

Town of



Amherst Massachusetts

DEPARTMENT NAME

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TOWN OF AMHERST

Special Town Meeting

In accordance with the provisions of Sec. 2.31 of the Amherst Town Government Act, you are hereby notified that a representative town meeting will be held at the Amherst Regional Middle School, Amherst, Massachusetts on:

Monday, November 14, 2016

at 7:00 p.m.

Be sure to check in at members' entrance

Possible additional Special Town Meeting sessions are scheduled for November 16, 17, 21, 28, and December 5, 2016.

Please notify the office of the Town Clerk promptly if you change your address, and that you are a town meeting member. If you move to a new precinct, you may serve as a representative of your former precinct only until the next annual town election.

Sandra J. Burgess
Town Clerk



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 **Special 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 Fourteenth day of November, Two Thousand and Sixteen**, 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. Capital Program – Bond Authorization (Joint Capital Planning Committee)

To see if the Town of Amherst will appropriate, transfer from available funds and/or borrow \$66,369,000 to be expended under the direction of the School Building Committee to construct, originally equip and furnish two co-located elementary schools on the Wildwood site to educate all Amherst students in grades 2-6, including the cost of architectural design, project management and other incidental and related costs, as well as demolition of the existing building and other necessary site improvements, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town of Amherst may receive from the MSBA for the Project shall not exceed the lesser of (1) 68.34 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

ARTICLE 3. Capital Program – Land Acquisition (Select Board)

To see if the Town will: (a) authorize the Select Board to acquire by purchase, gift and/or eminent domain for public way and/or general municipal purposes, the parcel of land located at 24 Montague Road, containing 0.81 acres, more or less, and described in a deed recorded with the Hampshire District Registry of Deeds in Book 4825, Page 3478, Amherst Assessors Map 5A, Parcel 57; (b) raise and appropriate, transfer from available funds and/or borrow \$675,000 for the acquisition of said land, and any and all costs related thereto; (c) authorize the Select Board to enter into and execute any and all agreements necessary or convenient to effectuate the foregoing acquisition.

**ARTICLE 4. Capital Program – Buildings and Facilities
(DPW/Fire Station Advisory Committee)**

To see if the Town will raise and appropriate, transfer from available funds and/or borrow \$75,000 to complete a feasibility and site selection study for a Fire Station.

**ARTICLE 5. Capital Program – Buildings and Facilities
(DPW/Fire Station Advisory Committee)**

To see if the Town will raise and appropriate, transfer from available funds and/or borrow \$350,000 to complete a partial schematic design and construction cost estimate for a Department of Public Works facility.

**ARTICLE 6. Triennial Property Revaluation
(Board of Assessors)**

To see if the Town will raise and appropriate or transfer from available funds \$40,000 to complete the triennial property revaluation.

**ARTICLE 7. Land Acquisition - Watershed Protection
(Select Board)**

To see if the Town will: (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 located on Overlook Drive, Amherst, shown as Parcel 49 on Assessors Map 6B, and containing 2.0 acres, more or less, and described in a deed recorded with the Hampshire District Registry of Deeds in Book 11135, Page 334; (b) to appropriate and transfer \$58,000 from the Water Fund Surplus for the acquisition of such land and costs related thereto; and, (c) authorize the Select Board, the Town Manager, and/or such other boards or officers 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 other funds, gifts, and grants, including grants for reimbursement, under any federal and/or other state programs, and to enter into any and all agreements and execute any and all instruments necessary or convenient to effectuate the foregoing acquisition.

**ARTICLE 8. Groff Park Improvements
(Leisure Services and Supplemental Education Commission)**

To see if the Town will: (1) transfer the care, custody, and control of a portion of the parcel of land located on Mill Lane, known as Groff Park, and identified by the Assessors as Parcel 17C-13, which portion contains .75 acres, more or less, and is approximately shown on a sketch plan entitled “PARC Grant: Improvements to Groff Park”, on file with the Town Clerk, from the board or officer having custody thereof for the purposes for which it is currently held to the Leisure Services and Supplemental Education Commission (LSSE) for active and passive recreational purposes under the provisions of G.L. c. 45, §3, as it may be amended, and other Massachusetts statutes related to recreation; (2) appropriate the sum of \$950,000 for the purpose of rehabilitating and preserving Groff Park and costs related thereto, \$400,000 of which shall be raised and appropriated, transferred from available funds, and/or borrowed, provided that the Town first obtains a grant reimbursement commitment in the same amount, and the remaining \$550,000 were appropriated and transferred from the Community Preservation Act Fund pursuant to the vote taken under Article 19A of the 2016 Annual Town Meeting; and (3) to authorize the Town Manager or designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants and/or reimbursements under any federal or other state programs in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project.

ARTICLE 9. Temporary Easements - Mill Street Bridge
(Select Board)

To see if the Town will authorize the Select Board to acquire by purchase, gift and/or eminent domain, for public way, bridge, sidewalk and/or related purpose, temporary construction easements in, on and under a portion or portions of the parcels of land described below in connection with the Mill Street Bridge Replacement Project, which parcels are approximately shown on a plan entitled "Amherst Mill Street Over Mill River" prepared by Chappell Engineering Associates LLC for the Massachusetts Department of Transportation, a copy of which is on file with the Town Clerk, as said plan may be amended from time to time and land within 100 feet of said parcels.

<u>Owner</u>	<u>Address</u>	<u>Map and Parcel</u>	<u>Area (SF)</u>
<i>David S. Sharken</i>	<i>64 Mill Street</i>	<i>5B-15</i>	<i>1,311</i>
<i>Jones Properties</i>	<i>149-179 Summer Street</i>	<i>5B-17</i>	<i>965</i>
<i>Joshua and Judith Lewis</i>	<i>172 State Street</i>	<i>5B-32</i>	<i>4,496</i>
	<i>5 Mill Street</i>	<i>5B-31</i>	<i>1,372</i>

ARTICLE 10. Free Cash – OPEB Trust Fund Reimbursement Transfer
(Finance Committee)

To see if the Town will appropriate and transfer \$202,802 from Free Cash in the Undesignated Fund Balance of the General Fund to the following accounts: \$106,163 to the Other Post-Employment Benefits (OPEB) Trust Fund of the Town of Amherst; \$7,806 to the Town of Pelham; and \$88,833 to the Amherst-Pelham Regional School District to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

ARTICLE 11. Free Cash – Stabilization Funds
(Finance Committee)

To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance to the Stabilization Fund.

ARTICLE 12. Amend Prior Vote - Charter Commission Consultant Services
(Charter Commission)

To see if the Town will amend the vote of the May 02, 2016 Annual Town Meeting under Article 35 by changing the purpose of the appropriation from Charter Commission "consultant services" to Charter Commission "consultant services and operational expenses".

ARTICLE 13. Town Bylaw – Amend Article 1: Rules of Order for Town Meeting
(Town Meeting Coordinating Committee)

To see if the Town will vote to amend Article 1 of the Town Bylaws: Rules of Order for Town Meeting, Rule Number 4, by deleting the lined out language and adding the language in bold italics, as follows:

4. GREEN, ~~AND RED,~~ **AND WHITE** CARDS DURING DEBATE. To assist the moderator in shaping an orderly and equitable debate, green and red cards shall be used by members to indicate a desire to speak for or against the current motion on the floor. A desire to speak without advocacy or to ask a question shall be indicated ~~by a raising a hand without a green or red card~~ **with a white card.**

**ARTICLE 14. Zoning – Business Uses of Homes
(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, replacing them with the new language below, and renumbering the remaining sections accordingly:

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

5.0120.1 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. Home businesses are permitted by right in all zoning districts subject to both the General Regulations (see below) and the following provisions:

1. The business must be conducted entirely within the residence or an accessory building.
2. Not more than two (2) persons other than residents shall be regularly employed in the business at the site.
3. 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.
4. The business shall not generate traffic that is inconsistent with the traffic associated with the residence use, in either quantity or type.

5.0120.2 Customary Home Office or Occupation — A business, profession, or trade conducted by a resident of the premises and involving an increase in traffic resulting from clients, patients, associates, or employees.

Customary Home Offices or Occupations are permitted in all zoning districts by Special Permit from the Zoning Board of Appeals. However,

if the proposed use is in compliance with both the General Regulations (see below) and the following provisions, a waiver may be granted by the Building Commissioner:

1. The business must be conducted entirely within the residence or an accessory building.
2. Not more than two (2) persons other than residents of the premises shall be regularly employed in the business at the site.
3. There shall be no exterior display, no exterior storage of materials or equipment, and no other variation from the residential character of the premises.
4. 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.

5.0120.3 Small Home-Based Contractor – A contracting business conducted by a resident of the premises and consisting of only an office and no external storage of materials. Small Home-Based Contractors shall be allowed without need for a Special Permit, subject to both the General Regulations (see below) 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 districts.
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.
3. Construction Vehicles shall not be stored or parked on-site, whether in a garage or out of doors.
4. The activities related to the business shall be conducted entirely within the residence or an accessory building.
5. The total footprint of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet.
6. The business shall not generate traffic that is inconsistent with the traffic associated with the residential use, in either quantity or type.
7. 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. Special Permit approval will be required if the Building Commissioner

determines that the proposed business does not meet the criteria of this category.

5.0120.4 Large Home-Based Contractor — A contracting business conducted by a resident of the premises who performs work off-site but uses the residence as a base of operations that may include an office and small-scale storage of materials. This category is meant to serve the needs of 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. Large Home-Based Contractors are permitted by Special Permit from the Zoning Board of Appeals, in compliance with both the General Regulations (see below) 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, or two (2) acres in area in the R-O and R-LD districts.
3. Not more than four (4) vehicles associated with the business, including a maximum of two (2) Construction Vehicles and including employee vehicles, shall be parked at the site at any given time, excluding personal vehicles not typically used for the operation of the business.
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. Not 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 footprint of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet.
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.

5.0121 General Regulations. All 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 Waiver or Modification

As applicable, the Building Commissioner may modify, and the Zoning Board of Appeals 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 Board 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.

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

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.

C. Amend Article 5 renumbering the remaining sections accordingly:

- (i) Renumber current Section 5.014, Livestock or Poultry, to **5.013**, Livestock or Poultry, and renumber all subsections and internal references accordingly.
 - (ii) Renumber current Section 5.015, Garaging or Parking of Motor Vehicles, to **5.014**, Garaging or Parking of Motor Vehicles, and renumber all subsections and internal references accordingly.
 - (iii) Renumber current Section 5.016, Dwellings in Office, Research & Industrial Districts, to **5.015**, Dwellings in Office, Research & Industrial Districts, and renumber all subsections and internal references accordingly.
 - (iv) Renumber current Section 5.017, Trailer, to **5.016**, Trailer, and renumber all subsections and internal references accordingly.
- D. Amend cross-references in the following sections as indicated by deleting the ~~lined-out~~ language and adding the language in *bold italics*:

SECTION 3.3 USE CLASSIFICATION AND STANDARDS

- (i) 3.340.31 Taxicab, limousine service and similar uses.

