

**RESULTS
SPECIAL TOWN MEETING
June 2, 2014**

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

The Special Town Meeting was called to order by the Moderator, James W. Pistrang at 7:12 p.m. There were 250 town meeting members. 126 checked in and a quorum was declared. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

ARTICLE 1. MUNSON LIBRARY EASEMENTS (Select Board)

VOTED unanimously to authorize the Select Board to convey to the Trustees of South Congregational Church, with the concurrence of the Trustees of the Munson Memorial Library, easements on portions of the Munson Memorial Library property located at 1046 South East Street and shown on Assessors Map 20D as Parcel 49, which portions are approximately shown on a sketch plan entitled "Munson Library Easement Plan," on file with the Town Clerk, for the purpose of maintaining, improving, and repairing a driveway located partly on said Library land and partly on the Church property, and for the purpose of installing, maintaining, repairing and replacing sewer and drainage pipe or pipes, swales, catch-basins and related sewer and stormwater appurtenances, said easements to be granted on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.

Action taken 6/2/2014.

ARTICLE 2. GRANT OF EASEMENT – Town of Pelham (Select Board)

VOTED unanimously 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 Reconstruction of Amherst Road Phase 2," a copy of which is on file with the Town Clerk, for the purpose of reconstructing and improving Amherst Road, including, but not limited to, drainage, slope and grading easements, which easements will encumber the following Town-owned parcels: Assessor Map 7, Parcel 58; Assessor Map 8, Parcel 5; Assessor Map 8, Parcel 7R; Assessor Map 15, Parcel 1; Assessor Map 15, Parcel 9; and Assessor Map 16, Parcel 24 and, and upon such property of the Town within 100 feet of the edge of the right of way of Amherst Road; and further to authorize the Select Board to file a home rule petition for approval of any or all of said conveyances under Article 97 of the Amendments to the Massachusetts Constitution, if such approval is deemed by the Select Board to be needed.

Action taken 6/2/2014.

ARTICLE 3. WATERSHED LAND – Overlook Drive Acquisition (Select Board)

VOTED to (a) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by gift, purchase, and/or eminent domain, for water supply protection purposes, the parcel of land on Overlook Drive, Amherst, shown as Parcel 50 on Assessors Map 6B, and containing 1.15 acres, more or less; (b) to appropriate \$120,000 for acquisition of such land and costs related thereto, and, to meet such appropriation, transfer \$120,000 from the Water Fund Surplus; and and (c) authorize the Select Board, the Town Manager, and/or such other boards or offers as they deem appropriate, to apply for and accept on behalf of the Town any and all applications for funds under the Massachusetts Department of Environmental Protection Drinking Water Supply Protection Program and/or applications for funds, gifts, and grants, including grants for reimbursement, under any federal and/or state programs, and to enter into any and all agreements and execute any and all instruments to effectuate the foregoing acquisition.

Action taken 6/2/2014.

ARTICLE 4. WATERSHED LAND – Shutesbury Land Acquisition (Select Board)

VOTED unanimously to (a) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire, by gift, purchase, and/or eminent domain, for water supply protection purposes, all or a portion or portions of the parcels of land located on or off Sumner Mountain Road, Shutesbury, shown on Shutesbury Assessors Map W as Parcels 15, 108, 109, and 110, which portions contain 21.5 acres, more or less; (b) appropriate \$380,000 for acquisition of such land and costs related thereto, and, to meet such appropriation, transfer \$380,000 from the Water Fund Surplus; and (c) authorize the Select Board, the Town Manager, and/or such other boards or offers as they deem appropriate, to apply for and accept on behalf of the Town any and all applications for funds under the

Massachusetts Department of Environmental Protection Drinking Water Supply Protection Program and/or applications for funds, gifts, and grants, including grants for reimbursement, under any federal and/or state programs, and to enter into any and all agreements and execute any and all instruments to effectuate the foregoing acquisition, provided that the Select Board is authorized to acquire said land only if, prior to said acquisition, the Town has received a commitment for award of a grant under the Drinking Water Supply Protection Program or other federal or state program, to defray a portion of the amount appropriated under this article, which may be defrayed by reimbursement following acquisition.

Action taken 6/2/2014.

