



TOWN WARRANT

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 Middle School in said Amherst at seven o'clock p.m. on **Monday, the twenty-eighth day of April, Two Thousand and Fourteen**, 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 those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Finance Committee)

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.

ARTICLE 3. Acceptance of Optional Tax Exemptions (Select Board)

To see if the Town will 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.

ARTICLE 4. Authorization for Compensating Balances (Select Board)

To see if the Town will 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.

ARTICLE 5. Capital Program – Jones Library Feasibility Study (Library Trustees)

- A. To see if the Town will vote to authorize the Board of Trustees of the Jones Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility.
- B. To see if the Town will vote to grant the Board Trustees of the Jones Library the authority to apply for, accept, and expend any state grants which may be available for a feasibility study for the current and future needs of the Jones Library and to further vote to raise and appropriate \$25,000 for the purpose of making funds available to the Trustees to be able to apply for matching state grant funds for a Library Feasibility Study.

ARTICLE 6. FY 2014 Budget Amendments
(Finance Committee)

- A. To see if the Town will amend the budget voted under Article 16 of the 2013 Annual Town Meeting (FY 2014 Operating Budget) to transfer sums of money between General Government, Public Safety, Public Works, Planning, Conservation, and Inspections, Community Services, and Debt Service accounts to balance the 2014 Fiscal Year.
- B. To see if the Town will amend the budget voted under Article 16 of the 2013 Annual Town Meeting (FY 2014 Operating Budget) to appropriate and transfer a sum of money from the Ambulance Fund to the Public Safety budget.
- C. To see if the Town will amend the action taken under Article 17 of the 2013 Annual Town Meeting (FY 2014 Reserve Fund) to appropriate and transfer a sum of money from the Fund Balance Reserved for Overlay Surplus account to the Reserve Fund to balance the 2014 Fiscal Year.
- D. To see if the Town will amend the action taken under Article 17 of the 2013 Annual Town Meeting (FY 2014 Reserve Fund) to appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to the Reserve Fund to balance the 2014 Fiscal Year.

ARTICLE 7. Retirement Assessment
(Select Board)

To see if the Town will raise and appropriate \$4,204,149 for the Hampshire County Retirement System assessment.

ARTICLE 8. Regional Lockup Assessment
(Select Board)

To see if the Town will raise and appropriate \$35,928 for the Hampshire County Regional Lockup Facility assessment.

ARTICLE 9. Other Post-Employment Benefits (OPEB) Trust Fund
(Finance Committee)

To see if the Town will raise and appropriate \$100,000 for the OPEB Trust Fund established under the provisions of Section 20 of Chapter 32B of the Massachusetts General Laws.

ARTICLE 10. Revolving Fund Reauthorization
(Finance Committee)

To see if the Town will reauthorize a revolving fund pursuant to Chapter 44, §53E½ of the Massachusetts General Laws for the operation of an After School Program from which the receipts shall be credited for expenditure by the LSSE department as authorized by the Department Head of the LSSE or his/her designee for supplies and services, including salaries and benefits of staffing, and related administrative costs for the program operation with a limit of \$400,000 that may be expended from said revolving fund in the fiscal year which begins on July 1, 2014.

ARTICLE 11. Amherst-Pelham Regional School District Assessment Method
(Amherst-Pelham Regional School Committee)

To see if the Town will vote 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 2015 as required by Section VI of the Regional Agreement.

ARTICLE 12. FY 2015 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 13. Reserve Fund
(Finance Committee)

To see if the Town will raise and appropriate \$100,000 for the Reserve Fund for FY 2015.

ARTICLE 14. Capital Program - Equipment
(Joint Capital Planning Committee)

To see if the Town will appropriate \$1,413,300 to purchase, repair, and/or install new or replacement equipment and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 15. Capital Program – Buildings and Facilities
(Joint Capital Planning Committee)

To see if the Town will appropriate \$633,000 to repair and/or improve buildings and facilities and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 16. Capital Program – Bond Authorizations
(Joint Capital Planning Committee)

- A. To see if the Town will appropriate \$700,000 for making repairs and improvements to the East St. School and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- B. To see if the Town will appropriate \$322,411 for purchasing two large mowers and a loader for the Public Works Department and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

**ARTICLE 17. Capital Program – Wildwood School Feasibility Study
(School Committee)**

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Wildwood School Building Committee for the Amherst Public School District/Wildwood Elementary Renovation Project Feasibility Study, Wildwood Elementary School, located at 71 Strong Street, Amherst, MA, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

**ARTICLE 18. Debt Rescission
(Finance Committee)**

To see if the Town will vote to rescind the \$400,000 unissued amount voted under Article 21 at the 2013 Annual Town Meeting for repairs to the boiler at the Wildwood Elementary School.

**ARTICLE 19. Watershed Land Purchase
(Select Board)**

To see if the Town will vote to: (1) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by purchase, gift, or eminent domain, for water supply protection purposes, all or any portion of two parcels of land in the Town of Amherst, being identified as Parcels 39 and 21 on Amherst Assessors' Map 3D, which portion shall contain twelve acres, more or less, (2) appropriate \$ \$700,000.00 for the acquisition of such land and costs related thereto, and, to meet such appropriation, transfer \$350,000.00 from the Water Fund Surplus; and (3) authorize the Select Board, the Town Manager, and/or such other boards as they deem appropriate, to file on behalf of the Town all applications under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Grant Program and/or other applications for funds, gifts, grants, including grants of reimbursement under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments to effectuate the foregoing acquisition, provided that the Select Board may expend such funds only if, prior to acquisition, the Town has received a commitment for funds under the Drinking Water Supply Protection Grant Program or any other federal and/or state program in an amount equal to at least fifty percent (50%) of the amount appropriated under this article, which may be in the form of a reimbursement grant.

**ARTICLE 20. Community Preservation Act
(Community Preservation Act Committee)**

A. To see if the Town will appropriate a sum of \$380,000 for Community Preservation Act Purposes recommended by the Community Preservation Act Committee and that the following items 1 – 7 be appropriated or reserved from Community Preservation Act Funds as follows, and to authorize the Town to accept or convey property interests where applicable, as required under Massachusetts General Laws Chapter 44B, Section 12.

	Project	Total Appropriation	Source of Appropriation
	AFFORDABLE HOUSING		
1	Housing Choice Voucher Program	\$154,000	
2	Pioneer Valley Habitat for Humanity – Hawthorne Farm	80,000	
	Total Affordable Housing	\$234,000	FY 15 Estimated Revenues
	HISTORIC PRESERVATION		
3	332 West Street Barn Restoration	\$75,000	
	Total Historic Preservation	\$75,000	FY15 Estimated Revenues
	OPEN SPACE		
4	Conservation Restrictions	\$40,000	
5	Surveys & Appraisals	\$25,000	
	Total Open Space	\$65,000	FY15 Estimated Revenues
	RECREATION		
6	LSSE – Groff Park Wading Pool	\$4,000	
	Total Recreation	\$4,000	FY15 Estimated Revenues
	ADMINISTRATIVE		
7	CPAC Administrative Expenses	\$2,000	
	Total Administrative	\$2,000	FY15 Estimated Revenues
	TOTAL FOR ARTICLE	\$380,000	

B: OPEN SPACE – Belchertown Road Acquisition

To see if the Town will vote to: (a) authorize the Select Board to acquire by gift, purchase, and/or eminent domain, for open space purposes, all or a portion of the two (2) parcels of land located off Belchertown Road, shown on Assessors Map 15C as Parcels 22 and 54, and containing 19.70 acres, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 11596, Page 157, which land shall be under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (b) appropriate the sum of \$150,950 for the acquisition of said land and costs related thereto, of which \$41,785 shall be transferred from the Community Preservation Act Fund Balance; (c) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to accept on behalf of the Town funds granted under the LAND Program (G.L. c. 132A, §11) and/or any other funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (d) authorize the Select Board and/or the Conservation Commission to convey a restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

C: AFFORDABLE HOUSING Preservation of Affordable Housing Units at Rolling Green

To see if the Town will vote to: (a) authorize the Select Board to acquire by purchase, gift, and/or eminent domain, permanent affordable housing restrictions encumbering forty-one (41) or more units in the Rolling Green apartments, located at 422 Belchertown Road and shown on Assessors Map 18A as Lot 43, requiring said units to be used to provide housing to persons earning no more than eighty percent (80%) of the Springfield Area Median Income; (b) appropriate \$750,000 from the Community Preservation Fund for the purpose of acquiring, creating, and/or supporting said community housing, and authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for such purposes pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; and (c) authorize the Select Board and/or the Town Manager to apply for and accept gifts and/or grants in any way connected with the scope of this acquisition, and to execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition.