The operation of a taxicab or limousine service may be permitted as a business use of home under the provisions of Section ~~5.013~~ **5.012** when all of the following

- (ii) **ARTICLE 12 DEFINITIONS**

12.27 Livestock and Poultry: All domesticated mammals and birds Except as provided for under Section ~~5.014~~**5.013**, livestock and poultry shall

- (iii) **SECTION 7.5 PARKING FOR ACCESSORY USES**

For regulations governing parking associated with accessory uses, see Section ~~5.015~~**5.014**, Garaging or Parking of Motor Vehicles.

- (iv) **SECTION 5.07 SCIENTIFIC RESEARCH OR DEVELOPMENT**

5.0711 No manufacturing activity shall occur within two hundred (200) feet of a dwelling unit in a residential district, or within one hundred (100) feet of any dwelling unit in a non-residential district, including any accessory dwelling units under Section ~~5.016~~**5.015**.

**ARTICLE 15. Zoning – Site Plan Review Applicability
(Planning Board)**

A. To see if the Town will amend Article 11, Administration and Enforcement, by replacing Section 11.21, Applicability, in its entirety and replacing it with the following new language:

SECTION 11.21 APPLICABILITY

11.210 In all instances where Site Plan Review is required, no work shall commence to alter a site, no change of use shall occur, and no building permit shall be issued to construct, alter or relocate the exterior of a building until Site Plan Review has been granted by

the Planning Board. Uses for which Site Plan Review is required are in accordance with Section 3.3, Table of Uses.

- 11.211 No Change to Building or Site: Site Plan Review shall not be required when no physical change will occur to the exterior of either a building or site.
- 11.212 Change of Use: In cases where a change of use is proposed and no physical changes to the exterior of a building or site will occur, Site Plan Review may be waived if the Building Commissioner determines that the change will not conflict with the purpose of this Bylaw and finds that the proposed use will not result in the need for further review under Section 11.243.
- 11.213 Signage: Site Plan Review shall not be required when the only change to the exterior of a building or site includes the installation of signs in compliance with Article 8 of this Bylaw.
- 11.214 Administrative Approval for Minor Alteration to Building Exterior or Site: The Building Commissioner may authorize work to proceed without Site Plan Review for minor alterations provided the following criteria are satisfied:
- 11.2140 The proposed alteration shall not violate any provision of this Bylaw.
 - 11.2141 The proposed alteration does not result in an expansion of the building footprint other than those required by the building code related to means of egress or accessibility.
 - 11.2142 The proposed alteration does not change the height or roof lines of any building.
 - 11.2143 The proposal does not result in any substantial change in lot coverage.
 - 11.2144 The applicant demonstrates that the proposal does not increase the volume or rate of storm water runoff.
 - 11.2145 Measures are taken to avoid any excessive noise, odor, dust, vibration, flood, light pollution, or visual impact resulting from the proposed alteration.
- 11.215 Other Review: The Building Commissioner may seek guidance in reviewing the above criteria from other Town staff and may require application to the Design Review Board and/or Historical Commission.
- 11.216 Changes to Approved Site Plans and Buildings: Any revision or alteration to a previously approved site plan or building plan shall be submitted to the Building Commissioner to determine if the change is significant. The Building Commissioner shall either approve the alteration as minor or advise the applicant to make submission to the Planning Board for its review under Site Plan Review.

B. Amend Section 3.3 by deleting the ~~lined-out~~ language, as follows:

SECTION 3.3 USE CLASSIFICATION AND STANDARDS

For the purposes of this Bylaw, existing and future uses of land, buildings and other structures shall be allocated among the following categories. It is intended that every possible use be included in some category, and a use that does not readily fall into any category listed shall be included in the one to which it is most similar. Each use is assigned a number which is found in the left hand column of the following pages.

The Standards and Conditions column which is located to the right of the Use Classification column contains specific requirements which shall be met if the Use is to be permitted in any Zoning District by right, by Special Permit, or by Site Plan Review.

The column located to the right of the Standards and Conditions column indicates the Zoning Districts in which the specific Uses are permitted or prohibited. The following code is used in those columns:

- Y = Yes The Use is permitted by right in that Zoning District.
- N = No The Use is not permitted in that Zoning District.
- SPR = The Use is permitted ~~by right~~ with Site Plan Review (See Section 11.2)¹
- SP = The Use is permitted with a Special Permit, by the Zoning Board of Appeals (See Section 10.3)
- SPP = The Use is permitted with a Special Permit, by the Planning Board (See Section 10.3)
- () = The Use, if located within the Aquifer Recharge Protection District (ARP) shall be subject to the code designation within the parenthesis.

¹ ~~No Site Plan Review shall be required in those instances where a use change is proposed and no substantial physical changes (other than signs) will occur to the site or building exterior and where no new or additional requirements of the Zoning Bylaw must be met for the proposed use.~~

**ARTICLE 16. Zoning – Educational District Project Review
(Planning Board)**

To see if the Town will amend Section 3.21, Educational District (ED) of the Zoning Bylaw, as follows:

Amend Section 3.21 by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

3.21 Educational District (ED)

- 3.211 In an Educational District any use of land and buildings is permitted which may legally be carried on by, or under the auspices of the College or University which owns or manages the property in said District provided that the appropriate officials shall file with the Planning Board, for its information, plans of any new construction, ***significant site alterations***, or significant change in use ~~at least 60 days~~ prior to initiation of said construction or change.
- 3.212 It is intended that the Zoning Map shall include in Educational Districts only land which is in fact owned or managed by Amherst College, Hampshire College, or the University of Massachusetts (but not all such land will necessarily be so zoned).
- 3.213 All setbacks, side and rear yards and heights within 50 feet of the boundary of an Educational District shall conform to the dimensional regulations applicable to the adjacent zoning district.
- 3.214 Within an Educational District, adequate off street parking shall be provided so that neither curb parking on public streets nor parking on property outside the Educational District shall be needed in connection with uses within the Educational District.
- 3.215 For wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.

**ARTICLE 17. Zoning – Table 3 Footnotes
(Planning Board)**

To see if the Town will amend the Footnotes in Article 6, Table 3, Dimensional Regulations and its Footnotes of the Zoning Bylaw, as follows:

Amend Table 3 Footnotes by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

TABLE 3 – DIMENSIONAL REGULATIONS
FOOTNOTES

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.
- b. Applies to Residence Uses only (Section 3.32). In the B-G, B-VC, and B-N districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-

unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.

- c. ~~Applies to any part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block, otherwise, no front setback is required. [Reserved.]~~
- d. A side yard need not be provided on one side of a single family dwelling if it shares a party wall or double wall with a single family dwelling on the next lot built at the same time.
- e. Rear and side yards shall be at least 20 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards are not required, but if provided, shall be at least 10 feet.
- f. Except as may be otherwise provided for specific uses, rear and side yards shall be at least 50 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards shall be at least 10 feet.
- g. ~~See Section 6.15 for interpretation. [Reserved.]~~
- h. A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.
- i. ~~Substitute the dimensional requirements in Section 4.332 for 10% affordable projects within cluster subdivisions only. [Reserved.]~~
- j. 85% in any B-L District adjacent to the B-G District, and along University Drive; 70% in any other B-L District and in the COM District.
- k. Requirements may be modified by the Permit Granting Board under a Site Plan Review approval granted for a cluster development, except that no such modification may result in a reduced requirement of less than eighty percent (80%) of the cluster requirement. Frontage requirements may be modified for not more than fifty percent (50%) of the lots in the subdivision.
- l. The dimensional regulations shown in Table 3 shall apply to all educational and religious uses located in the zoning districts listed, except as provided for in Section 6.6.
- m. In addition to the areas required by this table for any existing dwelling units on the lot, the density for new town houses (Section 3.322) and apartments (Section 3.323) shall not exceed one dwelling unit per 4,000 sq. ft. of the remaining lot area, or in the case where there are no existing dwelling units, 4,000 sq. ft. for each new dwelling unit beyond the first unit.
- n. ~~See Section 6.19 for interpretation.~~
- o. ~~See Section 6.18.~~

**ARTICLE 18. Zoning – Inclusionary Zoning
(Planning Board)**

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

ARTICLE 15 INCLUSIONARY ZONING

SECTION 15.0 INTENT AND 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

To ensure the purposes of this section, the following regulations shall apply to residential development in Amherst:

- 15.10 All residential development requiring a Special Permit ***for any aspect of a proposed use or development, including, but not limited to, dimensional modifications***, and resulting in ~~additional new~~ ***a net increase in*** dwelling units, shall provide affordable housing units at the following minimum rates:

Total Development <i>Net Increase in</i> <u>Unit Count</u> <i>Attributable to Special Permit</i>	Required Affordable <u>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

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

~~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.

15.11 *The number of units attributable to the Special Permit shall be calculated in accordance with Planning Board Rules & Regulations.*

~~15.142~~ 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.

~~15.123~~ 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 for purchase *or rental* by eligible ~~low and moderate income~~ buyers *and tenants*, ~~and available for a minimum of twenty years in the case of rental housing~~ *in perpetuity or to the extent allowable under law.*

~~15.134~~ 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 purpose of these regulations are met.

~~15.145~~ In any residential development, affordable housing units provided shall be dispersed throughout the development, and shall be comparable to market rate units in terms of *size, bedroom count*, the quality of their design, materials, and general appearance of their architecture and landscape.

ARTICLE 19. Zoning Petition – South Prospect Rezoning
(Guidera et al)

To see if the Town will vote to amend the Official Zoning Map of the Zoning Bylaw to change the zoning designation for the contiguous area currently zoned Limited Business (B-L) and located south of Amity Street and east of South Prospect Street to General Business (B-G), including the following properties or portions of properties: 14A-214; 14A-216; 14A-217; 14A-218; 14A-219; and 14A-330.

ARTICLE 20. Zoning Petition – Hallock Area Rezoning
(Guidera et al)

To see if the Town will vote to amend the Official Zoning Map of the Zoning Bylaw to change the designation for the contiguous area currently zoned Limited Business (B-L) and located west of North Pleasant Street and north of Cows Lane to General Business (B-G), including the following properties: 11C-174; 11C-179; 11C-180; 11C-181; 11C-195; 11C-196; 11C-197; 11C-227; 11C-229; 11C-230; 11C-231; 11C-304; and 11C-305.

ARTICLE 21. Zoning Petition – Triangle Rezoning
(Guidera et al)

To see if the Town will vote to amend the official Zoning Map of the Zoning Bylaw to change the zoning designation for the contiguous area currently zoned Limited Business (B-L) and located west of Triangle Street, east of East Pleasant Street and west of Cottage Street, to General Business (B-G), including the following properties or portions of properties: 11C – 265; 11C – 322; 11D – 40; and 11D – 42.