ARTICLE 5. AFFORDABLE HOUSING - Preservation of Units at Rolling Green

(Community Preservation Act Committee)

VOTED by a declared two-thirds 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 \$1,250,000 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.

Action taken 6/2/2014.

ARTICLE 6. ZONING PETITION – Amend Zoning Bylaw – Municipal Parking District (O’Connor et al)

VOTED Yes 88, No 78 to DISMISS

[To see if the Town will vote to amend Article 7 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in **bold** as follows:

Municipal Parking (MP) District...

7.43 Regulation

Notwithstanding the other provisions of Section 7.0, off-street parking spaces need not be provided for any principal or related accessory uses under the following categories of Section 3.3, Use Chart: Residential Use (Section 3.32) **except for residential uses or developments or mixed uses that result in a net increase of ten (10) or more dwelling units**, Retail Business and Consumer Service Use (Section 3.35), and Research and Industrial Use (Section 3.37), located within the Municipal Parking District as herein defined. The following uses shall be required to meet the parking requirements of this Bylaw within the MP District: dormitory or similar college residence hall, hotel or motel, inn and all other principal and accessory uses under other categories of Section 3.3, Use Chart.

SECTION 7.9 WAIVERS

7.90 Any section or subsection of Article 7.0, Parking Regulations, may be waived or modified by the Permit Granting for compelling reasons of safety, aesthetics, or site design, **except that: 1) no waiver of the requirements for HP spaces shall be granted; 2) no waiver of parking space requirements based on access to off-site parking spaces shall be granted without an unambiguous written contractual guarantee of access by the owner of the off-site parking spaces; and 3) no waiver of the provisions of the Municipal Parking (MP) District, Section 7.43 Regulation shall be granted.**

7.91 Parking space requirements under Section 7.0 may be modified when one or more of the following conditions are met to the satisfaction of the Permit Granting Authority, **except that: 1) no waiver of the requirements for HP spaces shall be granted; 2) no waiver of parking space requirements based on access to off-site parking spaces shall be granted without an unambiguous written contractual guarantee of access by the owner of the off-site parking spaces; and 3) no waiver of the provisions of the Municipal Parking (MP) District, Section 7.43 Regulation shall be granted:]**

Action taken 6/2/2014.

ARTICLE 7. ZONING PETITION – Amend Zoning Bylaw – Affordable Housing (O’Connor et al)

VOTED Yes 87, No 77 to DISMISS

[To see if the Town will vote to amend Articles 12 and 15 of the Zoning Bylaw by deleting the lined out language and adding the language in bold as follows:

A. Amend Article 12 by amending the following definition:

12.24 Housing, Affordable: Affordable housing units are units which may only be rented or purchased ~~by those who meet the guidelines for maximum annual income for low income or moderate-~~

~~income~~ family or households whose annual incomes, adjusted for family size, do not exceed the limits for maximum annual income for low-income families 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), and are 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 calculated by the U. S. Department of Housing and Urban Development, or any successor agency and shall be adjusted for family size.~~

B. Amend Article 15, as follows:

Section 15.0 Intent and Purpose

This purposes of this Article includes the following:

15.00 Ensuring that new residential development or uses, or mixed uses generates affordable housing as defined in ~~Section 12.20 Article 12...~~

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 parcel for the purposes of the application of inclusionary requirements hereunder.

15.101 The provisions of Article 15 shall not apply to residential uses or developments applied for by Comprehensive Permit under the provisions of M.G.L. Ch. 40B.

15.102 All residential uses and developments or mixed uses requiring a Special Permit for any aspect of a proposed use or development, including dimensional modifications, 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 regarding 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 permanently affordable housing units (see definition, Article 12) at the following minimum rates.

~~Total Development~~ Net Increase in Unit Count Required Affordable Unit Provision

~~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, shall 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~~

15.103 The management plan for residential uses and developments or mixed uses subject to Article 15 shall include a written plan for marketing, family selection, eligibility monitoring, resale control, etc., as appropriate, for all affordable units whether rented or purchased.]

Action taken 6/2/2014.

The business of the warrant having been completed, the meeting voted to dissolve at 9:08 p.m. on June 2, 2014. 176 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk