simultaneous sale of the property, encumbered by the Agricultural Preservation Restriction, to the American Farmland Trust or other agriculturally related non-profit agency, to be managed or conveyed to a farmer as agricultural land.

ARTICLE 24. Capital Program - Conservation - Purchase of Property - Bay Road
(Conservation Commission)

To see if the Town will appropriate \$39,000 for the acquisition by eminent domain, purchase, gift or otherwise of 18.6 acres of property located on Bay Road and Mechanic Street, known as the Rogers-Nugent purchase, for conservation purposes, and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

ARTICLE 25. Capital Program - Water Fund - Purchase of Property - Sand Hill Road, Shutesbury
(Conservation Commission)

To see if the Town will appropriate \$182,000 in the water fund for the acquisition by eminent domain, purchase, gift or otherwise, of 188 acres of property located on Sand Hill Road in Shutesbury, known as the Gage purchase, for watershed protection purposes, and to determine whether such appropriation shall be met by revenues of the current year, by the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

ARTICLE 26. Capital Program - Sewer Fund - Ruxton Land Acquisition
(Select Board/Conservation Commission)

To see if the Town will appropriate \$280,000 for the acquisition by eminent domain, purchase, gift or otherwise, of 39 acres of property located on Pulpit Hill Road and State Street, known as the Ruxton purchase, for sewer, conservation or other municipal purposes, and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

ARTICLE 27. Capital Program - Ruxton Property (By Petition of Vincent J. O'Connor)

"To see if the Town will:

- A. raise and appropriate \$120,000 for the purchase of the 27 acres more or less of property designated as parcel "A" of the 39 acres of property located on Pulpit Hill Road and State Street, known as the Ruxton purchase, for the purpose of recreation and general public works use and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.
- B. raise and appropriate \$165,000 for the purchase of the 12 acres more or less of property designated as parcel "B" of the 39 acres of property located on Pulpit Hill Road and State Street, known as the Ruxton purchase, for the purpose of conservation in accordance with Massachusetts General Laws Chapter -- Section -- and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.
- C. raise and appropriate \$500,000 for 1) the reclamation of the 27 acres more or less of property designated as parcel "A" of the 39 acres of property located on Pulpit Hill Road and State Street, known as the Ruxton purchase, and 2) the construction thereon of athletic fields, other recreational uses, and related facilities and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants."

ARTICLE 28. Capital Program - Enterprise Funds Buildings and Facilities (Select Board)

To see if the Town will appropriate \$177,000 to repair and/or improve the enterprise funds facilities listed below and to determine whether such appropriation shall be met by revenues of the current year, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

Well #4 alterations
Atkins Reservoir leak-detection system
Atkins Reservoir screenhouse

Replace water mains on Farview Way and East Leverett Road
Clarifier sandblasting
West Street pump station controller
Landfill building addition
Replace Polymer System

ARTICLE 29. Capital Program - Enterprise Funds Equipment (Select Board)

To see if the Town will appropriate \$181,000 to purchase, repair, and/or install new or replacement enterprise funds equipment listed below and be authorized to turn in or sell corresponding items of equipment as part payment and to determine whether such appropriation shall be met by revenues of the current year, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

Pickup trucks (2)
Air compressor
Van
Used dump truck
Loader
Portable emergency generator

ARTICLE 30. Free Cash (Select Board)

To see if the Town will appropriate and transfer a sum of money from Free Cash in the undesignated fund balance of the General Fund to reduce the tax levy of the 1996 Fiscal Year.

ARTICLE 31. Town Bylaw - Committee on Bicycling (Select Board)

To see if the Town will, in accordance with Article 1 of the Town Bylaws, Committee on Bicycling (Article 10, October 20, 1980 Special Town Meeting), renew the Committee's charter for an additional five-year period or to amend the charge of the Public Transportation Committee, established by vote of the 1975 Annual Town Meeting, by adding the charge of the Committee on Bicycling.