**ARTICLE 22. General Petition – East Pleasant Street/Triangle Street Intersection
(O’Connor et al)**

To see if the Town will vote to request that the Select Board, Town Manager and Public Works Department cease activities and expenditures designed to replace the East Pleasant Street/Triangle Street Intersection with a roundabout, including applying for and/or accepting grants for that purpose; and, instead, develop plans, without adding any traffic lanes, to install traffic control equipment at that intersection that would allow three separate phases – the present North/South phase, an East-only phase, a West-only phase, and the capability to cancel or bypass any phase or component of a phase for which no vehicles are waiting or immediately approaching, or to take any action directly related thereto.

**ARTICLE 23. General Petition – Removal of Public Works Building from 5 Year Capital Plan
(O’Connor et al)**

To see if the Town will vote: Whereas, the Town of Amherst has an estimated \$17 million backlog of public road repairs and many sidewalks that need either to be extended or repaired out of concern for public health and safety; and,

Whereas, the “Facilities” section of the Town’s 5-Year Capital Plan projects the expenditure of less than \$1 million annually and less than \$4.5 million from FY 2017 through FY 2021 to reduce the backlog of public road repairs and prevent further deterioration of the Town’s public ways – primarily from Chapter 90 funds augmented by \$100,000 in General Fund revenues per year; and,

Whereas, the “Buildings” section of the Town’s 5-Year Capital Plan projects the expenditure for FY 20 of \$1 million and for FY 21 of \$26 million for a new Public Works Department building, while, for a fee of \$70,000, a consultant employed by the Town has recommended construction of a \$38 million building to house the Town’s Public Works Department offices, shops and vehicles; and,

Whereas, the “Facilities” section of the Town’s 5-Year Capital Plan proposes the expenditure of only \$30,000/year, from FY 18 through FY 21, to repair, extend, and improve the Town’s sidewalk network; and,

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Representative Town Meeting requests that: 1) the Town’s Joint Capital Planning Committee remove from its proposed 5-Year Capital Plan all references to a new Public Works Department building, and, 2) the Select Board, Town Manager, Public Works Department and Town committees cease activities and expenditures directly related to the construction of a new Public Works Department building until such time as the backlog of repairs to the Town’s public ways has been significantly reduced and high priority sidewalk repairs and extensions have been accomplished.

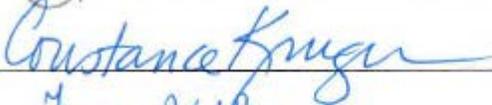
You are hereby directed to serve this call by posting attested copies thereof at the usual places:

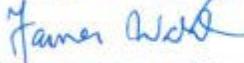
Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Immanuel Lutheran Church	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

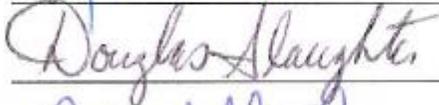
Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands on this Twenty-fourth day of October, 2016.











Select Board

Date _____

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



FINANCE COMMITTEE REPORT AND RECOMMENDATIONS FOR THE NOVEMBER 14, 2016 SPECIAL TOWN MEETING

Fiscal Year 2016

The report on the FY16 municipal budget to the Finance Committee and Select Board from the Comptroller, dated August 24, 2016, is included in this mailing. It shows actual performance compared to revenue and expense budgets. This is unaudited and subject to modification. General Fund revenue exceeded the budget by \$1,334,552 and expenses were \$346,630 less than budgeted, through June 30. The net operating surplus was \$1,681,182. The Town's Free Cash increased, but not by the total amount of the additional revenue and unspent appropriations, because of adjustments made by the Department of Revenue and approximately \$876,675 in Free Cash expenditures made by Town Meeting.

Budgets are projections made before a year begins and are the financial and operation plans for that year. A variance of less than 3% and in the right direction shows that the budget process works well and that our staff does an excellent job managing budgets and collecting revenue.

After several lean years of fiscal restraint and reductions in services, reserves have finally built up to a level providing a needed cushion for future downturns in the economy. The Department of Revenue has certified Free Cash at \$4,818,684 as of July 1, 2016. That plus our Stabilization Fund (\$6,390,203) comprise our reserves of \$11,208,887. The Finance Committee will move to transfer some of the Free Cash to a Stabilization Fund when Article 11 is considered at the Special Town Meeting.

Fiscal Year 2017

The FY17 budget adopted by Town Meeting last spring was essentially a "level services" budget. It assumes total state aid of \$15,234,864, an increase of \$494,652, or 3.0%, above FY16 aid. This is our second largest revenue source, representing about 20% of our total operating budget, and we do not expect significant state aid increases in future years. The largest source, property tax revenue, is estimated to be \$48,639,640, or 65% of the budget. Under Proposition 2½, the property tax levy can grow no more than 2½% a year, plus property taxes on any newly constructed property.

Projections for Fiscal Year 18 and After

Each year at the beginning of November, the Finance Committee issues preliminary guidelines to the Town Manager, Superintendent, and Library Director to provide guidance about funds expected to be available for the next fiscal year. This is intended to help the chief executives of the three principal components of the Town to develop a draft budget that the Town can afford.

The Finance Committee will ask the Town Manager, interim Superintendent, and Library Director to develop budgets that assume an increase of approximately 2.5% in the General Fund appropriation. If other revenues from grants, donations, fees, and endowment are unchanged, this should provide enough funds to assure stability of programs and services. Adding any significant new program or service to the operating budgets, including programs previously funded from grants and other resources, will require the

reduction or elimination of other programs and services. We have been able to budget with no increase in health insurance costs for several years; this year we will assume a 10% increase in PPO rates for FY18.

The increase in the largest revenue source for the Town, property tax, is limited to 2.5% a year, plus taxation from new growth. However, it is a predictable amount. The second largest source of revenue is state aid. State aid is less predictable but has been stable for the past three years and is unlikely to change significantly in FY18. We project an increase of just 2.1%.

The state budget is developed after there is a consensus of the Executive Office of Administration and Finance and the Chairs of the Ways and Means Committees regarding a revenue estimate. The Governor's budget is not expected until January 2017. The consensus estimate for FY18 has not been announced. That estimate will consider revenue history and economic trends that may affect income and sales taxes.

The Town has been able to rebuild reserves without allocating funds in the annual budget for that purpose. This has happened because of prudent budgeting and sound management, leading to modest operating surpluses that are less than 3% of budget. Our reserves are within the range established by the Town's Financial Policies. While the Town is now in the upper section of the target range for its reserves, the Finance Committee continues to urge caution in the use of these funds to support recurring expenses. Reserves might be needed to provide stability for essential town services if there is a precipitous decline in revenue, such as happened with state aid after the 2008 recession began. There may also be important one-time funding needs that merit use of reserves, such as to establish a new program that will have known future revenue, to adjust for loss of funding as a transition, or for unique one-time projects. Reserves could also provide partial financing for one or more of the four large capital building projects anticipated in the near future: a new Fire Station, a Public Works headquarters, renovations and/or additions to the Jones Library, and Wildwood School project.

The liability for Other Post-Employment Benefits (OPEB), essentially health insurance promised to retirees, continues to grow. The Finance Committee supports efforts to fund the OPEB Trust, which a prior Town Meeting established for this purpose. Those deposits into the Trust can come from appropriate sources such as the Medicare Part D reimbursements (See Article 10, below) and from other budget allocations that do not otherwise reduce ongoing programs and services. The Committee will consider this as it establishes the Preliminary Budget Guidelines.

Our goal to present budgets that provide for stability of programs and services in FY18 will be tested. It is unreasonable to project large increases in state aid in FY18 and 19, or to depend on future property tax overrides to fund operating budgets.

Fiscal Year 2018 Budget Process

The Finance Committee will issue preliminary guidelines for the development of budgets at the beginning of November. The Town Manager, interim Superintendent, and Library Director will develop initial budgets by January. The Committee will review these budgets and hold hearings so that it can develop and present a balanced budget for consideration at the Annual Town Meeting.

There are several ways to remain informed and involved in this process. The Town web site has a municipal budget page at <http://www.amherstma.gov/Budget>. The Jones Library budget page is <http://www.joneslibrary.org/budget/index.html>; and information on the elementary and Amherst-Pelham Regional budgets is available at http://www.arps.org/administration/budget_information. The Town web site also has sections for the Finance Committee, the Budget Coordinating Group and the Joint Capital

Planning Committee. Finance Committee meetings are public, televised later on Amherst Media Channel 17 and available for viewing in the Meetings on Demand section of the Amherst Media web site. Agendas, minutes, and meeting summaries are posted on the Town web site. The Finance Committee welcomes your questions and comments. Communications by email should be directed to fincom@amherstma.gov.

Finance Committee Members:

Stephen Braun, Vice Chair

Joseph Jayne

Bernard Kubiak

Timothy Neale

Janice Ratner

Anurag Sharma

Marylou Theilman, Chair

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

NO RECOMENDATION.

**ARTICLE 2. Capital Program – Bond Authorization
(Joint Capital Planning Committee)**

To see if the Town of Amherst will appropriate, transfer from available funds and/or borrow \$66,369,000 to be expended under the direction of the School Building Committee to construct, originally equip and furnish two co-located elementary schools on the Wildwood site to educate all Amherst students in grades 2-6, including the cost of architectural design, project management and other incidental and related costs, as well as demolition of the existing building and other necessary site improvements, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town of Amherst may receive from the MSBA for the Project shall not exceed the lesser of (1) 68.34 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

**ARTICLE 3. Capital Program – Land Acquisition
(Select Board)**

To see if the Town will: (a) authorize the Select Board to acquire by purchase, gift and/or eminent domain for public way and/or general municipal purposes, the parcel of land located at 24 Montague Road, containing 0.81 acres, more or less, and described in a deed recorded with the Hampshire District Registry of Deeds in Book 4825, Page 3478, Amherst Assessors Map 5A, Parcel 57; (b) raise and appropriate, transfer from available funds and/or borrow \$675,000 for the acquisition of said land, and any and all costs related thereto; (c) authorize the Select Board to enter into and execute any and all agreements necessary or convenient to effectuate the foregoing acquisition.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

This article would (a) authorize the Select Board to acquire a parcel of land containing approximately 0.81 acres for public way and/or general municipal purposes, (b) raise, appropriate, transfer from available funds, and/or borrow \$675,000 for acquisition and costs, (c) and authorize the Select Board to execute all agreements necessary to effect the acquisition.

**ARTICLE 4. Capital Program – Buildings and Facilities
(DPW/Fire Station Advisory Committee)**

To see if the Town will raise and appropriate, transfer from available funds and/or borrow \$75,000 to complete a feasibility and site selection study for a Fire Station.

RECOMMENDED by Finance Committee vote of 5-0-2 absent.

A consultant will look at space requirements, current state, and national standards, and suggest up to three possible sites. The money will come from the Overlay Surplus. The feasibility study will keep the Fire Station project moving along with the other capital building projects.

**ARTICLE 5. Capital Program – Buildings and Facilities
(DPW/Fire Station Advisory Committee)**

To see if the Town will raise and appropriate, transfer from available funds and/or borrow \$350,000 to complete a partial schematic design and construction cost estimate for a Department of Public Works facility.

RECOMMENDED by Finance Committee vote of 5-0-2 absent.