**ARTICLE 21. Social Services Funding
(Finance Committee)**

To see if the Town will appropriate and transfer \$125,000 from Free Cash in the Undesignated Fund Balance of the General Fund for the following Social Services activities:

Agency	Program Description	Funding Recommended
Town of Amherst	Emergency Funds	\$20,000
Amherst Survival Center	Food Pantry Project	\$35,000
Craig’s Doors	Emergency Homeless Shelter	\$70,000

ARTICLE 22. Free Cash

(Finance Committee)

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 Fiscal Year 2015 Budget.

ARTICLE 23. Stabilization Fund

(Finance Committee)

To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2015 Budget.

ARTICLE 24. Zoning – Inclusionary Zoning

(Planning Board)

To see if the Town will amend Articles 4, 12, and 15 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in *bold italics*, as follows:

A. Amend Article 12 by amending the following definition:

12.24 Housing, Affordable: Affordable housing units are units which may be rented or purchased by those who meet the guidelines for maximum annual income for low-income ~~or moderate income~~ families ~~y~~ or households ~~The income limit for low income shall be~~ (80% of the median income for Amherst, as *calculated by the U.S. Department of Housing and Urban Development or any successor agency, adjusted for family size, and eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor.* ~~and the income limit for moderate income shall be 120% of median income for Amherst.~~

~~Median income for Amherst shall be as calculated by the U.S. Department of Housing & Urban Development, or any successor agency and shall be adjusted for family size.~~

B. Amend Article 15, as follows:

SECTION 15.0 INTENT & PURPOSE

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable and accessible housing in the Town of Amherst. This purpose includes:

15.00 Ensuring that new residential development generates affordable housing as defined in ~~Section 12.20~~ *Article 12*.

15.01 Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs.

15.02 Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.

15.03 To the extent allowed by law, ensuring that preference for new affordable housing is given to eligible persons who live or work in Amherst.

SECTION 15.1 REGULATIONS

15.10 Affordable Housing Requirements

15.100 *For the purposes of this Bylaw, all contiguous parcels held in common as of September 1, 2013 shall be considered a single property for the purposes of the application of inclusionary requirements hereunder.*

15.101 *All residential uses and developments requiring a Special Permit and resulting in a net increase in additional new dwelling units eligible to be counted as year round housing units under the U.S. Census, M.G.L. Chapter 40B and the regulations of the Massachusetts Department of Housing and Community Development with regard to the Subsidized Housing Inventory (SHI), whether as a result of new construction, renovation, redevelopment or expansion of existing residential uses or developments, shall provide affordable housing units (see definition, Article 12) at the following minimum rates.*

15.1010 Inclusionary Requirements

<u>Total Development Net Increase In Unit Count</u>	<u>Required Affordable Unit Provision</u>
1-9 units	None
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21+ units	Minimum 12% of total unit count
10 or more units	
<i>Single family development only</i>	<i>Minimum 10% of total unit count</i>
<i>Other uses/developments in B-G District</i>	<i>Minimum 10% of total unit count</i>
<i>Other uses/developments in other districts</i>	<i>Minimum 15% of total unit count</i>

While provision of affordable units is not required for *residential uses or* developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections ~~4.33 and 4.55~~ **4.13**.

~~Where two or more units are required to be provided under this section, a minimum of forty nine percent (49%) of affordable units shall be eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor. Calculation of the number of total affordable units or the number of SHI eligible units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.~~

15.1011 *Modification of Dimensions. For all residential use categories and development methods required to provide a minimum of 10% affordable dwelling units, the dimensional regulations of Table 3 may be modified by the Permit Granting Board or Special Permit Granting Authority under the provisions of this section for compelling reasons of development*

function and site design consonant with the purposes of this Bylaw, including for the purpose of accommodating additional units permitted as cost offsets (see Section 15.110).

15.102 Options for Provision – The manner in which affordable units are provided shall be approved by the Permit Granting Board or Special Permit Granting Authority, which may allow the following options:

- 15.1020** *Units constructed or rehabilitated on the property or properties of the residential use or development, or;*
- 15.1021** *Units constructed or rehabilitated on one or more off-site properties other than that of the residential use or development, or;*
- 15.1022** *An equivalent payment to the Town or its designee of fees-in-lieu-of the provision of affordable units (see Section 15.104) to be determined by the Permit Granting Board or Special Permit Granting Authority, or;*
- 15.1023** *Donations to the Town or its designee of land in fee simple, on- or off-site, that is suitable for the construction of affordable housing units where the appraised value of the donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. If accepted, said land may be used for construction of affordable housing or leased for that purpose, or may be sold and the proceeds used for purpose of constructing affordable housing; or*
- 15.1024** *A combination of two or more of the above four options acceptable to the Permit Granting Board or Special Permit Granting Authority.*

15.103 Timing of Units

- 15.1030** *The provision of affordable units, whether on-site or off-site, shall be coincident to the development of the market-rate units, or in accordance with an alternate schedule approved by the Permit Granting Board or Special Permit Granting Authority under the provisions of the Rules and Regulations of the Planning Board.*

15.104 Fees-in-Lieu-of the Provision of Affordable Housing Units

- 15.1040** *Authorization. An applicant may, at the discretion of the Permit Granting Board or Special Permit Granting Authority, contribute funds to the Town of Amherst or its designee to be used for the development or preservation of affordable housing in lieu of constructing and offering affordable units within the property of a proposed development, or any of the other options listed under Section 15.103.*
- 15.1041** *Calculation of fee-in-lieu-of unit value. For each affordable unit not constructed or provided through one or a combination of the methods specified in Section 15.102, the fee shall be an amount equal to three (3)*

times the eighty percent (80%) Median Household Income for a four person household for Amherst, as calculated by the U.S. Department of Housing and Urban Development or any successor agency. In the B-G District only, for each affordable unit not constructed or provided on the subject property, the fee shall be an amount equal to one (1) time the eighty percent (80%) Median Household Income for a four person household for Amherst.