ARTICLE 32. Town Bylaws - Handicapped Parking (Select Board)

To see if the Town will amend the Town Bylaws to add a "Handicapped Parking Bylaw" under which it shall be unlawful for any person to leave any vehicle within parking spaces on public or private property which are required, under any provision of federal, state and local laws or regulations, to be designated and are clearly marked as reserved for vehicles owned and operated by disabled veterans or handicapped persons, except a vehicle transporting a handicapped person and displaying the special identification plate issued by any state or any Canadian province.

ARTICLE 33. Zoning Bylaw Amendment - Section 6.14 - Dimensional Regulations - Minimum Setback (Planning Board)

To see if the Town will amend Section 6.14, Minimum Setback, by deleting the language in brackets [] and adding the shaded _ language, as follows:

6.14 Minimum Setback

The minimum setback shall be determined by a line parallel to the street right-of-way line extending from one side lot line to the other. No part of any building, except uncovered steps, and no accessory structure (other than a sign) having a height of more than four feet shall be placed within or protrude into the area between the setback line and the street line. In the case of corner lots, the setback line shall be observed for all bordering streets.

In the General Business (B-G) [d]District[s], the 20 foot minimum setback applies only to a part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block; otherwise, [a 5 foot] no setback is required.

ARTICLE 34. Zoning Bylaw Amendment - Section 6.15 - Dimensional Regulations - Minimum Side Yard (Planning Board)

To see if the Town will amend Section 6.15, Minimum Side Yard, by deleting the language in brackets [] and adding the shaded language _, as follows:

6.15 Minimum Side Yard

The minimum side yard shall be the area between the side lot line and the side yard setback line, extending from the front yard to the rear lot line. An accessory structure may be located within the minimum side yard only if it is located behind the front building line.

An accessory structure having a height of six feet or less shall be set back a minimum of three feet from the side lot line. An accessory structure over six feet in height shall be set back a distance equal to its height.

In the General Business (B-G) and Light Industrial (LI) districts, minimum side yards shall be at least 20 feet when adjoining a residence district. Otherwise, side yards are not required, but if provided, shall be at least ten feet[.].

[and provided further that i]In the General Residence (R-G) [d]District[,] a single story garage, tool shed, gazebo or similar accessory structure may, under a [s]Special [p]Permit, be located within the side yard behind the [back] frontline of the principal building if such use, [and] location and proposed dimensions are consistent with the prevailing pattern of existing development for such structures in the neighborhood.

ARTICLE 35. Zoning Bylaw Amendment - Section 3.357 - Use Classification Chart (Planning Board)

To see if the Town will amend Section 3.357 of the Use Chart (Section 3.3) of the Zoning Bylaw by deleting the language in brackets [] and adding the shaded language __, as follows:

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

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	[N] <u>SP</u>	SP	SP	SPR	N	N	N	N

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.

ARTICLE 36. Zoning Bylaw Amendment - Aquifer Recharge Protection District (Planning Board)

To see if the Town will amend Sections. 2.05, 2.2, 3.2435, 3.25, 3.29, 14.43 and Article 12 by deleting the language in brackets [], adding the shaded language __ and relocating and renumbering sections, as follows:

- A. Remove Section 3.29, Aquifer Protection, from the Table of Contents. Paginate as necessary.
- B. Amend Section 2.05, Resource Protection Districts, by removing the heading and paragraph referring to the Aquifer Protection (AP) District and by amending the paragraph referring to the Aquifer Recharge Protection (ARP) District, as follows:

ARP Aquifer Recharge Protection

The ARP District is an overlay district intended to provide additional protection to those lands which, by virtue of their location, slope, soils, subsurficial geology[,] and water tables, constitute the recharge area[, plus a 300 foot buffer,] for Zones I, II and III of the public water supply wells of the Town of Amherst within the Lawrence Swamp Aquifer.

- C. Amend Section 2.2, Boundary Interpretations, as follows:

2.26 The Watershed (WP) [d]District is bounded by the topographic ridge on the upside, the fall lines (lines normal to actual topographic contours) on the lateral sides, and [either] the Shutesbury town line by the Atkins Reservoir [or the ARP Districts on the downside].