Weston & Sampson completed the preliminary study indicating 3 primary site suggestions and provided the quote for the feasibility study. This significantly more detailed study will provide site analysis, schematic design, and a cost estimate for a new facility. The study will be site specific, hence a site will need to be selected prior to the start of the consultant's work. Funding will come from Free Cash.

**ARTICLE 6. Triennial Property Revaluation
(Board of Assessors)**

To see if the Town will raise and appropriate or transfer from available funds \$40,000 to complete the triennial property revaluation.

RECOMMENDED by Finance Committee vote of 5-0-2 absent.

The State Department of Revenue presently requires that every three years cities and towns conduct a thorough revaluation of all real and personal property that is subject to property tax. The revaluation provides public notice prior to certification of values, informal appeals, and readjustments which results in fewer abatements and predictable revenue.

**ARTICLE 7. Land Acquisition - Watershed Protection
(Select Board)**

To see if the Town will: (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 located on Overlook Drive, Amherst, shown as Parcel 49 on Assessors Map 6B, and containing 2.0 acres, more or less, and described in a deed recorded with the Hampshire District Registry of Deeds in Book 11135, Page 334; (b) to appropriate and transfer \$58,000 from the Water Fund Surplus for the acquisition of such land and costs related thereto; and, (c) authorize the Select Board, the Town Manager, and/or such other boards or officers 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 other funds, gifts, and grants, including grants for reimbursement, under any federal and/or other state programs, and to enter into any and all agreements and execute any and all instruments necessary or convenient to effectuate the foregoing acquisition.

RECOMMENDED by Finance Committee vote of 5-0-2 absent.

This article would (a) authorize the Select Board to acquire the property, approximately 2.0 acres, (b) appropriate and transfer \$58,000 from the Water Fund Surplus to acquire such land and costs related to, (c) and authorize the Select Board, the Town manager, or others to apply for and accept funds, gifts, grants, and reimbursement on behalf of the Town, and execute all necessary instruments to effect the acquisition. This property will add to the long-term protection of the Town's water supply.

**ARTICLE 8. Groff Park Improvements
(Leisure Services and Supplemental Education Commission)**

To see if the Town will: (1) transfer the care, custody, and control of a portion of the parcel of land located on Mill Lane, known as Groff Park, and identified by the Assessors as Parcel 17C-13, which portion contains .75 acres, more or less, and is approximately shown on a sketch plan entitled “PARC Grant: Improvements to Groff Park”, on file with the Town Clerk, from the board or officer having custody thereof for the purposes for which it is currently held to the Leisure Services and Supplemental Education Commission (LSSE) for active and passive recreational purposes under the provisions of G.L. c. 45, §3, as it may be amended, and other Massachusetts statutes related to recreation; (2) appropriate the sum of \$950,000 for the purpose of rehabilitating and preserving Groff Park and costs related thereto, \$400,000 of which shall be raised and appropriated, transferred from available funds, and/or borrowed, provided that the Town first obtains a grant reimbursement commitment in the same amount, and the remaining \$550,000 were appropriated and transferred from the Community Preservation Act Fund pursuant to the vote taken under Article 19A of the 2016 Annual Town Meeting; and (3) to authorize the Town Manager or designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants and/or reimbursements under any federal or other state programs in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project.

RECOMMENDATION DEFERRED UNTIL TOWN MEETING.

Clause (1) transfers the care and custody of a portion of the of land known as Groff Park to the Leisure Services and Supplemental Education (LSSE) Commission for active and passive recreational purposes and is similar to other transfers made by Town Meeting in the past.

Clause (2) refers to the total amount of the project, \$950,000 of which \$550,000 would be paid from CPA funds (approved for this project at the spring 2016 Annual Town Meeting), which is an appropriate use. The \$400,000 would be raised and appropriated, transferred from available funds, and/or borrowed, provided that the Town first obtains a grant reimbursement commitment in the same amount.

Clause (3) authorizes the Town Manager to apply for and accept grants, gifts, funds, and reimbursements connected with this article, and execute all necessary instruments to effectuate the project.

**ARTICLE 9. Temporary Easements - Mill Street Bridge
(Select Board)**

NO RECOMMENDATION.

**ARTICLE 10. Free Cash – OPEB Trust Fund Reimbursement Transfer
(Finance Committee)**

To see if the Town will appropriate and transfer \$202,802 from Free Cash in the Undesignated Fund Balance of the General Fund to the following accounts: \$106,163 to the Other Post-Employment Benefits (OPEB) Trust Fund of the Town of Amherst; \$7,806 to the Town of Pelham; and \$88,833 to the Amherst-Pelham Regional School District to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

RECOMMENDED by Finance Committee vote of 5-0-2 absent.

This article is similar to one at last fall's Town Meeting. The Health Claims Trust Fund provides health insurance to employees and retirees of the Town of Amherst, the Town of Pelham, and the Amherst-Pelham Regional School District. Retirees receive a drug benefit that meets Medicare Part D requirements. As an incentive to employers to provide this benefit, the federal government has for the past eight years given Amherst, the administrator of the Trust Fund, partial reimbursement for its expenditures on the drug benefit. The total amount of the reimbursement, \$202,802, becomes part of the Town's Free Cash, since it has not been included in the budget. Some of this amount really belongs to the Town of Pelham and to the Regional School District since retirees from those entities have helped generate the subsidy by participating in the Health Claims Trust Fund.

This article divides the total reimbursement into three parts. Amherst's share (\$106,163) will be transferred into Amherst's Other Post-Employment Benefits (OPEB) Trust Fund, which is essentially a savings account to pay future health care benefits for Town of Amherst employees. The other two parts will be transferred to the other participating entities, the Town of Pelham (\$7,806) and the Regional School District (\$88,833).

**ARTICLE 11. Free Cash – Stabilization Funds
(Finance Committee)**

To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance to the Stabilization Fund.

RECOMMENDED by Finance Committee vote of 5-0-2 absent.

The Town's Financial Management Policies & Objectives state that reserves should be from 5% to 15% of General Fund operating revenue, as a cushion against a financial downturn. As of July 1, 2016, total reserves (Free Cash plus Stabilization) stood at \$11,208,887, or 15% of General Fund operating revenue. The policy on reserves also states that if Free Cash exceeds 5% of operating revenue, the excess may be appropriated to a Stabilization Fund. The State has certified our Free Cash for the fiscal year ending June 30, 2016, at \$4,818,684. This Article would transfer excess Free Cash of \$1,086,162 into a Stabilization Fund, increasing the total in such funds to \$7,476,365. This is the same thing Town Meeting has

FINANCE COMMITTEE REPORT – SPECIAL TOWN MEETING 11/14/16

approved for the past several years, essentially moving part of our savings from one account to another where it can earn a little more interest. A two-thirds majority is required to transfer money into and out of a Stabilization Fund.

**ARTICLE 12. Amend Prior Vote - Charter Commission Consultant Services
(Charter Commission)**

NO RECOMMENDATION.

**ARTICLE 13. Town Bylaw – Amend Article 1: Rules of Order for Town Meeting
(Town Meeting Coordinating Committee)**

NO RECOMMENDATION.

**ARTICLE 14. Zoning – Business Uses of Homes
(Planning Board)**

NO RECOMMENDATION.

**ARTICLE 15. Zoning – Site Plan Review Applicability
(Planning Board)**

NO RECOMMENDATION.

**ARTICLE 16. Zoning – Educational District Project Review
(Planning Board)**

NO RECOMMENDATION.

**ARTICLE 17. Zoning – Table 3 Footnotes
(Planning Board)**

NO RECOMMENDATION.

**ARTICLE 18. Zoning – Inclusionary Zoning
(Planning Board)**

NO RECOMMENDATION.

**ARTICLE 19. Zoning Petition – South Prospect Rezoning
(Guidera et al)**

To see if the Town will vote to amend the Official Zoning Map of the Zoning Bylaw to change the zoning designation for the contiguous area currently zoned Limited Business (B-L) and located south of Amity Street and east of South Prospect Street to General Business (B-G), including the following properties or portions of properties: 14A-214; 14A-216; 14A-217; 14A-218; 14A-219; and 14A-330.

RECOMMENDED by Finance Committee vote of 5-0-2 absent.

This article would change the zoning of the indicated parcels of land on the east side of South Prospect Street from Limited Business (B-L) to General Business (B-G). The B-G zoning has fewer restrictions about such things as setback, required lot sizes for residential units, and number of floors than the B-L zone, hence this change would increase the potential of the properties to be developed, either as commercial, residential, or mixed-use buildings. The Finance Committee agrees with the Planning Board that the B-G zoning of these properties is appropriate for this part of downtown. The potential for increased revenue to the Town is difficult to quantify, but the Committee believes it could be significant enough to justify the rezoning. The Committee is aware of, and is concerned about, the potential for development without the building of new parking spaces, which is allowed within the Town's downtown parking overlay zone, but this is a separate issue from the proposed re-zoning of these parcels. Any development of these parcels should be undertaken with careful consideration of the ongoing parking needs in downtown.

**ARTICLE 20. Zoning Petition – Hallock Area Rezoning
(Guidera et al)**

To see if the Town will vote to amend the Official Zoning Map of the Zoning Bylaw to change the designation for the contiguous area currently zoned Limited Business (B-L) and located west of North Pleasant Street and north of Cows Lane to General Business (B-G), including the following properties: 11C-174; 11C-179; 11C-180; 11C-181; 11C-195; 11C-196; 11C-197; 11C-227; 11C-229; 11C-230; 11C-231; 11C-304; and 11C-305

RECOMMENDED by Finance Committee vote of 5-0-2 absent.

This article would change the zoning of the indicated parcels of land to the south of Hallock Street on the west side of North Pleasant Street from Limited Business (B-L) to General Business (B-G). (Note: this is a more limited area than is stated in the warrant article, which is an amendment the petitioner expects to make at Town Meeting in response to feedback from the Planning Board.) As with the proposed rezoning in Article 19, the Finance Committee feels that this area of downtown is appropriate for this kind of development and that the potential for increased tax revenue resulting from the rezoning could be significant. The same concerns expressed by the Committee in Article 19 about the potential for adverse impacts of development on the downtown parking situation apply here, but, again, the Committee feels these issues are best dealt with in the course of the review and approval process for specific new

developments.

**ARTICLE 21. Zoning Petition – Triangle Rezoning
(Guidera et al)**

NO RECOMMENDATION. Petitioner to Withdraw.

**ARTICLE 22. General Petition – East Pleasant Street/Triangle Street Intersection
(O’Connor et al)**

NO RECOMMENDATION.

**ARTICLE 23. General Petition – Removal of Public Works Building from 5 Year Capital Plan
(O’Connor et al)**

NO RECOMMENDATION.

ADDITIONAL INFORMATION

1. June 2016 YTD Budget Report
2. Override Explanation
3. Budget Calendar
4. Intro to Capital Projects
5. School Summary
6. Library Summary
7. DPW Summary
8. Fire Station Summary

Town of



Amherst Massachusetts

ACCOUNTING

Sonia Aldrich, Comptroller
Town Hall
4 Boltwood Avenue
Amherst, MA 01002-2351

Phone: (413) 259-3026
Fax: (413) 259-2401
accounting@amherstma.gov
www.amherstma.gov

August 24, 2016

TO: Select Board
Finance Committee
Paul Bockelman, Town Manager

FROM: Sonia Aldrich, Comptroller

SUBJECT: FY16 Municipal Budget/Actual Reports for Quarter and Fiscal Year Ending
June 30, 2016

Attached are two reports detailing performance versus budget for revenues and expenditures for the General Fund and Enterprise Funds for the fiscal year that ended June 30, 2016 (FY16).

1. Summary Statement of Revenues and Other Sources and Expenditures and Other Uses – Budget and Actual by Fund (General, Sewer, Water, Solid Waste and Transportation Funds).
2. Detailed Year to Date Revenues and Expenditures Budget Report.

The General Fund generated a net operating surplus of \$1,681,182 against a budget of \$72.5 million, 79% of the surplus came from revenues collected in excess of original estimates(explanations, below). The remaining surplus came from departments spending below budgeted levels, usually because of a lag in filling vacancies, this includes a turn back of \$100,000 from the Reserve Fund. The net operating surplus is consistent with previous years and reflects the Town's ongoing commitment to realistic revenue projections and tight control of departmental operating expenditures throughout the fiscal year.

It is important to note that the surplus in this report does not equate to a similar increase in the Town's Free Cash, because this report does not reflect the decrease in the Free Cash balance due to the \$876,675 in Free Cash expenditures voted by Town Meeting during FY16. The figures presented in the following pages are unaudited and are subject to change. We will submit figures to the Department of Revenue for certification of Free Cash and final confirmation of the numbers in these reports.

GENERAL FUND

Revenues: Through June 30, 2016, the Town has collected 101.8% of budgeted revenues, or \$1,334,552 above the original budget.

- Golf Course: Receipts total 92.3% of budget; the two largest revenue categories, greens fees are up slightly and memberships down slightly from FY2014 and 2015.
- LSSE – Recreation: Receipts total 104.6% of budget. The Revolving fund performed better than in past years largely due to adjusted administrative estimates.
- Fines and Forfeits: Actual receipts were 63.4% year to date, or \$74,812, under the budgeted amount. Some categories were significantly down, including various nuisance fines, court fines and noise by-law violations. This is largely due to improved behavior by residents and students and a strategy change by the Amherst Police Department. The FY2017 budget has been adjusted for this.
- Investment Income: Actual receipts were 128.7%, year to date. Interest rates continue to be low and are expected to be so for the immediate future. In FY16 investment income is higher than the budget estimate, due to increased investment in CD's.
- Licenses and Permits: Actual receipts were 141.9% year to date, or \$451,548 over the budgeted amount largely due to increased building and fire inspection revenue.
- Medicaid Reimbursement: Actual receipts were 136.1%, or \$95,946 over the budget estimate. These receipts tend to fluctuate a lot, budget estimates are conservative.
- Misc. Non-Recurring: Actual receipts were 187.9%, or \$228,533 over budgeted revenues. The bulk of this is the result of UMass agreeing to pay a Hotel/Motel fee in lieu of Hotel/Motel tax. We received \$295,490 that was not budgeted for in FY2016.
- Motor Vehicle Excise: Actual receipts were 114.9% year to date, or \$241,410 over the budgeted amount.
- Other Departmental: Actual receipts were 221.3% year to date, or \$343,411 over budgeted amount. This surplus \$185,973 came from the Medicare Part D reimbursements for drug benefits the Town provides to retirees. Premiums on Bonds sold up by \$23,440. Certificates of Inspections up \$23,620, there was also an increase of \$8,025 because of higher Planning Board fees, \$7,219 for Title V inspections and \$36,147 prior year refunds.
- Hotel/Motel and Meals Taxes: Actual receipts were 98.9% year to date, or \$7,516 below the budgeted amount. The Meals tax generated \$491,004 in revenue, \$24,878, or 5.3% more than the budget estimate. The Hotel/Motel tax generated \$204,972 in revenue, \$32,394, or 14.6% less than the budget estimate.
- Penalties and Interest: Actual receipts were 91.2% of the budget estimate, or \$19,584 less than budgeted.
- Property Tax: Actual receipts were 100.2% year to date. Property tax collection accounted for \$83,216 of surplus revenue.
- State Aid: Actual receipts were 99.8% year to date.

Expenditures: Through June 30, 2016, expenditures totaled 99.5% of budgeted expenditures, or \$346,630 below the original budget. All functional areas returned funds to the General Fund. Significant budget turn backs or overspending are explained below within the functional areas.

- **General Government:** The total turn back in this functional area is \$262,274; this figure includes \$100,000 of unused Reserve Fund Transfer funds and \$105,572 in unspent Employee Benefits. The departments that overspent their budgets by more than 5% of budget follow.
 - Legal - over by 7.5%, this fluctuates year to year depending on land purchases, litigation, negotiations, etc... Over by 7.5% is not a bad year.
 - Human Resources – over by 7.3% largely due to heavy recruitment costs and the Fire Department staffing study.
 - Elections – over by 32.9% due to election costs and needed replacement of voting booths. There was significant savings in the Town Clerk salaries budget to cover this overage.
 - General Government Facilities –there are some facility budgets that went slightly over, however there were significant saving from the others to cover these shortages and return \$41,000.
 - Miscellaneous and Insurance – over by 9.4% mostly due to Property and Casualty Insurance, this budget was increased for FY17.
- **Public Safety:** The total turn back in this functional area is \$75,746. The Police Department returned \$70,033 mostly due to vacancies. Police Facility returned \$5,013 from operating budget. The Fire Department overspent by \$18,946 mostly due to medical supply costs and vehicle repairs. The budget for medical supplies was increased for FY17. Dispatch returned \$17,849 due to savings from 911 grant for salaries.
- **Public Works:** The total turn back in this area is \$16,662. Some divisions overspent their budgets, but there were savings in other divisions that prevented a budget shortfall.
- **Planning, Conservation and Inspections:** The total turn back in this area is \$523. The Planning Department budget was overspent by \$9,030. This is due to one of our senior planners leaving and the payout of his leave accruals. This deficit was offset by savings in in the Inspections Department of \$9,689, due to vacant positions that took time to fill.
- **Community Services:** The total turn back in this area is \$707. LSSE was overspent by \$27,209. This was due to the retirement of a long time employee. The saving in the Veterans’ and other budgets in this area was able to cover the payout. There were fewer veterans collecting benefits in FY15 and this has carried over to FY16 as well.
- **Education:** Unspent appropriations on the Elementary School side totaled \$15,770 against an appropriation of \$21,869,835.

ENTERPRISE FUNDS

- Through June 30, 2016, all four Enterprise Funds generated operating surpluses that will increase Retained Earnings (Free Cash) balances. The Transportation Fund had a small revenue deficit of \$3,506, however there were returned appropriations totaling \$38,154 leaving a \$34,649 surplus. The other three funds met their revenue targets.
- The Enterprise Fund operating surpluses were:
 - Sewer \$138,766
 - Water \$202,684
 - Solid Waste \$ 7,727
 - Transportation \$ 34,649

TOWN OF AMHERST, MASSACHUSETTS
Statement of Revenues and Other Sources and Expenditures and Other Uses
Budget and Actual - General Fund
For the Fiscal Year Ended June 30, 2016
(Unaudited)

	Budget	Actual	Variance Favorable (Unfavorable)
Revenues and Other Sources:			
Property taxes	46,225,967	46,309,183	83,216
Excise	2,327,782	2,561,676	233,894
Penalties, interest and other taxes	1,171,476	1,151,851	(19,625)
Licenses and permits	1,077,927	1,529,475	451,548
Intergovernmental	15,009,845	14,968,798	(41,047)
Fines and forfeits	204,570	129,758	(74,812)
Interest earnings	83,400	107,336	23,936
Miscellaneous	1,461,970	2,139,412	677,442
Contributions			-
Transfers in	4,104,066	4,104,066	-
Other Sources (free cash and overlay)	836,675	836,675	-
Total Revenues and Other Sources	72,503,678	73,838,230	1,334,552
Expenditures and Other Uses:			
General Government	11,508,612	11,246,338	262,274
Public Safety	9,973,955	9,898,209	75,746
Public Works	2,162,004	2,145,342	16,662
Planning, Conservation and Inspections	1,245,577	1,245,054	523
Community Services	1,839,276	1,838,569	707
Library Services	1,833,246	1,833,245	1
Education	36,695,341	36,679,571	15,770
Debt Service	2,108,041	2,091,760	16,281
Region	156,766	137,316	19,450
Intergovernmental-Assessments	2,562,584	2,623,369	(60,785)
Transfers Out (Capital)	2,418,276	2,418,276	-
Total Expenditures and Other Uses	72,503,678	72,157,048	346,630
 Excess of revenues and other sources over expenditures and other uses	 (0)	 1,681,182	 1,681,182

TOWN OF AMHERST, MASSACHUSETTS
Statement of Revenues and Other Sources,
and Expenses and Other Uses
Budget and Actual - Sewer
For the Fiscal Year Ended June 30, 2016
(Unaudited)

	<u>Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>
Revenues and Other Sources:			
Charges for services	4,191,650	4,226,463.88	34,814
Interest earnings	7,000	13,104.61	6,105
Other sources	13,000	23,915.41	10,915
Total Revenues and Other Sources	<u>4,211,650</u>	<u>4,263,483.90</u>	<u>51,834</u>
Expenses and Other Uses:			
Personnel	1,765,509	1,660,269.13	105,240
Purchase of services	1,072,417	1,075,937.20	(3,520)
Supplies	63,700	83,868.06	(20,168)
Other charges and expenses	319,726	314,345.57	5,380
Transfers	354,140	354,140.00	-
Capital outlay	250,000	250,000.00	-
Debt service	386,158	386,158.00	-
Other uses			-
Total Expenses and Other Uses	<u>4,211,650</u>	<u>4,124,717.96</u>	<u>86,932</u>
Excess of revenues and other sources over expenses and other uses	<u>-</u>	<u>138,765.94</u>	<u>138,766</u>

TOWN OF AMHERST, MASSACHUSETTS
Statement of Revenues and Other Sources,
and Expenses and Other Uses
Budget and Actual - Water
For the Fiscal Year Ending June 30, 2016
(Unaudited)

	Budget	Actual	Variance Favorable (Unfavorable)
Revenues and Other Sources:			
Charges for services	4,115,007	4,182,257	67,250
Interest earnings	5,000	11,792	6,792
Other sources	245,500	249,491	3,991
Total Revenues and Other Sources	<u>4,365,507</u>	<u>4,443,540</u>	<u>78,033</u>
Expenses and Other Uses:			
Personnel	1,692,650	1,541,409	151,241
Purchase of services	676,267	715,009	(38,742)
Supplies	183,100	153,697	29,403
Other charges and expenses	672,571	689,822	(17,251)
Transfers	463,319	463,319	-
Capital outlay	315,500	315,500	-
Debt service	362,100	362,100	-
Other uses	-	-	-
Total Expenses and Other Uses	<u>4,365,507</u>	<u>4,240,856</u>	<u>124,651</u>
Excess of revenues and other sources over expenses and other uses	<u>-</u>	<u>202,684</u>	<u>202,684</u>

TOWN OF AMHERST, MASSACHUSETTS
Statement of Revenues and Other Sources,
and Expenses and Other Uses
Budget and Actual - Solid Waste Fund
For the Fiscal Year Ending June 30, 2016
(Unaudited)

	Budget	Actual	Variance Favorable (Unfavorable)
Revenues and Other Sources:			
Charges for services	413,098	453,891	40,793
Intergovernmental			-
Interest earnings	-	164	164
Other sources	61,200	27,903	(33,297)
Total Revenues and Other Sources	<u>474,298</u>	<u>481,957</u>	<u>7,659</u>
Expenses and Other Uses:			
Personnel	289,310	283,175	6,135
Purchase of services	164,481	167,334	(2,853)
Supplies	4,200	1,119	3,081
Other charges and expenses	16,307	22,602	(6,295)
Transfers			-
Capital outlay			-
Debt service			-
Other uses			-
Total Expenses and Other Uses	<u>474,298</u>	<u>474,230</u>	<u>68</u>
Excess of revenues and other sources over expenses and other uses	<u>-</u>	<u>7,727</u>	<u>7,727</u>

TOWN OF AMHERST, MASSACHUSETTS
Statement of Revenues and Other Sources,
and Expenses and Other Uses
Budget and Actual - Transportation
For the Fiscal Year Ending June 30, 2016
(Unaudited)

	Budget	Actual	Variance Favorable (Unfavorable)
Revenues and Other Sources:			
Charges for services	514,150	543,115	28,965
Intergovernmental			-
Interest earnings	500	1,262	762
Other sources	452,000	418,768	(33,232)
Total Revenues and Other Sources	<u>966,650</u>	<u>963,144</u>	<u>(3,506)</u>
Expenses and Other Uses:			
Personnel	358,257	337,742	20,515
Purchase of services	91,300	85,987	5,313
Supplies	16,000	11,418	4,582
Other charges and expenses	99,881	98,026	1,855
Transfers	249,899	249,899	-
Capital outlay	55,000	55,000	-
Debt service	56,313	56,313	1
Public Transportation	40,000	34,111	5,889
Other uses			-
Total Expenses and Other Uses	<u>966,650</u>	<u>928,496</u>	<u>38,154</u>
Excess of revenues and other sources over expenses and other uses	<u>-</u>	<u>34,649</u>	<u>34,649</u>

TOWN OF AMHERST
Year to Date Budget Report
FY2016 REVENUES
Through June 30, 2016

	EST REVENUES	ACTUAL YTD REVENUE	REMAINING REVENUE	PCT COLL
TOWN GENERAL FUND				
DEPART-CEMETERIES	\$ (4,000.00)	\$ (3,000.00)	\$ (1,000.00)	75.0%
DEPART-GOLF COURSE	\$ (227,638.00)	\$ (210,199.72)	\$ (17,438.28)	92.3%
DEPART-RECREATION	\$ (332,264.00)	\$ (347,560.95)	\$ 15,296.95	104.6%
FINES AND FORFIETS	\$ (204,570.00)	\$ (129,757.76)	\$ (74,812.24)	63.4%
INVESTMENT INCOME	\$ (83,400.00)	\$ (107,336.43)	\$ 23,936.43	128.7%
LICENSES AND PERMITS	\$ (1,077,927.00)	\$ (1,529,474.68)	\$ 451,547.68	141.9%
MEDICAID REIMBURSEMENTS	\$ (265,489.00)	\$ (361,435.34)	\$ 95,946.34	136.1%
MISC NON-RECURRING	\$ (260,000.00)	\$ (488,533.24)	\$ 228,533.24	187.9%
MOTOR VEHICLE EXCISE	\$ (1,624,290.00)	\$ (1,865,700.30)	\$ 241,410.30	114.9%
OTHER DEPT REVENUE	\$ (283,029.00)	\$ (626,439.91)	\$ 343,410.91	221.3%
HOTEL/MOTEL	\$ (237,366.00)	\$ (204,971.85)	\$ (32,394.15)	86.4%
MEALS TAX	\$ (466,126.00)	\$ (491,003.91)	\$ 24,877.91	105.3%
PENALTY AND INTEREST	\$ (223,000.00)	\$ (203,415.98)	\$ (19,584.02)	91.2%
PL PILOT	\$ (948,476.00)	\$ (948,435.15)	\$ (40.85)	100.0%
PROPERTY TAXES	\$ (46,225,967.00)	\$ (46,309,182.91)	\$ 83,215.91	100.2%
RENTALS	\$ (89,550.00)	\$ (102,242.59)	\$ 12,692.59	114.2%
SPECIAL ASSESSMENTS	\$ (772,102.00)	\$ (763,033.00)	\$ (9,069.00)	98.8%
STATE AID	\$ (14,237,743.00)	\$ (14,205,765.00)	\$ (31,978.00)	99.8%
TRANSFERS IN	\$ (4,940,741.00)	\$ (4,940,741.00)	\$ -	100.0%
TOTAL TOWN GENERAL FUND	\$ (72,503,678.00)	\$ (73,838,229.72)	\$ 1,334,551.72	101.8%
6001 SEWER FUND				
60011990 SF INTERFUND TRANSFERS			\$ -	
R4440 SF OPERATING BUDGET REV	\$ (4,211,650.00)	\$ (4,263,483.90)	\$ 51,833.90	101.2%
TOTAL SEWER FUND	\$ (4,211,650.00)	\$ (4,263,483.90)	\$ 51,833.90	101.2%
6002 WATER FUND				
60021990 WF INTERFUND TRANSFERS	\$ (170,500.00)	\$ (170,500.00)	\$ -	100.0%
R4450 WF OPERATING BUDGET REV	\$ (4,195,007.00)	\$ (4,273,039.65)	\$ 78,032.65	101.9%
TOTAL WATER FUND	\$ (4,365,507.00)	\$ (4,443,539.65)	\$ 78,032.65	101.8%
6003 SOLID WASTE FUND				
60031990 SWF INTERFUND TRANSFERS	\$ -		\$ -	#DIV/0!
R4435 SWF OPERATING BUDGET REVENUE	\$ (474,298.00)	\$ (481,957.30)	\$ 7,659.30	101.6%
TOTAL SOLID WASTE FUND	\$ (474,298.00)	\$ (481,957.30)	\$ 7,659.30	101.6%
6005 TRANSPORTATION FUND				
60051990 TRANS INTERFUND TRANSFERS			\$ -	#DIV/0!
R4480 PARKING OPERATING REVENUE	\$ (966,650.00)	\$ (963,144.32)	\$ (3,505.68)	99.6%
TOTAL TRANSPORTATION FUND	\$ (966,650.00)	\$ (963,144.32)	\$ (3,505.68)	99.6%

TOWN OF AMHERST
Year to Date Budget Report
FY2016 EXPENSES
Through June 30, 2016

	BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TOWN GENERAL FUND					
SELECT BOARD/TOWN MANAGER	\$ 355,436.00	\$ 344,165.30	\$ 15,055.48	\$ (3,784.78)	101.1%
FINANCE COMMITTEE(includes RFT)	\$ 101,900.00	\$ 1,064.50		\$ 100,835.50	1.0%
FINANCE DIRECTOR	\$ 160,662.00	\$ 119,719.14		\$ 40,942.86	74.5%
ACCOUNTING	\$ 254,303.00	\$ 256,375.67	\$ -	\$ (2,072.67)	100.8%
ASSESSOR	\$ 209,493.00	\$ 206,818.77	\$ 132.50	\$ 2,541.73	98.8%
COLLECTOR/TREASURER	\$ 366,907.00	\$ 356,476.53	\$ 4,016.50	\$ 6,413.97	98.3%
LEGAL SERVICES	\$ 110,000.00	\$ 104,269.81	\$ 14,000.00	\$ (8,269.81)	107.5%
HUMAN RESOURCES	\$ 199,859.00	\$ 184,952.80	\$ 29,523.44	\$ (14,617.24)	107.3%
EMPLOYEE BENEFITS (includes Hlth Ins. & Retirement Assessment)	\$ 8,043,519.00	\$ 7,934,946.58	\$ 3,000.00	\$ 105,572.42	98.7%
INFORMATION SYSTEMS	\$ 513,738.00	\$ 505,156.46	\$ 6,859.97	\$ 1,721.57	99.7%
TOWN CLERK	\$ 213,466.00	\$ 191,542.08	\$ 54.25	\$ 21,869.67	89.8%
ELECTIONS	\$ 35,225.00	\$ 42,411.91	\$ 4,400.00	\$ (11,586.91)	132.9%
REGISTRATIONS	\$ 6,100.00	\$ 3,063.92	\$ 437.20	\$ 2,598.88	57.4%
TOWN HALL FACILITY	\$ 169,962.00	\$ 155,668.02	\$ 9,633.82	\$ 4,660.16	97.3%
BANGS COMMUNITY CENTER	\$ 240,681.00	\$ 215,856.73	\$ 6,161.98	\$ 18,662.29	92.2%
NORTH AMHERST & CUSHMAN SCHOOL	\$ 18,000.00	\$ 18,483.52	\$ 1,264.40	\$ (1,747.92)	109.7%
AMHERST COMM CHILDCARE FACILIT	\$ 4,200.00	\$ 3,213.93	\$ 250.00	\$ 736.07	82.5%
MUNSON LIBRARY	\$ 50,590.00	\$ 53,094.19	\$ 2,102.84	\$ (4,607.03)	109.1%
EAST STREET SCHOOL	\$ 36,400.00	\$ 11,525.98	\$ 1,650.00	\$ 23,224.02	36.2%
MISCELLANEOUS AND INSURANCE	\$ 271,511.00	\$ 292,921.00	\$ 4,000.00	\$ (25,410.00)	109.4%
GENERAL SERVICES	\$ 146,660.00	\$ 127,563.50	\$ 14,504.84	\$ 4,591.66	96.9%
INTERFUND TRANSFERS	\$ 2,418,276.00	\$ 2,418,276.00		\$ -	100.0%
POLICE FACILITY	\$ 217,617.00	\$ 202,845.23	\$ 9,759.07	\$ 5,012.70	97.7%
POLICE DEPARTMENT	\$ 4,549,604.00	\$ 4,426,116.75	\$ 53,454.58	\$ 70,032.67	98.5%
FIRE DEPARTMENT	\$ 4,496,729.00	\$ 4,483,334.50	\$ 32,340.04	\$ (18,945.54)	100.4%
DISPATCH	\$ 652,341.00	\$ 633,955.22	\$ 536.69	\$ 17,849.09	97.3%
ANIMAL CONTROL	\$ 57,664.00	\$ 55,867.28		\$ 1,796.72	96.9%
EDUCATION (Region)	\$ 14,825,506.00	\$ 14,825,506.00		\$ -	100.0%
EDUCATION (Elementary)	\$ 21,869,835.00	\$ 21,854,064.79		\$ 15,770.21	99.9%
PUBLIC WORKS ADMINISTRATION	\$ 356,730.00	\$ 358,905.17	\$ 1,885.00	\$ (4,060.17)	101.1%
CONSTRUCTION AND MAINTENANCE	\$ 683,773.00	\$ 769,910.35	\$ 1,892.64	\$ (88,029.99)	112.9%
SNOW AND ICE	\$ 280,410.00	\$ 224,954.73	\$ 18,406.94	\$ 37,048.33	86.8%
STREET LIGHTS	\$ 73,599.00	\$ 37,961.41	\$ 5,080.70	\$ 30,556.89	58.5%
TRAFFIC LIGHTS	\$ 26,051.00	\$ 18,493.37	\$ 1,380.75	\$ 6,176.88	76.3%
EQUIPMENT MAINTENANCE	\$ 257,225.00	\$ 253,644.66	\$ 18,899.84	\$ (15,319.50)	106.0%
TREE & GROUNDS MAINTENANCE	\$ 484,216.00	\$ 410,705.80	\$ 23,220.78	\$ 50,289.42	89.6%
CONSERVATION OPERATIONS	\$ 313,610.00	\$ 307,845.40	\$ 5,900.16	\$ (135.56)	100.0%
PLANNING DEPARTMENT OPERATIONS	\$ 320,673.00	\$ 328,473.26	\$ 1,229.60	\$ (9,029.86)	102.8%
INSPECTION SERVICES OPERATIONS	\$ 611,294.00	\$ 599,303.41	\$ 2,302.07	\$ 9,688.52	98.4%
PUBLIC HEALTH OPERATIONS	\$ 182,269.00	\$ 182,532.15	\$ 57.50	\$ (320.65)	100.2%
SENIOR CENTER OPERATIONS	\$ 211,309.00	\$ 211,360.93		\$ (51.93)	100.0%
VETERANS SERVICES OPERATIONS	\$ 330,769.00	\$ 310,928.47		\$ 19,840.53	94.0%
PUBLIC ASSISTANCE	\$ 20,000.00	\$ 20,000.00		\$ -	100.0%
LEISURE SERVICES AND SUP ED	\$ 648,028.00	\$ 666,914.93	\$ 8,322.20	\$ (27,209.13)	104.2%
OUTDOOR POOL OPERATIONS	\$ 200,964.00	\$ 191,029.78	\$ 4,555.48	\$ 5,378.74	97.3%
CHERRY HILL OPERATIONS	\$ 245,937.00	\$ 241,246.93	\$ 1,620.37	\$ 3,069.70	98.8%
DEBT SERVICE	\$ 2,108,041.00	\$ 2,091,759.57		\$ 16,281.43	99.2%
REGIONAL DEBT ASSESSMENTS	\$ 156,766.00	\$ 137,315.90		\$ 19,450.10	87.6%
STATE ASSESSMENTS & CHARGES	\$ 74,490.00	\$ 74,490.00		\$ -	100.0%