15.1042 *Schedule of fees-in-lieu-of-units payments. Fees-in-lieu-of affordable unit payments shall be made according to a schedule agreed upon by the Permit Granting Board or Special Permit Granting Authority and the applicant.*

15.11 *Cost Offsets*

15.110 ~~Affordable and accessible dwelling units provided under Section 15.10 shall be counted as meeting the requirements for density bonuses under the provisions of Section 4.55, Density Bonuses, of this Bylaw.~~ *In furtherance of the objectives of this Bylaw, the following additional cost offsets are allowed in exchange for the provision of required affordable housing units, where affordable units are constructed or rehabilitated as part of the proposed residential use or development on the property or properties of said use or development, and/or on properties within 300 feet thereof. Cost offsets shall not be available in association with affordable units whose provision is accomplished through any means other than the direct construction or rehabilitation of units on the subject property for a development. For the provision of affordable units in amounts greater than the minimum percentages required under Section 15.1010, the applicant may request, and the Permit Granting Board or Special Permit Granting Authority may approve, additional cost offsets in the form of additional market rate units as provided under Section 5.111.*

15.111 *Two (2) additional market rate dwelling units may be added for every one (1) affordable unit provided under the provisions of Section 15.1010, above and beyond the maximum number of units otherwise permitted, up to a maximum total project unit count for the residential use or development method of fifty (50) dwelling units, including offset units. For every unit above a total project unit count of fifty (50) dwelling units, one (1) additional market rate dwelling unit may be added for every one (1) affordable unit provided.*

15.112 *Mixed-use Districts Dimensional Modifications. In the following mixed-use business districts, the space requirements of cost offset units shall be accommodated through the following alternative dimensional requirements, which shall apply only to projects providing affordable units under this section:*

<u>District</u>	<u>Maximum Building Coverage (%)⁰</u>	<u>Maximum Lot Coverage (%)</u>
<i>B-G</i>	<i>85^a</i>	<i>95^a</i>
<i>B-VC</i>	<i>50^a</i>	<i>75</i>
<i>B-N</i>	<i>50^a</i>	<i>70^a</i>

For all other dimensional requirements, the provisions of Table 3 shall apply. See Table 3 for applicable footnotes.

15.113 Attached Units. *In the R-N, R-O, and R-LD Districts, attached residential uses consisting of a building of three (3) or more dwelling units shall be permitted in residential developments that include at least 10% affordable units. The maximum number of dwelling units allowed per attached building shall be as follows:*

<i>R-N</i>	<i>Not to exceed eight (8) units</i>
<i>R-O</i>	<i>Not to exceed six (6) units</i>
<i>R-LD</i>	<i>Not to exceed four (4) units.</i>

15.12 The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be ~~permanently~~ *available and affordable* for purchase *or rent* by eligible low-~~and moderate~~-income buyers *and renters in perpetuity*, ~~and available for a minimum of twenty years in the case of rental housing,~~ *or as otherwise allowed by law.*

15.13 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purposes of these regulations are met.

15.14 In any residential development, *on-site* affordable housing units shall be dispersed throughout the development, *as determined to be appropriate by the Permit Granting Board or Special Permit Granting Authority*, and *in all cases affordable housing units* shall be comparable to market rate units in terms of the quality of their design, materials, and general appearance of their architecture and landscape *treatment.*

C. Amend Article 4, Development Methods, to amend Sections 4.3, 4.4, and 4.5, as follows:

For Cluster Developments:

4.321 The total area of land included within the development shall be five acres or more, *except that for a cluster development including a minimum of 10% affordable units the minimum land area requirement shall be as follows:*

<i>R-G</i>	<i>Two (2) acres or more</i>
<i>R-VC</i>	<i>Two (2) acres or more</i>
<i>R-N</i>	<i>Three (3) acres or more</i>
<i>R-O</i>	<i>Four (4) acres or more</i>
<i>R-LD</i>	<i>Four (4) acres or more.</i>

4.323 Density/Setbacks

4.3230 Unless otherwise provided for, the Dimensional Regulations of Table 3 shall be complied with.

4.3231 ***Except as provided under Article 15***, ~~the~~ maximum density of a cluster subdivision, ~~except for an affordable cluster~~, shall not exceed the allowed density for a standard subdivision in any zoning district, said density to be calculated by taking the parcel area, subtracting 10% of that area and dividing that number by the minimum lot area of the zoning district in which the parcel is located. See Section 4.12. In addition, ***except as provided under Article 15***, it is the intention of this Section that ~~the~~ ***a cluster subdivision development*** not result in more lots than would be approved for a standard subdivision under a Definitive Subdivision Plan, except as may otherwise be authorized under this Bylaw.

4.3232 The Planning Board may reduce the frontage requirements for not more than 50 percent of the lots in the subdivision.

4.325 A minimum of 40% of the total dwelling units shall be single-family dwellings. A minimum of 20% of the total dwelling units shall be non-zero lot line, single family dwellings. A maximum of 60% of the dwelling units may be two-family dwellings. A maximum of 30% of the total dwelling units may be attached dwellings. ***Attached units shall only be allowed in cluster developments that include affordable units.*** There shall be no more than eight attached dwelling units allowed in one building. ***See Article 15.***

4.33 ~~Affordable Units~~ ***Affordability Requirements***

[Remove the entirety of this section, and replace it with the following.]

Cluster developments containing 10 or more dwelling units shall be governed by the provisions of Article 15.

For Planned Unit Residential Developments (PURDs):

4.421 In a Planned Unit Residential Development the following requirements relating to the density and intensity of land use shall be met: ***For PURDs containing 10 or more units, the requirements of Article 15 shall apply.***

For Open Space Community Developments (OSCDs):

4.52 Density Standards

4.520 The maximum density allowed in an Open Space Community Development shall be calculated as follows:

- 3. Divide the remaining buildable land area by the minimum lot area required under the applicable zoning district(s). *For OSCDs containing 10 or more units, the requirements of Article 15 shall apply.*

4.53 Dimensional Standards

4.537 For OSCDs containing 10 or more units, the requirements of Article 15 shall apply.

4.55 ~~Density Bonuses~~ *Affordability Requirements*

[Remove the entirety of this section, and replace it with the following.]

For OSCDs containing 10 or more units, the requirements of Article 15 shall apply.

**ARTICLE 25. Zoning - Atkins Corner Rezoning
(Planning Board)**

To see if the Town will amend the Official Zoning Map by changing the zoning designation from Limited Business (B-L) to Village Center (B-VC) for parcels 25B-51, 25B-52, 25B-58, 25B-R1, 25B-R2 and portions of adjacent public ways in Atkins Corner village center, as shown on Figure 1.

**ARTICLE 26. Zoning – Small House Development
(Planning Board)**

To see if the Town will amend Section 3.3, Articles 5 and 12 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in *bold italics*, as follows:

A. Amend Section 3.320, One Family Detached Dwelling, as follows:

3.320 One family detached dwelling

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
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Y	Y	<i>Y</i>	<i>Y</i>	N	N	N	N	N	N	N	N	N	N
		<i>SP*</i>	<i>SP*</i>										

Standards & Conditions

**Small House Requirements – A one family detached dwelling qualifying as a Small House (see definition under Article 12) shall be permitted only in the R-G and R-VC Districts under a Special Permit. A one family detached Small House under this section shall have an external appearance, siting, and orientation compatible in terms of its design with those of other one family detached dwellings in the surrounding neighborhood.*

Any person seeking to build a one family detached Small House may, prior to the filing of a Special Permit application, submit to the Inspection Services Department a site plan and architectural renderings of the proposed residence and any outbuildings on the form(s) provided, for review by the Building Commissioner. If the Building Commissioner determines that the proposed Small House meets the criteria of Section 3.204 of this Bylaw, then the Commissioner shall certify in writing that the proposed development does not require Special Permit approval.