2.27 The Aquifer Recharge Protection (ARP) District is bounded by the following conditions on the upside and lateral sides:

Property lines, WP downside line, topographic ridge, soil limits, Town lines and other lines as noted on the map;

and bounded by the limit of the clay cap which overlays the Lawrence Swamp basin on the downside.]

D. Amend Section 3.2435 by deleting the language in brackets [], and adding the shaded language __, as follows:

3.2435 Industrial or commercial storage of sodium chloride and other de-icing materials, pesticides, herbicides, fertilizers and other hazardous lawn and garden chemicals is prohibited. [Ice control measures shall not include the use of sodium chloride in this district.]

Sodium chloride, if used for ice control, shall be used at a level consistent with public highway safety standards. The base ratio shall be 1 part sodium chloride to 10 parts sand, with higher levels of sodium chloride used only where necessary to maintain public safety. Calcium chloride, chemically treated abrasives and other alternative de-icing materials shall be used to the maximum extent feasible for winter road maintenance. Municipal storage of all such snow and ice chemicals shall occur on a paved surface, with berms, within a covered structure designed to prevent the generation and escape of contamination run-off or leachate.

The outdoor storage of de-icing materials or pesticides, herbicides, fertilizers and other hazardous land and garden chemicals for home use is prohibited.

E. Amend Section 3.25 by deleting the language in brackets [], adding the shaded language __ and relocating and renumbering sections, as follows:

3.25 Aquifer Recharge Protection (ARP) District

3.251 Establishment of District

The Aquifer Recharge Protection (ARP) District shall consist of those geographic areas shown on the Official Zoning Map. This District is configured to include all those lands which by virtue of their natural slope, soils, subsurficial geology and water tables relate directly to the recharge of groundwater into the large aquifer located in the Lawrence Swamp basin[, and which shall include the primary recharge area and a three hundred (300) foot buffer from the edge of the primary recharge area] consisting of the Zones I, II and III aquifer recharge areas for the Town of Amherst's public wells.

3.253 [Restrictions and] Prohibitions

The following uses are [restricted or] prohibited[, as the case may be,] in the ARP District, except as part of normal agricultural operations.

3.2530 [The release upon or within any land or water in the ARP District, of any hazardous material is prohibited, except as otherwise provided for in Section 3.25.]

Business and industrial uses, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning and auto body repair, which generate, treat, process, store or dispose of hazardous waste, except for the following:

1. Very small quantity generators of hazardous waste, as defined by 310 CMR 30.00, as amended, may be allowed by the Special Permit Granting Authority in accordance with Section 3.250 of this bylaw;
2. Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390, as amended;
3. Waste oil retention facilities required by M.G.L. Ch. 21, Sec. 52A, as amended, and;

4. Treatment works approved by the Massachusetts Department of Environmental Protection and designed in accordance with 314 CMR 5.00, as amended, for the treatment of contaminated ground or surface waters.

3.2531 Industrial or commercial uses which [involve, as their primary business activity, hazardous material in amounts exceeding the minimum threshold amount requiring compliance with Mass. Dept. of Environmental Quality Engineering Hazardous Waste Regulations 310 CMR 30, as amended, are prohibited] dispose of process waste waters on-site.

3.2532 [Commercial uses which involve, as their primary business activity, hazardous materials, including but not limited to, t] Truck or bus terminals, car washes, gasoline sales, motor vehicle service and repair shops, commercial fuel oil storage and sales[, and wood preserving, stripping and refinishing operations are prohibited], solid waste landfills, dumps, auto recycling, auto graveyards, junk and salvage yards, landfilling or storage of sludge and septage, with the exception of the disposal of brush or stumps.

3.2533 [The use of septic system cleaners which contain hazardous materials, including but not limited to methylene chloride and 1-1-1 trichloroethane, is prohibited.]