TOWN OF AMHERST
Year to Date Budget Report
FY2016 EXPENSES
Through June 30, 2016

	BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TRANSPORTATION AUTHORITIES	\$ 865,183.00	\$ 865,183.00	\$ -	\$ -	100.0%
ANNUAL CHARGES AGAINST RECEIPTS	\$ 1,626.00	\$ 3,005.00		\$ (1,379.00)	184.8%
TUITION ASSESSEMENTS	\$ 1,579,534.00	\$ 1,638,940.00		\$ (59,406.00)	103.8%
OTHER LOCAL ASSESSMENTS	\$ 41,751.00	\$ 41,750.62	\$ -	\$ 0.38	100.0%
JONES LIBRARY OPERATIONS	\$ 1,833,246.00	\$ 1,833,245.15	\$ -	\$ 0.85	100.0%
TOTAL TOWN GENERAL FUND	\$ 72,503,678.00	\$ 71,849,156.10	\$ 307,891.63	\$ 346,630.27	99.5%
				\$ -	
SEWER FUND					
INTERFUND TRANSFERS	\$ 604,140.00	\$ 604,140.00	\$ -	\$ -	100.0%
WASTE WATER TREATMENT PLANT	\$ 3,421,158.00	\$ 3,148,462.69	\$ 232,407.37	\$ 40,287.94	98.8%
SEWER MAINTENANCE	\$ 186,352.00	\$ 139,637.38	\$ 70.52	\$ 46,644.10	75.0%
TOTAL SEWER FUND	\$ 4,211,650.00	\$ 3,892,240.07	\$ 232,477.89	\$ 86,932.04	97.9%
WATER FUND					
INTERFUND TRANSFERS	\$ 778,819.00	\$ 778,819.00	\$ -	\$ -	100.0%
WATER DEPARTMENT OPERATIONS	\$ 3,586,688.00	\$ 3,276,433.19	\$ 185,603.51	\$ 124,651.30	96.5%
TOTAL WATER FUND	\$ 4,365,507.00	\$ 4,055,252.19	\$ 185,603.51	\$ 124,651.30	97.1%
SOLID WASTE FUND					
INTERFUND TRANSFERS	\$ -	\$ -	\$ -	\$ -	0.0%
SOLID WASTE FUND				\$ -	
SOLID WASTE FACILITIES	\$ 474,298.00	\$ 466,231.83	\$ 7,998.17	\$ 68.00	100.0%
TOTAL SOLID WASTE FUND	\$ 474,298.00	\$ 466,231.83	\$ 7,998.17	\$ 68.00	100.0%
TRANSPORTATION FUND					
INTERFUND TRANSFERS	\$ 304,899.00	\$ 304,899.00	\$ -	\$ -	100.0%
PARKING FACILITIES	\$ 621,751.00	\$ 576,523.46	\$ 12,962.32	\$ 32,265.22	94.8%
PUBLIC TRANSPORTATION	\$ 40,000.00	\$ 34,110.80	\$ -	\$ 5,889.20	85.3%
TOTAL TRANSPORTATION FUND	\$ 966,650.00	\$ 915,533.26	\$ 12,962.32	\$ 38,154.42	96.1%

The Override: Its Meaning and Financial Implications

By the Amherst Finance Committee

On November 8, on the same ballot as the vote for President, Amherst voters will be asked whether they want to increase their taxes for a proposed new elementary school through a debt exclusion override. A simple majority is needed. State law prohibits the ballot question from listing the amount of money requested in the override or how much it would add to annual property tax bills.

New School Cost:

The Amherst School Committee has recommended construction of a new school on the Wildwood site to serve all students in grades 2-6 as part of a reconfiguration of the elementary school system. Estimated cost is \$67.2 million. The School Building Committee expects the Massachusetts School Building Authority (MSBA) to pay about \$34.4 million, leaving Amherst the remaining \$32.8 million. Assuming interest at 5%, payments on a 25-year bond for \$32.8 million is estimated at \$21.3 million. The Town's actual cost would thus be approximately \$54.1 million.

Override Explanation:

An "override" raises the state's limit on how much towns can increase their property taxes each year. This limit, Proposition 2½, caps property tax increases to 2.5% of the previous year's tax levy, plus any amounts derived from new taxable property development. Towns can only exceed this limit if a majority of the voters agree to "override" the limit. There are two main types of overrides, both of which Amherst has used. The first is a "basic override" that adds a specific amount of revenue for the operating budget in a given year. In future years subsequent percentage increases are based on that higher amount. This type of override is thus permanent.

The other type (the November 8th vote) is a "debt exclusion override," which allows the cost/debt of a project to be excluded from the normal Proposition 2½ limits. When the debt for the project has been paid off, the additional yearly charge ends.

If the Town-wide vote for the override is successful, Town Meeting will still need to authorize (by a 2/3rd vote) the actual borrowing required. Town Meeting begins November 14.

Cost for Property Owners:

Exact cost estimates are not possible because the interest rate or structure of the bonds that would fund the project are not known. The following figures, however, are reasonable approximations. Note that the actual impact on tax bills will change with time: payments will be highest in the early years of the bond repayment period, and lower in later years. These estimates cover both the principal and interest that the Town will pay over the bond life.

Assessed property value	Average yearly increase to existing tax bill for 25-year bond*	Range of yearly increase to tax bills (higher in early years of repayment, lower in later years)
\$200,000	\$212	\$270--\$126
\$250,000	\$265	\$337--\$157
\$300,000	\$318	\$405--\$189
\$350,000	\$371	\$472--\$221
\$400,000	\$424	\$540--\$252
\$450,000	\$477	\$607--\$283
\$500,000	\$530	\$674--\$315
\$550,000	\$583	\$742--\$346
\$600,000	\$636	\$810--\$378
\$650,000	\$689	\$877--\$409
\$700,000	\$742	\$945--\$441
* \$33 million bond at fixed 5% interest rate; flat principal payments.		

Additional Information:

If the debt exclusion override is passed, and Town Meeting authorizes the borrowing, the impact on residential property taxes would start in July, 2017 with the greater impacts starting in 2020.

If funding for this project is defeated, either by voters or Town Meeting, options for addressing the schools' needs are available. Although there is no guarantee that MSBA funds will be available, the MSBA allows another vote on the same override question, or a new proposal for downsizing, renovation, or some combination of renovation and new construction. A new proposal needs to be submitted as a new Statement of Interest to the MSBA and follow established rules for consideration of a project. A new or revised Feasibility Study would be required, which may be funded partially or solely by the town, depending on how much of the study is new, and how much the MSBA agrees to pay.

Reconsiderations have been submitted to the MSBA by other districts following a failed initial funding vote, and some districts have received funding for new/revised projects. The timeline for the reconsideration process is difficult to predict.

Voters should also be aware that, in addition to the proposed school project, Amherst is also weighing three other large capital projects—a new fire station, new DPW building, and expanded Jones Library—which will need to be paid for by some combination of another debt exclusion override or the Town's existing capital budget. To help offset the impact of these projects on taxpayers, the Town is exploring the following: savings from the operating budget; use of reserve funds; sale of Town properties; and increased revenue from new development.

Budget Process Calendar 2016 -2017

Budget comments can be made at any time during the Budget Process. However, the best time period to comment on Town finances, as well as, request financial support for projects and/or items you believe the Town, Schools and/or Library should consider as part of their Budgets, is between September and November 1, 2016. This can be done by attending meetings listed on the Town Website (amherstma.gov), speaking during Public Comment and/or through emails to your elected officials on the Select Board, School Committee and/or Library Trustees. The Budget Process for all three entities follows a time-table that finalizes Budgets that will be presented to the Spring 2017 Town Meeting. You are urged to make your suggestions early so that they may be considered as part of the initial Budget Process.