Small House Lots - The following lot and building dimensional requirements shall apply to stand-alone one family detached dwellings qualifying as Small Houses in the R-G and R-VC Districts:

<i>Basic Minimum Lot Area (sq. ft.)^h</i>	<i>5,000</i>
<i>Additional Lot Area/ Family (sq. ft.)</i>	<i>1,500</i>
<i>Basic Minimum Lot Frontage (ft.)</i>	<i>50</i>
<i>Basic Minimum/Maximum Front Setback (ft.)^{an}</i>	<i>15</i>
<i>Basic Minimum Side and Rear Yards (ft.)^g</i>	<i>10</i>
<i>Maximum Building Coverage (%)</i>	<i>25^a</i>
<i>Maximum Lot Coverage (%)^o</i>	<i>40</i>
<i>Maximum Floors^a</i>	<i>2</i>
<i>Minimum/Maximum Height (ft.)^{an}</i>	<i>25</i>

B. Amend Article 12 by adding the following new definition in alphabetical order and renumbering the remaining sections accordingly:

12.____ *Small House: For the purposes of this Bylaw, a Small House shall be a principal residential use consisting of a one family detached dwelling, a zero lot line one family dwelling, or a two-family detached dwelling, where each individual dwelling unit contains a total of not less than 350 sq. ft. and not more than 1,000 sq. ft. of habitable interior space, except where otherwise provided in this Bylaw.*

**ARTICLE 27. Zoning – Accessory Home Business Uses
(Planning Board)**

To see if the Town will amend Article 5, Accessory Uses, and Article 12, Definitions, as follows:

A. Delete Sections 5.012 and 5.013 in their entirety, replace them with the new language below:

5.012 Use of Residences for Business Purposes

The Town of Amherst encourages the responsible operation of accessory home business enterprises in appropriate locations, as a resource for employment and economic stability for Amherst residents. Such businesses must likewise be operated in a manner which preserves and protects the character and peaceful enjoyment of Amherst’s existing residential neighborhoods.

It is the purpose of this section to appropriately regulate such uses, with the expectation that once a home business has grown to a size where its impacts are no longer appropriate in its original location, it will be moved to a more appropriate location in a business or industrial/research park district where it can be operated as a principal business use making a more significant contribution to the community’s mix of goods and services and the local economy.

5.0120 The following three categories of businesses (including professions and trades) may be conducted in or at a residence (dwelling) as an accessory use:

5.0120.0 Home Business — A business, profession, or trade conducted by a resident of the premises entirely within the residence or an accessory building on the same property, and involving only occasional business vehicular traffic to the property. Examples include but are not limited to artists, desktop publishers, software developers, craftspersons, and other residents who work at home and conduct business by mail, telephone, or electronic communication.

5.0120.1 Customary Home Office or Occupation — A business, profession, or trade which is conducted by a resident of the premises and involves an increase in traffic resulting from clients, patients, associates, or employees. Examples include but are not limited to lawyers, doctors, dentists, therapists, accountants, beauticians, instructors, and professionals and consultants in design, real estate, and similar fields.

5.0120.2 Home Based Contractor:

1. Small Home-Based Contractor – A business that is conducted by a resident of the premises accessory to a residential use and consisting of only an office and no external storage of materials. A Small Home-Based Contractor shall not store or park Construction Vehicles on-site, whether in a garage or out of doors.
2. Large Home-Based Contractor — A business which is conducted by a resident of the premises as accessory to a residential use, both enclosed within structures and on the grounds of the associated property.

Examples include but are not limited to building, plumbing, electrical, cabinetry, public works construction, materials transport and handling, fabrication, land resource-based activities (forestry, quarrying, landscaping, etc.), and other similar contractors who perform their work off-site but use their residence as a base of operations which may include an office and small scale storage of materials. A Large Home-Based Contractor may, with permission of the Special Permit Granting Authority, store or park Construction Vehicles on-site in conformance with these regulations, whether in a garage or out of doors. This category is meant to serve the needs of small contracting businesses with limited space needs, and to ensure that such accessory home business uses are located and operated in a manner that is reasonably compatible with the surrounding neighborhood.

5.0121 General Regulations. All three categories of businesses are subject to the following requirements.

- 5.0121.0 The activity must be operated by residents of the dwelling unit.
- 5.0121.1 The activity must be clearly accessory to the primary use of the premises as a residence.
- 5.0121.2 The activity must not change the character of the premises or surrounding neighborhood. There shall be no window displays or other features not normally associated with a residential use.
- 5.0121.3 Required parking associated with the accessory business use shall be accommodated off-street and abide by the provisions of Section 7.1. To the greatest extent feasible, new or expanded parking areas shall be located at the side or rear of the residence or accessory buildings, and shall be screened from the view of abutters and from public ways (streets or pedestrian ways) utilizing plantings, fencing, and/or topography.
- 5.0121.4 Proof of compliance with all applicable environmental controls is required. This includes floodplain protection, aquifer protection, and the Wetlands Protection Act.
- 5.0121.5 All signage shall be installed in conformance with the sign regulations.
- 5.0121.6 Sound produced as a result of any activity associated with the accessory business use shall not generally exceed 70dB (A), as measured at any boundary of the subject property abutting another residential use.

5.0122 Home Businesses. Home businesses are permitted by right in all zoning districts subject to both the General Regulations and the following provisions:

- 5.0122.0 The business must be conducted entirely within the residence or an accessory building.

- 5.0122.1 Not more than two (2) persons other than residents shall be regularly employed in the business at the site.
- 5.0122.2 There shall be no exterior display, no exterior storage of materials or equipment, and no other variation from the residential appearance and character of the premises.
- 5.0122.3 The business shall not generate traffic that is inconsistent with the traffic associated with the residence use, either in quantity or type.
- 5.0122.4 Any resident establishing an accessory business under this section shall submit to the Inspection Services Department a description of the proposed business on the form(s) provided, for review by the Building Commissioner. If the Building Commissioner determines that the proposed business meets the criteria of this category, then the Commissioner shall certify in writing that the proposed home business does not require Special Permit approval as either a Customary Home Office or Occupation or a Home-Based Contractor.

5.0123 Customary Home Office or Occupations. Customary Home Offices or Occupations are permitted in all zoning districts by Special Permit from the Zoning Board of Appeals. If the proposed use is in compliance with both the General Regulations and the following provisions, a waiver may be granted by the Building Commissioner if it is determined that the proposed Customary Home Office or Occupation meets the criteria on this category:

- 5.0123.0 The business must be conducted entirely within the residence or an accessory building.
- 5.0123.1 Not more than two (2) persons other than residents of the premises shall be regularly employed in the business at the site.
- 5.0123.2 There shall be no exterior display, no exterior storage of materials or equipment, and no other variation from the residential character of the premises.
- 5.0123.3 The business shall not necessitate more than (4) parking spaces for clients, patients, non-resident employees, or other business-related demands and is appropriately constructed in accordance with the provisions of this section and Article 7 of this Bylaw.

5.0124 Home Based Contractors.

- 5.0124.0 Small Home-Based Contractors shall be allowed as follows without need for a Special Permit, but must conform to both the General Regulations and the following provisions.
 - 1. The parcel on which the business is operated is within the R-G, R-VC, R-N, R-O or R-LD district.

2. Not more than two (2) vehicles associated with the business shall be parked at the site at any given time, excluding personal vehicles not typically used for the operation of the business. Such vehicles shall not include Construction Vehicles.
3. The activities related to the business shall be conducted entirely within the residence or an accessory building.
4. The total square footage of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet.
5. The business shall not generate traffic that is inconsistent with the traffic associated with the residential use, either in quantity or type.
6. Any resident wishing to establish such a business shall submit a request to the Inspection Services Department on the Management Form provided, for review by the Building Commissioner. If the Building Commissioner determines that the proposed business meets the criteria of this category, then the Commissioner shall sign the form stating that the proposed Small Home-Based Contractor does not require Special Permit approval.

5.0124.1 Large Home Based Contractors are permitted by Special Permit from the Zoning Board of Appeals, in compliance with both the General Regulations and the following provisions:

1. The parcel on which the business is operated is within the R-N, R-O, or R-LD districts.
2. The parcel is a minimum of one (1) acre in area in the R-N District, and two (2) acres in area in the R-O and R-LD districts. See Section 5.0125.
3. Not more than four (4) vehicles associated with the business including a maximum of two (2) Construction Vehicles shall be parked at the site at any given time, including employee vehicles and construction vehicles.
4. The activities related to the business may be conducted in part outdoors, but all such activities, equipment, and storage shall be permanently screened from the view of abutters and from public ways by buffers such as planting, fences, and/or topography.
5. No more than one quarter (25%) of the total area of the subject parcel, exclusive of areas covered by buildings, shall be used for business activities, including outdoor storage or parking.

6. The total square footage of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet. This shall not be construed to mean that a greater number of vehicles may be parked at the site than is otherwise permitted.
7. The Zoning Board of Appeals shall consider the capacity and condition of the road(s) serving the proposed business location with regard to the safety of residents in the vicinity, the types of vehicles to be used by the business, including delivery trucks, and the projected number of trips to and from the site.

5.0125 Waiver or Modification

As applicable, the Building Commissioner may modify, and the Special Permit Granting Authority may waive or modify, any aspect of this section for compelling reasons of public safety, site design, or the public welfare consonant with the purposes of this section, this Article, and this Bylaw, including whether the applicant demonstrates to the satisfaction of the Commissioner or the Authority that the use will not be detrimental to its surroundings and the property's distance from adjacent dwellings and other uses, or other factors associated with the site, location, and proposal, will sufficiently prevent or mitigate potential impacts on the surrounding uses.

5.013 Garaging or Parking of Motor Vehicles for Accessory Business Uses in Residential Districts

- 5.0130 For properties on which it can be demonstrated that motor vehicles have been parked or garaged continuously since January 1, 2010 or earlier, that number and type of vehicle may continue to be parked or garaged on said property without a Special Permit. This provision shall not apply to Construction Vehicles.
- 5.0131 Garaging or parking of one light panel, delivery or pick-up truck shall be permitted in association with a business use accessory to a lawful operating principal residential or business use occurring in a residential district. Such vehicles shall not include Construction Vehicles, except as herein provided.
- 5.0132 Any increase in the number of Construction Vehicles or larger commercial vehicles over one (1) ton in capacity parked or garaged on a property shall require a Special Permit from the Zoning Board of Appeals.
- 5.0133 Operation, including idling, of Construction Vehicles or larger commercial vehicles over one ton in capacity which are parked or garaged in residential districts is prohibited between the hours of 10:00 PM and 7:00 AM, except in case of emergency or for vehicles used for seasonal snowplowing. The Zoning Board of Appeals may further limit the hours of operation as needed to minimize negative impacts on the neighborhood through the Special Permit process.
- 5.0134 No trailer or other temporary container may be located on a residential property in association with an accessory business use for purposes other than temporary storage or for transport of vehicles, equipment, or materials. No enclosed trailer used for human occupancy (offices or similar uses) or mobile home designed as a residence may be used in association with an accessory business use on a property

in a residential zoning district, except as may be permitted under the provisions of Section 5.017.

B. Amend current Section 5.015 by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

5.015 Garaging or Parking of Motor Vehicles *for Accessory Business Uses in Business or Industrial/Research Park Districts*

5.0150 ~~1~~ *For properties on which it can be demonstrated that motor vehicles have been parked or garaged continuously since January 1, 2010 or earlier, that number and type of vehicle may continue to be parked or garaged on said property without a Special Permit. This provision shall not apply to Construction Vehicles.*

5.0151 ~~2~~ Garaging or parking of one light panel, delivery or pick-up truck shall be ~~considered to be a~~ permitted *in association with a business use* accessory use *to a lawful operating principal business use occurring* in a residential *business or industrial research park* district. *Such vehicles shall not include Construction Vehicles, except as hereinafter provided.*

5.0152 ~~3~~ Garaging or parking of larger commercial vehicles or more than one commercial vehicle may be allowed under a Special Permit, issued by the Board of Appeals, *as follows:*

5.0152.0 *Construction Vehicles or larger commercial vehicles over one (1) ton in capacity parked or garaged on a property.*

5.0152.1 *The operation, including idling, of Construction Vehicles or larger commercial vehicles over one ton in capacity parked or garaged in any business or industrial/research park district is prohibited between the hours of 11:00 PM and 6:00 AM, except in cases of emergency or seasonal snow plowing. The Special Permit Granting Authority may further limit the hours of operation as needed to minimize negative impacts on the neighborhood through the special permit process.*

5.0153 *No enclosed trailer used for human occupancy (offices or similar uses) or mobile home designed as a residence may be used in association with an accessory business use on a property in a business zoning district, except as may be permitted under the provisions of Section 5.017.*

C. Amend Article 12 by adding the following new definitions in alphabetical order and renumbering the remaining sections accordingly:

12.___ Accessory Use or Building: Any use, building, or structure which customarily accompanies a Principal Use under this Bylaw, being incidental and subordinate to that use and occurring on the same lot with the Principal Use, or on a lot adjacent thereto, or, a use, structure or building which has been determined to be appropriately incidental and subordinate to such a Principal Use.

- 12. ___ Construction Vehicle: Any motor vehicle with a Gross Vehicle Weight (GVW) greater than 10,000 lbs.; any heavy equipment or machinery used for business purposes, including for general or specialized construction or for tasks requiring mechanical power, whether wheeled or of restricted mobility; or any trailer used predominantly for business purposes.
- 12. ___ Principal Use: The primary and predominant land use or uses occurring on a given property.

**ARTICLE 28. Zoning– Supplemental Dwelling Units
(Planning Board)**

To see if the Town will amend Sections 5.011 and 3.3241 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

A. Amend Section 5.011 as follows:

5.011 Supplemental ~~Apartment~~ ***Dwelling Units***

Supplemental dwelling units as defined under this section are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units. As accessory uses, supplemental dwelling units are exempt from the additional lot area/family requirements of Table 3. Only one (1) supplemental dwelling unit shall be permitted as accessory to a one family detached dwelling.

5.0110 Supplemental Apartment

A supplemental apartment is a small accessory dwelling unit incorporated as part of and subordinate to ***an existing single one*** family detached dwelling. ~~As an accessory use, a supplemental apartment is exempt from the additional lot area/family requirements of Table 3. Supplemental apartments are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units.~~

~~The Board of Appeals may authorize under a Special Permit in the Outlying Residence, Low Density Residence, Neighborhood Residence, Village Center Residence and General Residence Districts, one supplemental apartment accessory to the use of a single family dwelling, provided that:~~

1. Supplemental Apartment I - A supplemental apartment which is located entirely within an existing one family detached dwelling and requires no significant external changes to the dwelling or site beyond entrances and windows required by the building code. A Supplemental Apartment I shall be permitted in all residential zoning districts except the R-F District following review of the proposed accessory use by the Building Commissioner and verification that it meets the requirements of this Bylaw, including but not limited to the following:

a. One of the dwelling units shall be occupied by the owner(s) of the principal one family detached dwelling as their principal residence.

Neither unit may be used for accessory lodging under the provisions of Section 5.01.

- b. The supplemental apartment shall not be occupied by more than three (3) adult residents.*
- c. The supplemental apartment and property shall be operated in accordance with a Management Plan submitted to and approved by the Building Commissioner. Upon any change in ownership, a new Management Plan shall be filed in a timely manner with the Building Commissioner for review and approval.*
- d. Any dwelling unit on the property being rented shall be registered and permitted in accordance with the Residential Rental Property Bylaw.*
- e. Parking shall be provided and designed in accordance with Article 7 of this Bylaw.*
- f. All exterior lighting shall be designed and installed so as to be shielded or downcast, and to avoid light trespass onto adjacent properties.*
- g. On-site storage and management of waste and recycling shall occur on the interior of the dwelling or within an attached garage or other accessory outbuilding. There shall be no freestanding dumpster or storage unit associated with a property regulated under this section, except on a temporary basis in association with construction or similar temporary purposes.*
- h. A reflective street address sign for each unit shall be installed at the street in a manner ensuring their visibility for public safety personnel from any approach.*

Any Supplemental Apartment I which in the judgment of the Building Commissioner does not meet these requirements shall require a Special Permit from the Zoning Board of Appeals.

- 2. Supplemental Apartment II - A supplemental apartment which involves significant changes to the existing one family detached dwelling, including but not limited to external fire escape structures, exterior additions not exceeding ten percent (10%) of the footprint of the habitable portions of the existing building, and other similar changes which result in a significant alteration to the appearance and function of the building or site. A Supplemental Apartment II shall require a Special Permit granted by the Zoning Board of Appeals in the R-G, R-VC, R-N, R-O, and R-LD Districts.*

5.0111 Supplemental Detached Dwelling Unit

A supplemental detached dwelling unit shall be a small freestanding accessory one family detached dwelling permitted to co-occur on a residential property as supplemental

and incidental to a one family detached dwelling. A supplemental detached dwelling unit may be the result of new construction or rehabilitation of an existing structure resulting in a unit meeting the general requirements of this section.

Supplemental detached dwelling units shall require a Special Permit from the Zoning Board of Appeals in the R-G, R-VC, R-N, R-O, and R-LD Districts.

5.0112 *General Requirements. The following standards shall apply to supplemental dwelling units (supplemental apartments and supplemental detached dwelling units):*

1. There shall ~~not~~ be *not less than 350 square feet nor* more than 800 square feet of ~~gross floor area~~ *habitable space* in any supplemental apartment *dwelling unit*, except that any *such apartment dwelling unit* built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 900 square feet in ~~gross floor area~~ *habitable space*.
2. ~~Any single~~ *No one* family *detached* dwelling in which a supplemental apartment is constructed *or upon the property of which a supplemental dwelling unit is built* shall ~~not~~ *may* be used simultaneously for accessory lodging under any provision of Section 5.010, *nor shall any supplemental dwelling unit built upon the property of such a one family dwelling be so used.*
3. One of the dwelling units *on the property* shall be occupied by the owner(s) of the principal ~~single~~ *one* family residence, which requirement shall be made a condition of any Special Permit issued under this section.
4. Notwithstanding the provisions of ~~Section 12.14~~ Article 12, a supplemental apartment *dwelling unit* shall be occupied by a total of no more than three (3) ~~people~~ *adult residents*.
5. *The design review principles and standards established under Section 3.204 shall be applied to all accessory uses under this section, and the review and recommendation of the Design Review Board may be sought by the Building Commissioner, Permit Granting Board, or Special Permit Granting Authority.*

B. Amend Section 3.3241, 9., of Converted Dwellings, as follows:

9. No detached structure shall be converted under the provisions of Section 3.3241 unless it abides by the provisions of Condition 5. above and upon completion provides at least 350 square feet of habitable space. *Conversion of a detached structure alone may qualify as a supplemental detached dwelling unit if it meets the requirements established under Section 5.011.*

**ARTICLE 29. Restrictive Covenant - 284 North Pleasant Street
(Planning Board)**

To see if the Town will vote to authorize the Select Board to accept a revised covenant governing the range of allowable uses on the property of 284 North Pleasant Street (Map 11C/Parcel 174) by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

Notwithstanding the zoning designation of the subject premises and any uses allowed thereby under the Amherst Zoning Bylaw, as such bylaw may be amended from time to time, the use of the premises shall be limited on the first floor to the following:

Medical or dental offices, chiropractic offices and offices of alternative/integrative medicine, as well as related medical and therapeutic services for the treatment of patients in person and principally predominantly by appointment; and

non-profit educational or religious uses as permitted under G.L. Ch. 40A, s3; and

for-profit trade, professional, or other educational institution; and

real estate, insurance or other business or professional offices providing services to the public in person on the premises, not to include banks; and

technical and professional offices providing services in person on the premises predominantly by appointment, and administrative business offices not providing services to the general public in person on the premises.

and shall be limited on the upper floor and basement to residential use.

**ARTICLE 30. Petition – Restrictive Covenant - 284 North Pleasant Street
(Ewert et al)**

To see if Town Meeting will vote to authorize the Select Board to accept a revised covenant governing the range of allowable land uses on the property of 284 North Pleasant Street (Map 11C/Parcel 174), by adding (after the words “under GL. c. 40A, s3”) the language in bold italics, as follows:

and other office uses, including those office uses listed in the Amherst Zoning Bylaw at 3.358, and at 3.359, and at 3.360, and offices of Complimentary/Alternative/Integrative health care providers which are not specifically listed in the Amherst Zoning Bylaw, and offices of for profit professionals as listed in the Amherst Zoning Bylaw at 3.332.

**ARTICLE 31. Multi-Year Cell Phone Tower Agreement
(Select Board)**

To see if the Town will vote to authorize the Town Manager to enter into a lease with Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, pursuant to which the Town will lease to Verizon, for telecommunications purposes, approximately 10,000 square feet of the Town-owned parcel of land located at 740 Belchertown Road, said lease to be for a term of no more than twenty (20) years, and further to authorize the Select Board to grant such access, utility and related easements on the parcel of land as may be necessary or convenient to serve the telecommunications facilities thereon.

ARTICLE 32. Acquisition of Easements – Triangle and East Pleasant St Intersection
(Select Board)

To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, in connection with the Triangle and East Pleasant Streets Intersection project, for public way and sidewalk purposes, permanent easements in, on, under the properties identified below and shown on a plan entitled, “Town of Amherst Triangle Street At East Pleasant Street, Conceptual Plan March 2014,” on file with the Town Clerk;

<u>Owner</u>	<u>Address</u>	<u>Map and Parcel</u>
BAY BANK VALLEY TRUST CO. C/O BANK OF AMERICA/CORP	75 East Pleasant Street	11C-322
BROWN, JEFFERY B TRUSTEE OF BGB RLTY TRU	231 Triangle Street	11C-265

ARTICLE 33. Grant of Easements - Meetinghouse Road in Pelham
(Select Board)

To see if the Town will vote to transfer certain Town-owned property, described below, held by the Select Board for water supply purposes, to the Select Board for water supply purposes and for the purpose of conveyance of certain permanent and temporary easements, as described hereinafter, and to authorize the Select Board, in its capacity as the Board of Water Commissioners, to grant to the Town of Pelham, for no consideration, permanent and temporary easements on the Town-owned parcels shown on a plan entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Meetinghouse Road,” a copy of which is on file with the Town Clerk, and within an area 100 feet distant from the easements shown on the aforesaid plan, for the purpose of reconstructing and improving two bridges, including, but not limited to, bridge, wall, slope and erosion control easements, said bridges located on Meetinghouse Road, the first bridge over Amethyst Brook, the second bridge over Harris Brook, which easements will encumber the following Town-owned parcels: Assessor Map 8, Parcel 15, described in a deed recorded with the Hampshire Registry of Deeds in Book 910, Page 436; Assessor Map 8, Parcel 4, described in deeds recorded in Book 854, Page 376 and Book 859, Page 154; and Assessor Map 8, Parcel 5, described in deeds recorded in Book 921, Page 525 and Book 636, Page 589.