Underground storage [and/or transmission of oil or other] of liquid petroleum products [not in a containment structure approved by the Permit Granting Board, except for liquified petroleum gases and gasoline which shall require a Special Permit in accordance with Section 3.257, is prohibited], except for the following:

1. Storage for normal household use, outdoor maintenance, and heating of a structure;
2. Waste oil facilities required by statute, rule or regulation;
3. Emergency generators required by statute, rule or regulation;
4. Treatment works approved under 315 CMR 5.00 for treatment of ground or surface waters;
5. Underground storage tanks for gasoline which existed at the time of adoption of this bylaw may be replaced, provided that any such replacement tank is of no greater volume, and shall be provided with a secondary containment system in compliance with the Massachusetts Fire Safety Code (527 CMR);

provided that such storage, listed in items 1. through 5. above, is in free-standing containers within buildings or above ground and in either case is provided with secondary containment facilities, impermeable and capable of holding a spill equal to 1.5 times the total volume of the primary container. The replacement of any underground storage tanks for heating oil which existed at the time of adoption of this bylaw shall meet the requirements of the Board of Health.

3.2534 The outdoor storage of sodium chloride, de-icing materials [or], pesticides, herbicides, fertilizers and other hazardous lawn and garden chemicals for home use is also prohibited.

3.2535 Dumping or disposal on the ground, in water bodies, or in residential septic systems of any toxic chemical including but not limited to [The use of] septic system chemical cleaners which contain [hazardous materials] toxic chemicals [including but not limited to] such as methylene chloride and 1-1-1 trichloroethane, [is prohibited] or other household hazardous waste.

3.2536 Stockpiling and disposal of snow or ice removed from highways or streets located outside the ARP District that contains sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.

3.2537 Wastewater treatment plants or works subject to a groundwater discharge permit under 310 CMR 5.00, except for the following:

1. The replacement or repair of an existing system that will not result in any increase in the design capacity of said system;
2. The replacement of an existing subsurface sewage disposal system with wastewater treatment works that will not result in any increase over the design capacity of the existing system, and;
3. Treatment works designed for the treatment of contaminated ground or surface waters subject to 314 CMR 5.00, as amended.

3.2538 Industrial or commercial storage of sodium chloride and other de-icing materials, pesticides, herbicides, fertilizers, and other hazardous lawn and garden chemicals is prohibited. [Ice control measures shall not include the use of sodium chloride in this district.]

3.2539 Excavation of earth, sand, gravel and other soils or geologic materials shall not extend closer than ten (10) feet above the long-term (20 year) average annual high water table on the site, except to provide for structural foundations [and], utility conduits and public works. This [restriction] prohibition also shall not apply to the installation or maintenance of on-site septic systems.

3.254 Restricted Uses

The following uses are restricted in the ARP District:

3.2540 Sodium chloride, if used for ice control, shall be used at a level consistent with public highway safety standards. The base ratio shall be 1 part sodium chloride to 10 parts sand, with higher levels of sodium chloride used only where necessary to maintain public safety. Calcium chloride, chemically treated abrasives and other alternative de-icing materials shall be used to the maximum extent feasible for winter road maintenance. Municipal storage of all such snow and ice control chemicals shall occur on a paved surface, with berms, within a covered structure designed to prevent the generation and escape of contamination run-off or leachate.

3.2541 Fertilizers, pesticides, herbicides and other leachable lawn and garden chemicals shall be used in accordance with the Lawn Care Regulations of the Massachusetts Pesticide Board, 333 CMR 10.03 (30,31), as amended, with manufacturer's label instructions, and all other necessary precautions to minimize adverse impacts on surface and groundwater.

3.2542 Industrial or commercial uses which involve the storage, use or presence of any oil, petrochemical product, pesticide, herbicide, fertilizer, or other hazardous leachable materials on any site within the ARP District, shall require a Special Permit from the Zoning Board of Appeals. A Special Permit shall be issued only upon a specific finding that the hazardous material(s) will be transported, stored, used and disposed of in a manner that will not constitute a threat to the Lawrence Swamp Aquifer. Any facility for the storage of such materials shall have secondary containment and shall be covered.