**ARTICLE 34. General Bylaw – Establishment of Municipal Affordable Housing Trust
(Housing and Sheltering Committee)**

To see if the Town will vote to accept M.G.L. c.44, §55C, and establish a Municipal Affordable Housing Trust Fund to be known as the Amherst Affordable Housing Trust Fund (“the Trust”), whose purpose shall be to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, and further to amend the General Bylaws of the Town by inserting a new Bylaw in Article IV to be entitled “Amherst Affordable Housing Trust Fund,” as follows:

AMHERST AFFORDABLE HOUSING TRUST FUND

1. There shall be a Board of Trustees of the Amherst Affordable Housing Trust Fund, composed of seven members, of whom one shall be a member of the Select Board, one shall be a member of the Housing & Sheltering Committee, one shall be a member of the Board of Commissioners of the Amherst Housing Authority, and four shall be residents who would bring to the Trust relevant experience in the fields of real estate, housing, banking, architecture, social services, or the like. The Select Board shall appoint the Trustees for terms not to exceed two years, except that three of the initial trustee appointments shall be for a term of one year, so as to allow staggered terms. Said Trustees may be re-appointed at the discretion of the Select Board. Vacancies shall be filled by the Select Board for the remainder of the unexpired term. Any member of the Board of Trustees may be removed by the Select Board for cause after the opportunity of a hearing. Nothing in this section shall prevent the Select Board from appointing the Town Manager as an ex-officio eighth member, without the power to vote.

2. The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Amherst Affordable Housing Trust Fund, to be recorded with the Hampshire County Registry of Deeds and filed with the Hampshire Registry District of the Land Court.

3. The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in M.G.L. c. 44, § 55C, shall include the following:

a. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from M.G.L. c. 44B;

b. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

c. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

d. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

- e. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- f. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- g. to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- h. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- i. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- j. to carry property for accounting purposes other than acquisition date values;
- k. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;
- l. to make distributions or divisions of principal in kind;
- m. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
- n. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
- o. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
- p. to extend the time for payment of any obligation to the trust.
- q. to take any other action relative thereto.

4. These powers shall be subject to the following limitations:

- a. any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property must be approved by five of the seven voting members.
- b. the Trustees may incur debt, borrow money, grant mortgages and pledge Trust assets only in an amount not to exceed 80% of the Trust's total assets.

- c. any debt incurred by the Board shall not constitute a pledge of the full faith and credit of the Town of Amherst and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Amherst with an acknowledgement of said statement by the holder.

5. The Board of Trustees shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Select Board.

**ARTICLE 35. Resolution - Right to Organize
(Human Rights Commission)**

To see if the Town will vote to adopt the following resolution:

WHEREAS, the Universal Declaration of Human Rights declares at Article 23(4): Everyone has the right to form and to join trade unions for the protection of their interests; and

WHEREAS, unions have historically helped to bring economic and social democracy to American society; and

WHEREAS, the Town of Amherst, wishes to promote respect for human rights, including workers' freedom to form unions without employer interference and bargain collectively, and has a history of support for the freedom to form unions and the important public benefits inherent in collective bargaining; and

NOW THEREFORE, BE IT RESOLVED THAT the Amherst, Massachusetts Town Meeting

1. Supports the rights of workers to organize and bargain collectively.
2. Calls upon employers to:
 - a. Recognize the rights of those who work for them either directly or indirectly (under contractual arrangements) to be treated with dignity, to be paid a living wage, and to work in a healthy, safe, and secure workplace; and
 - b. Respect that the question to unionize or not is for employees to decide, and agree not to express an opinion either pro or con on the merits of unionization; and
 - c. Abide by their employees' decision when a majority indicates (by card check, an election supervised by the NLRB or other neutral body, petition, or other public statement) that it supports union representation, and engage in collective bargaining to achieve a written agreement without undue delay; and
 - d. Refrain from abusing National Labor Relations Board elections and appeals by using them as means for delaying or avoiding representation for their employees; and
 - e. Refrain from abusing the rights of undocumented immigrant workers; and

Be it further resolved that the Human Rights Commission will support attention to workers' human rights in accordance with the Universal Declaration of Human Rights Article 23 which refers to workers' rights.¹

Each year the local chapter of the Western Massachusetts Workers' Rights Board shall provide the Human Rights Commission with a list of employers who respond affirmatively to Section 1 and 2 above. The Human Rights Commission shall examine the list and convey it to the Amherst Town Manager for public announcement.

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- ¹ **Article 23.** (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against underemployment.
(2) Everyone, without any discrimination, has the right to equal pay for equal work.
(3) Everyone who works has the right to just and favorable remuneration ensuring for themselves and their family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
(4) Everyone has the right to form and to join trade unions for the protection of their interests.

ARTICLE 36. Petition - Drones
(Gatti et al)

WHEREAS, the use of Unmanned Aircraft System (UAV's) often referred to as "Drones" raises far-reaching issues concerning the use of targeted governmental killings, and the real danger of the loss of constitutional protections, democracy and the rule of law.

WHEREAS, Drones have been used intentionally to kill people in foreign lands including at least two American citizens, without a public judicial process.

WHEREAS, such a use of lethal force without due process is a misuse of governmental powers specifically prohibited in the United States Constitution.

WHEREAS, drone technology is unreliable in its accuracy such that many non-targeted people including children have been killed in the process of extrajudicial targeted assassinations.

WHEREAS, drone aircraft is now being presented as usable in domestic law enforcement, including Drones being armed with weapons, including tear gas, rubber bullets and firearms to be used by domestic law enforcement agencies.

WHEREAS, drone technology as a means of data collection, has the potential of the misuse of such data such a loss of privacy and civil liberties; the data collected by Drones would represent an unreasonable and unacceptable violation to the rights of individual privacy, freedom of association and assembly, equal protection and due process.

NOW, THEREFORE, BE IT RESOLVED, that this Resolution declares that no agency of the town of Amherst, nor any agents under contract with the town, will operate Drones capable of violating the constitutional rights of the residents in the airspace over Amherst.

BE IT FURTHER RESOLVED, that, it is the policy of the town of Amherst that no Drones will be purchased, leased, borrowed, obtained through law enforcement grants, tested or otherwise utilized by Amherst for the purpose of surveillance or to cause harm or injury.

BE IT FURTHER RESOLVED, that the town of Amherst request its representatives, Congressman, Jim McGovern and Senators, Elizabeth Warren and Ed Markey, to introduce a resolution in the United States Congress to end the practice of extrajudicial killing by armed drone aircraft, to specifically withhold money for that purpose and make restitution to those who have been killed or injured through the actions of the United States government, the Department of Defense, the Central Intelligence Agency, allied nations or its private contractors.

**ARTICLE 37. Petition – Amend Town of Amherst Community Preservation Act Acceptance
(O’Connor et al)**

To see if the Town will vote to further amend the vote taken under Article 2 of the Special Town Meeting held on February 12, 2001, by increasing by one and one-half percent to three percent the Community Preservation Act surcharge authorized thereunder, and insofar as the laws of the Commonwealth may allow, dedicate the funds derived from said surcharge increase, including any corresponding increase in state matching funds, to the preservation, production and acquisition of Chapter 40B countable housing for families and individuals, and to place on the ballot for the November 2014 General Election a question regarding the acceptance of such amended surcharge all as provided in M.G.L. c. 44B, §§ 3(b) and 16(a).

**ARTICLE 38. Petition – 40 Dickinson Street
(O’Connor et al)**

To see if the town will vote to authorize the Select Board:

- a) to acquire from the Trustees of Amherst College or their successor, by eminent domain, purchase, gift or otherwise, the fee simple interest in 1) the land and improvements located at 40 Dickinson Street, identified as Parcel 52 of Map 14B of the Town Cadastre, formerly the site of Classic Chevrolet, comprising 0.72 acres more or less, and 2) the land at the northeast corner of Dickinson and College Streets, identified as Parcel 51 of Map 14B of the Town Cadastre, comprising 0.92 acres more or less, for economic development and revitalization, and other municipal purposes, and for the purpose of conveyance, and to fund such acquisition appropriate an amount of \$750,000, and determine whether to meet such appropriation by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the Select Board and the Town Manager to apply for and accept any gifts, bequests, or grants from the federal government, the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer, with the approval of the Select Board, to borrow in anticipation of reimbursement for any such grants; and,
- b) to declare as surplus and authorize for sale in accordance with the provisions of Chapter 30B. the land and improvements located at 40 Dickinson Street; identified as Parcel 52 of Map 14B of the Town Cadastre, and the land at the northeast corner of Dickinson and College Streets, identified as Parcel 51 of Map 14B of the Town Cadastre, subject to the following restrictions:
 1. that the sale and reuse enhance the transportation, energy, and other sectors of a green economy;
 2. that the minimum sale price recover all town costs for acquisition and resale;
 3. that said properties not be sold or resold, transferred, or otherwise be tendered to any entity which could claim exemption from the payment of local property taxes;

and, further, that the town act in accordance with the preceding authorization as immediately as is possible after acquiring said parcels and improvements.