3.255 Drainage

3.2550 To the extent possible, runoff from impervious surfaces shall be recharged on the site by being diverted to areas covered with vegetation for surface infiltration. No more than 15% of the net runoff from a lot, calculated after development, may be diverted out of the ARP District. All detention or retention basins, ponds and similar drainage structures shall be permanently maintained in full working order by the property owner, unless otherwise specified by the permit granting authority.

3.2551 [The use of dry wells and retention ponds with appropriate winter alternatives are acceptable, provided that dry wells that receive runoff from roadways, driveways and parking areas shall be constructed with oil, grease, and sediment traps in the drainage way to facilitate removal of contaminating materials. A maintenance plan for any dry wells or other structures or site alterations intended to facilitate infiltration shall be submitted to the Permit Granting Board or to the Building Commissioner. Any lot having an impervious area less than 3,000 square feet shall be exempt from these requirements.]

The rendering impervious of more than 15% of the lot area or 2,500 square feet, whichever is greater, is permitted under a Special Permit, provided that a system for artificial recharge of precipitation to groundwater is developed which the Special Permit Granting Authority finds adequately protects against the degradation of groundwater quality. For non-residential uses, recharge shall be stormwater infiltration basins or similar systems covered with natural vegetation. Dry wells shall be used only when other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease and sediments traps to facilitate removal of contamination. Any and all recharge areas, basins, wells and traps shall be permanently maintained in full working order by the property owner.

3.256 Split Zoning

For any lot that is divided by the ARP District boundary, whose frontage is not located in the ARP District and for which a proposed use (allowed by the underlying zoning district) is restricted by either the location of the District boundary or the dimensional requirements of the ARP District, an owner may apply to the Zoning Board of Appeals, for a Special Permit for a waiver of the restrictions or dimensional requirements of the A[P]RP District provided the Board makes the findings required in Section 3.25[62]85.

3.257 Dimensional Regulations

3.2570 Lot Coverage

Maximum lot coverage for residentially zoned land--15%

Maximum lot coverage for PRP zoned land--50%

3.2571 Building Coverage

Maximum building coverage for residentially zoned land--10%

Maximum building coverage for PRP zoned land--25%

F. Renumber existing Section 3.256 as 3.258 and renumber existing subsections 3.2560-3.2562 as 3.2580-3.2582.

G. In the following sections, delete the language in brackets [], adding the shaded __ language and relocating and renumbering sections, as follows:

3.2583 The applicant shall file six (6) copies of the proposed operating plan with the Zoning Board of Appeals (Special Permit)/Planning Board (Site Plan Review). Copies will be transmitted, within 7 days, to the ZBA/Planning Board, Conservation Commission, Aquifer Protection Committee, Department of Public Works, Board of Health, and Building Commissioner, for their review and recommendations.

3.2584 The Zoning Board of Appeals and Planning Board may require [reasonable] such additional information [it] as they find[s] necessary for adequate assessment of the proposed use. The Zoning Board of Appeals and Planning Board may, consistent with their regulations adopted pursuant to M.G.L. Ch. 44, 53G, employ outside consultants, including, but not limited to, hydrogeologists, in the review of the proposed use.

3.2585 The following findings shall be made for any approvals granted:

1. The permit granting Board shall find that the proposal either is in harmony or is not in harmony with the purposes and intent of this section and must specify reasons therefore.
2. The permit granting Board shall find that the proposed use provides for adequate sewage disposal and water service systems.
3. The permit granting Board shall find that the proposed use will not have an adverse environmental impact on any watershed, watercourse or water body in the ARP District during construction.

4. The permit granting Board shall find that the proposed use will not adversely affect the quality and quantity of water in the Lawrence Swamp basin.

3.259 Exemptions & Residential Development

3.2590 Exemptions

In any instance where a property owner disputes the inclusion of their property in the ARP District, the owner may engage a professional hydrogeologist[,] or groundwater engineer [or geologist with experience in hydrogeology] to determine if that property should be included in the ARP District based on the definition and purposes of the district and on the characteristics of the property.

Based on this determination, the property owner may apply to the Zoning Board of Appeals for a Special Permit for any use that would otherwise be permitted in the underlying zoning district but which is prohibited or constrained by the restrictions in the ARP District. Sections 3.2583 and 3.2584 of this bylaw shall apply to all applications for exemption under this section. The Board [may] shall find, based on Sections 3.251 and 3.252, that the property either is or is not exempt from the provisions of Section 3.25 and may therefore issue a Special Permit.

3.2591 Residential Development

For all parcels of land which are located in both the ARP District and the Low Density Residence District (R-LD), the following requirements shall be met:

1. Residential subdivisions requiring approval under M.G.L. Ch. 41, The Subdivision Control Law, shall be laid out as cluster developments in accordance with Section 4.3 of the Zoning Bylaw.

H. Remove Section 3.29, Aquifer Protection (AP) District, in its entirety.

I. Amend Article 12, Definitions, by adding the following new sections:

- 12.30 Waste: Any discarded material, or any material otherwise generated or produced as a by-product of any activity which is not intended for further use by the generator or producer.
- 12.31 Wastewater Treatment Works Subject to 314 CMR 5.00: Any wastewater treatment plants or works, including community septic systems, which require a groundwater discharge permit from the Massachusetts Department of Environmental Protection (DEP).
- 12.32 Zone I Recharge Area: That area encompassed by a circle extending around the wellhead of a public drinking water well, with the wellhead at its center and including all land within a 400 foot radius.
- 12.33 Zone II Recharge Area: That area of an aquifer which contributes water to a public drinking water well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend up-gradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).
- 12.34 Zone III Recharge Area: The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II, as defined in 310 CMR 22.00, as amended.

ARTICLE 37. Zoning Map Amendment - Aquifer Recharge Protection District (Planning Board)

To see if the Town will amend the Official Zoning Map in the following manner:

- a) Combine the existing Aquifer Recharge Protection District (ARP), the Watershed Protection District (WP), and the Aquifer Protection District (AP) over and around the Lawrence Swamp Aquifer into a new Aquifer Recharge Protection District.
- b) Revise the boundaries of the Aquifer Recharge Protection District.

- c) Rezone certain properties located outside of the new ARP District from Low Density Residence (R-LD) to either Outlying Residence (R-O) or Neighborhood Residence (R-N).

all as shown on "Planning Board Exhibits A + B, Aquifer Recharge Protection" dated March, 1995.

ARTICLE 38. Zoning Bylaw Amendment - Section 3.324 - Converted Dwellings
(By Petition of Vincent J. O'Connor)

"To see if the Town will vote to amend Section 3.324, Converted Dwellings, by deleting the language in brackets and adding the shaded language, as follows:

RO

<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>
SP ⁵	SP ⁵	SP ⁵	SP ⁵	N	SPR	SP ⁵	SP ⁵	N	N	N	N	N
(N)	(N)											

Standards

&

Conditions

5. Other provisions of this section notwithstanding, the conversion of an owner-occupied dwelling from one to two units shall be by right where such conversion meets all requirements for parking and dimensions for two units, as well as all other Standards and Conditions of this Section.

[The proposed c]Conversions other than those from one to two units shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Zoning Board of Appeals. The lot, of such other conversions, if in a residence district, shall fall within one of the following areas: a) close to heavily travelled streets; b) close to business, commercial & educational districts; c) already developed for multi-family use.

7. In addition to conversions permitted by right under Condition 5., [T]he Zoning Board of Appeals may, one time only for any individual parcel, modify the dimensional requirements of Table 3 to[, one time only for any parcel,] allow a conversion under Section 3.324 that would add one additional unit[only], if it finds that the modification would be in accordance with the provisions of Section 9.22.

9. A management plan, as defined in the Rules and Regulations adopted by the Zoning Board of Appeals, shall be included as an integral part of any application, including building permit applications for conversions by right. Management plans submitted for conversions by right shall be reviewed and approved by the Building Commissioner.

10. A landscape plan appropriate for the project shall be included in the application. The landscape plan accompanying applications for building permits for conversions by right shall provide for the screening of any additional parking areas from abutting residences, and shall be reviewed and approved by the Building Commissioner, who shall use the relevant criteria established in Section 11.24."