ARTICLE 39. Petition –24-30 Gatehouse Road
(Weiss et al)

To see if the Town will authorize the Select Board to acquire from Echo Gatehouse Partners, LLC or their successors, by eminent domain, purchase, gift or otherwise, the fee simple interest or an affordable housing restriction in the land and improvements located at 24-30 Gatehouse Road, identified as Block 2, Parcel 21 of Map 18A of the Town Cadastre, known as the Echo Village Apartments, and comprising of 24 housing units on approximately 0.37 acres of land, for affordable housing purposes and/or general municipal purposes, and for the purpose of conveyance, and borrow \$2,600,000 to fund such acquisition and costs related thereto, and authorize the Treasurer, with the approval of the Select Board to borrow said amount under and pursuant to Chapter 44 Section 7 of the Massachusetts General Laws or pursuant to any other enabling authority, and authorize the Select Board and the Town Manager to apply for an accept any gifts, bequests, or grants from the federal Government, the Commonwealth of Massachusetts and others, and, further, authorize the Select Board to convey said land and improvements or interest therein to the Amherst Housing Authority or other non-profit affordable housing management organization in accordance with the applicable provisions of the Massachusetts General Laws.

ARTICLE 40. Petition – Low Income Tax Credit
(O’Connor et al)

To see if the Town will vote to authorize the Select Board to request a Special Act of the Legislature authorizing the Town of Amherst, notwithstanding any general or special law to the contrary, to establish a low-income property tax credit applicable to taxes collected under MGL Chapter 59 as follows:

- a. The Town of Amherst may grant a maximum real property tax credit of up to \$1,000 per unit, per fiscal year, on rental housing property qualifying for such credit under the Amherst Affordable Housing Preservation Program (hereinafter “AAHPP”).

The AAHPP would authorize the Town of Amherst’s Board of Assessors to implement a real property tax credit on Amherst rental properties not otherwise Chapter 40B countable whose owners have reduced rents to a level that preserves the availability of said rental housing units to families with moveable HUD Section 8 Housing Vouchers and Veterans Affairs Supportive Housing Vouchers (HUD_VASH).

AAHPP real property tax credits may reduce the real property tax bill on a rental housing property by an amount equal to 75% of the difference between the Amherst Payment Standard for moveable HUD Section 8 Housing Vouchers and HUD’s Payment Standard for VASH Vouchers in the Greater Springfield Metropolitan Statistical Area and rents charged for similar or identical Amherst rental housing units owned by the applicant, except that no tax credit granted shall be greater than \$1,000 per housing unit.

Where an AAHPP rental housing property tax credit applicant owns no other similar or identical Amherst rental housing units, an AAHPP real property tax credit may reduce the real property tax bill on the applicant’s rental housing property by an amount equal to 75% of the difference between the Amherst Payment Standard for moveable HUD Section 8 Housing Vouchers and HUD’s Payment Standard for VASH Vouchers in the Greater Springfield Metropolitan Statistical Area and said rental property’s fair market rental as determined for similar or identical Amherst housing units by the Amherst Board of Assessors, except that no tax credit granted shall be greater than \$1,000 per housing unit.

All AAHPP real property tax credit applicants shall verify the moveable HUD Section 8 or VASH contract status for each and every Amherst rental housing unit on which a tax credit is claimed by submitting to the Town of Amherst Board of Assessors a copy of the contract or lease between the applicant or the applicant's agent and the issuing/supervising housing authority or agency – which contract or lease shall be kept strictly confidential.

- b. AAHPP real property tax credits shall be made available for no fewer than 50 (fifty) Amherst rental housing units each and every fiscal year. However, in the event that insufficient funds are available to fully fund AAHPP tax credits in any given fiscal year, the Board of Assessors, after determining the tax credit for each individual rental housing unit, shall provide a pro-rated real property tax credit for each eligible rental housing unit based on the funds appropriated for the AAHPP for that fiscal year.
- c. The Town may fund the costs of AAHPP tax credits from rental permit fees, any payments made in lieu of providing affordable housing units, Community Preservation Act funds, any general fund revenues including property tax receipts, and any grants, gifts, or bequests received for this purpose.

**ARTICLE 41. Petition – Resolution for Support of House 1167
(O'Connor et al)**

To see if the Town will vote:

Whereas, families who hold moveable Section 8 Housing Vouchers and reside in Amherst do not count toward the Town's Chapter 40B inventory of affordable housing; and,

Whereas, approximately 50% of the almost 400 moveable Section 8 Housing Vouchers presently administered by the Amherst Housing Authority are held by families who do not live in Amherst; and,

Whereas, the Town of Amherst is on the brink of falling below the MGL Chapter 40B countable affordable housing minimum of 10% - which would trigger various punitive provisions of Chapter 40B including allowing the Zoning Board of Appeals to approve so-called "affordable housing projects" by votes of 2-1 and, for such projects, allow the ZBA or a state appeals board to waive every provision of the Amherst Zoning Bylaw including the use, design and dimensional limitations of the Town's zoning districts; and,

Whereas, House No. 1167, An Act relative to housing types considered affordable under Chapter 40B would amend MGL Chapter 40B by adding the following new section: "The Department of Housing and Economic Development shall include Section 8 Housing Vouchers in addition to already cited applicable housing types."

Now, Therefore, Be It Resolved, that the Amherst Representative Town Meeting hereby requests: 1) that our State Senator and State Representative sponsor, support, and vote for House No. 1167; and, 2) that, when our approval of this resolution becomes final, the Amherst Town Clerk promptly deliver a certified copy of this resolution and the vote thereon to the Town's representative to the General Court.

**ARTICLE 42. Petition - Rescind Sections 6a (2) and 7a. (1) a-c Residential Property Bylaw
(O'Connor et al)**


To see if the Town will vote to suspend the operation and enforcement of Sections 6a.(2) and 7a.(1)a-c of the Town's Residential Rental Property Bylaw as adopted under Article 29 of the 2013 Annual Town Meeting until such time as an ad hoc committee of eight Town Meeting Members appointed by the Moderator, of whom four shall be tenants – at least one an undergraduate student – and four shall be property owners – at least one a rental housing owner – shall review the Self-Certification Checklist developed by the Town, determine which items are susceptible to implementation with objective criteria that can be provided in writing to tenants and recommend modifications to the Checklist and the Bylaw consistent with their findings.

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 | Immanuel Lutheran Church | Prec. 8 | Munson Memorial Library |
| Prec. 4 | Amherst Post Office | Prec. 9 | Wildwood School |
| Prec. 5 | Town Hall | 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 on this 31st day of March, 2014



James Walsh

Constanza Krueger

Alex Wagoner

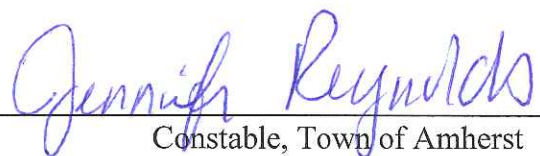
Andrew Penley
Select Board

Date

4/1/14

Hampshire, ss.

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:



Constable, Town of Amherst