ARTICLE 39. Zoning Map Amendment - 417 West Street (By Petition of Donald A. LaVerdiere)

To see if the Town will amend the Official Zoning Map, Parcel 02, Map 19D, by rezoning a portion of the Flood Prone Conservancy (FPC) Zone to Residential Village Center (R-VC).

ARTICLE 40. Resolution - Report of School Committee (By Petition of John P. Eysenbach)

"Whereas Amherst greatly values education and the maintenance of a strong and creative public schools system; and

Whereas, our student population today is increasingly diverse in background, aptitudes and educational needs; and

Whereas, financial resources are limited and must be carefully expended; and

Whereas, longer term, or strategic, views are often helpful when dealing with increasingly complex issues; now, therefore

To request the School Committee to report at the Fall 1995 Town Meeting on the State of the Amherst Schools; such report to include:

- Primary goals for the system
- How progress toward those goals is measured
- A projection of financial resources needed to meet said goals
- System strengths
- System weaknesses
- Whatever other issues the School Committee determines should be in such a report to Town Meeting"

ARTICLE 41. Resolution - University Unfunded Services (By Petition of Jon Hite)

"TO SEE IF THE TOWN WILL ADOPT A RESOLUTION TO THE EFFECT THAT THE town strongly supports the Select Board, the Town Manager, and our State Legislators in their efforts to obtain from the University and the Commonwealth fair compensation to the Town for the unfunded services provided by the Town of Amherst to the University."

ARTICLE 42. Resolution - Siting of a Radioactive Waste Facility (By Petition of Greenpeace)

"WHEREAS, on February 16, 1994, the Massachusetts Low-Level Radioactive Waste Management Board voted to look for a site for the disposal of radioactive waste within the Commonwealth of Massachusetts, and

WHEREAS, "low level" radioactive waste as currently defined includes radioactive materials that are toxic and dangerous for thousands, even millions of years, and

WHEREAS, if any radioactive waste "disposal facility" were established within the Commonwealth of Massachusetts, it would be required to accept radioactive waste from producers within, as well as outside the Commonwealth,

1. NOW THEREFORE, BE IT RESOLVED and voted by Town Meeting of the town of Amherst that:

a. Town Meeting is opposed to the siting of any radioactive waste disposal facility in the town of Amherst;

b. Town Meeting and all other town officials and employees will oppose siting a radioactive waste facility in the Town of Amherst, or in any city or town bordering the Town of Amherst;

2. BE IT FURTHER RESOLVED that the Massachusetts Low-Level Radioactive Waste Management Board be notified that they should not proceed with the siting of a radioactive waste "disposal facility" in the commonwealth at this time, but instead:

a. Make **source reduction and elimination** of radioactive wastes their primary management method, by writing, adopting and enforcing a detailed and aggressive plan for source reduction and elimination;

b. Make plans to **reclassify and separate** radioactive wastes by toxicity, intensity, and duration;

c. **Hold producers of radioactive wastes responsible** for all present and future costs of the management, transportation, monitoring, storage and long-term environmental and health effects of radioactive waste;

3. BE IT FURTHER RESOLVED that our Representatives in the Legislatures of the Commonwealth, at the State House, Boston MA 02133 be notified that citizens from any community which has been targeted to "host" a radioactive waste facility, and adjacent communities **must have the authority to vote** to approve or reject the siting of such a facility as detailed in House Bill 4539; and

4. BE IT RESOLVED that this Selectboard call upon President Clinton, at the White House, 1600 Pennsylvania Avenue, Washington, DC 20500, to establish an independent commission to publicly and comprehensively **review our national radioactive waste policy** and policies affecting the production of radioactive wastes."

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Marks Meadow School	Prec. 8	Munson Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Bangs Community Center	Prec. 10	Campus Center/UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this tenth day of April, A.D. 1995.

B. C. Harvey
Brenna Y. Kucinski
Hill Boss
Carolyn Holstein
Homer W. Cowles

Board of Selectmen

Hampshire, ss.

April 12, 1995
(date)

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Robert J. O'Connor
Constable