Date & Who	What
October 13, 2016 Finance Department- - - - - Town Manager	Presents Financial Indicators—Trends and Next Year Budget Forecast to Select Board, Library Trustees, School and Finance Committees
November 1, 2016 Finance Committee- - - - -	Sends Financial Guidelines to Town Manager, School Superintendent, Library Director and their Boards
November 2016 Select Board- - - - -	Sets policy and goals for development of Budget by Town Manager
School Committee- - - - -	Sets policy and goals for development of Budget by Superintendent
Library Director- - - - -	Presents draft Budget request to Trustees' Budget Committee after preparing throughout the year
Joint Capital Planning Committee (JCPC)- - (JCPC--Two members each from the Select Board, School Committee, Library, Finance Committee and Town Finance Director)	Requests for capital items from Town Departments, Schools and Library are presented to the Town Manager as part of the Budget process
November and December 2016 Town Manager- - - - -	Allocates amounts to Department Heads to prepare Budget requests and meets with Town Hall Financial Team
December 2016 Superintendent- - - - -	Meets with Principals and Department Heads to prepare Budget requests
Library Director- - - - -	Presents updated draft Budget Request to the full Board of Trustees
Library Trustees- - - - -	Makes corrections/additions if necessary and votes the final Budget

<p>January 2017 Superintendent- - - - -</p> <p>Town Manager- - - - - Library Director</p> <p>January and February 2017 JCPC- - - - -</p>	<p>Presents comprehensive balanced Budget to the School Committee</p> <p>Presents comprehensive balanced Budget to the Finance Committee</p> <p>Meets with Finance Director and reviews available funds and progress of prior year projects- Meets with Town Department Heads, Schools, and Library to hear details of capital requests</p>
<p>February 2017 School Committee- - - - -</p> <p>Superintendent- - - - -</p>	<p>Reviews Budget request- Holds Public Hearings for input- Votes Budgets</p> <p>Presents comprehensive balanced Budget to the Finance Committee</p>
<p>March 2017 JCPC- - - - -</p>	<p>Makes recommendations to the Town Manager, who can modify them- Presents 5 Year Capital Plan: current and next 4 years</p>
<p>Finance Committee Process</p>	
<p>January through March Finance Committee- - - - -</p>	<p>Reviews all Budgets from the Town, Schools, Library, Joint Capital Planning Committee, Debt Service, Enterprise Funds, Assessments, and Community Preservation Act Committee- Reviews and considers Zoning, Petition and other Articles that might have financial implications</p>
<p>March and April Finance Committee- - - - -</p>	<p>Votes Recommendations- Writes and distributes Finance Committee Report for Town Meeting</p>
<p>May 2017 Finance Committee Town, Schools,- - - Library, Petitioners</p>	<p>Makes recommendation at Town Meeting- Presents information to Town Meeting</p>
<p>May 2017 Town Meeting- - - - -</p>	<p>Received Finance Committee Report and acts on all Warrant Articles which includes the Budget</p>

Note the completion dates for the following Budgets:
 Town Budget—Manager-----January 16, 2017
 School Budgets—Superintendent-----February 2017
 Library Budget--Library Director-----December 2016

To Town Meeting Members:

The summaries of the proposed School, Library, Fire and Public Works capital projects below were compiled from information in various studies and reports done for their respective departments. The summaries were reviewed by the relevant Department Heads for accuracy, and the information is current as of the date listed on each Summary.

Although estimated project costs are listed, including potential costs of borrowing, it should be noted that, unlike the school project, the Town has not yet determined the source of funding for the remaining three projects.

The Finance Committee welcomes your questions and comments.

Marylou Theilman (Chair)	413-253-7980
Stephen Braun (Vice Chair)	413-549-2697
Joseph Jayne	617-290-9564
Bernard Kubiak	413-253-5178
Tim Neale	413-345-1671
Janice Ratner	413-253-7214
Anurag Sharma	413-549-1542

The Amherst School Building Project Summary

Since 2007, the Amherst School District has submitted Statements of Interest to the Massachusetts School Building Authority (MSBA) for both Wildwood and Fort River Elementary Schools requesting funding to address the issues of suboptimal classrooms and infrastructure in the buildings that were built in 1970 and 1973. In November of 2013 the MSBA accepted the Statement of Interest for Wildwood and the process began. Statements of Interest continue to be submitted for Fort River and have not been accepted, as a town's second project is not considered until the first project is completed. However, new information about Fort River is added to its file at the MSBA.

Once the MSBA accepted the Statement of Interest in May 2014, Town Meeting approved funding for a \$1 million Feasibility Study, 68% reimbursable, and in October 2014 a School Building Committee was formed. Since both Wildwood and Fort River have comparable needs, the Building Committee reviewed and accepted a schematic design that created a co-located school on the Wildwood site which was approved by the Amherst School Committee in January, 2016. Following the MSBA prescribed schedule and many meetings later, the final Scope and Budget plan was submitted to the MSBA and received final approval on September 28, 2016.

The proposed new co-located school is designed as one building with two classroom wings. Each building/classroom wing will have its own dedicated entrance, administrative area, music, and art rooms. The two schools will share the gymnasium, media center, and maker space. To the south of the building two complete sets of playscapes, hard surface play areas and grassy play areas will offer simultaneous play options to both schools.

Each school/wing would have its own principal and staff and would house up to 375 students for grades 2-6. School data indicates that enrollments are expected to continue to decline primarily based on a reducing birth rate in Amherst. When the project is complete the District estimates that enrollment in the new building will be 730 students in grades 2-6 and 325 at Crocker Farm in PreK-1.

Students would continue to attend the present Wildwood until construction of phase 1 is complete in 2019 and then the current building would be demolished. Fort River and Crocker Farm students in grades 2-6 would move in 2020 when phase 2 is complete, and Fort River would be vacated and available for other uses by the Town. Crocker Farm School would become an Early Childhood Center for PreK-1, similar to models in other Massachusetts districts. School Administrators estimate that the cost of renovation of Crocker Farm as an Early Childhood Center is \$50,000 and is not included within the scope of this project, but would be paid for from the operational savings from the consolidated model and would not require additional Town funding.

The new building's total square feet is 122,722 and is 25% smaller than the combined space of Wildwood and Fort River which each are 82,000 square feet and were built for approximately 600+ students each. The building project would cost an estimated \$67.2 million with the building cost of \$54 million. MSBA is expected to fund approximately \$34.45 million, with Amherst funding approximately \$32.75 million. With interest payments estimated at \$21.29 million, the Town's cost would be approximately \$54 million, assuming an interest rate of 5% over a 25 year bond. On Election Day, November 8, voters are being asked to approve a debt exclusion override which would fund the Town's share of the costs. The School Administration estimates that the project and reconfigured model would save between \$400,000-\$500,000 annually from the operating budget of the Amherst Public Schools due to efficiencies.

The Jones Library Building Program Summary

In the Fall/Winter of 2013-2014, the Jones Library applied for a Planning and Design Grant from the Massachusetts Board of Library Commissioners (MBLC) requesting funding to address issues relating to safety, layout, space, HVAC, electrical, plumbing and other interior and exterior needs. In addition, the Jones also addressed serious functional problems having to do with lack of teen, children's and technology space, overall poor access for those with disabilities, and inadequate resources for special collections, ESL and other programming.

In January of 2014 the MBLC awarded the Library a Planning and Design Grant for \$50,000 and at its Spring 2014 meeting, Town Meeting approved \$25,000 for that purpose.

In the Fall of 2014, the Library Board of Trustees appointed a Feasibility Committee, which began meeting in the Winter of 2014. Following the MBLC's guidelines and process outlined, a draft *Building Program* was developed, identifying a need for a total of 110,000 square feet needed to meet services for at least twenty years. The Library Trustees approved and submitted the *Program* in July 2015 and it was approved by the Commissioners. Subsequently, the *Program* was modified to be a 65,000 square feet renovation/addition that would include all the historic portions of the present Library

The original building was built in 1928 and renovated and expanded in 1993. The cost of the original 31,000 square feet building in 1928, said to be "fireproof," was \$400,000. In 1993, the renovation of the Library's total 48,000 square feet cost \$5 million. The MBLC granted \$2.6 million, and the Library and Town each contributed \$1 million. The funding provided a glass-roofed center courtyard which connected new reference, audiovisual and reading rooms, and exhibit space to the original building. Meeting and individual study rooms also were added. Although made partially handicapped accessible, stacks are currently inaccessible. These issues would be addressed by the proposed new renovation/construction *Program*, which replace some of the renovations completed in 1993 including the leaking glass-roof.

In October 2016, the Trustees received a set of schematic designs by Finegold Alexander Architects for a renovated/expanded Library building, and an independent cost estimate, by Fennessy Consulting Services. Colliers International, the Library's Owner's Project Manager (OPM), now estimates the cost of the project to be \$34.4 million. It is estimated that the MBLC would fund \$13.2 million, leaving \$21.2 million as the "Town's share." The Library Director and the Trustees intend to raise substantial funds through a capital campaign and will test a \$5 million goal. The remaining amount would be requested from the Town tax levy. Assuming funding with a 25-year bond at 5% for \$16.2 million in principal and \$10.53 million in interest, the Town's share for the funding would be approximately \$26.73 million.

In January 2017, a construction grant application will be submitted to the MBLC. The Trustees expect to go before Town Meeting in May 2017 to obtain permission to apply for and receive grant funds from the MBLC with no funding request attached to this vote.

The MBLC's highly competitive grants will be awarded in July 2017. Approximately 30 towns applied and will be ranked. The top 8-10 projects will be awarded their grant funds immediately, with others put on a waiting list. Depending on legislature funding, the wait list could take 5 to 8 years to be fully funded. If the Jones' application falls within the top 8-10, in the Fall of 2017, Town Meeting will be asked for the "Town's share" of the project costs, at which point the Library Director and Trustees will know how much money was raised through its capital campaign, leaving the remaining amount to be paid by the Town.

Amherst Department of Public Works Facility Study Summary

The Town, advised by the Public Works Committee, commissioned Weston & Sampson, consultants, to undertake a facility study for a new Department of Public Works (DPW) facility. The study completed in March 2016, includes assessment of current property and facilities, space needs, possible sites, basic building schematic, and cost estimates.

The present Department is spread among several sites: the 100 year old Main building, wastewater treatment plant, solid waste transfer station, recycling transfer station, and a garage near the high school. There are eight divisions: Administration, Engineering, Highway, Equipment Maintenance, Water Division, Wastewater & Traffic/Lights, Trees & Grounds, and Solid Waste & Recycling. The study assumes that the wastewater treatment plant and the transfer station will remain in their present locations.

According to the study, Amherst has 38,000 residents, 130 miles of road, 135 miles of sanitary sewer lines, 20 pump stations, water and wastewater treatment facilities, 5 wells, 2 surface water sources, 3 cemeteries, 80 acres of manicured turf playing fields/parks/Common, 2 pools and wading pools, 90 miles of sidewalks, approximately 200 miles of sewer lines, toilet facilities, and parking lots.

The main DPW building has 18,800 square feet and was built in 1915 as a street car repair barn. The study rates the condition of the building as moderate to poor. Some examples among the long list of issues stated include structural cracks in the brick masonry allowing water into the wall, roofing that needs replacement with some roof rot, minimal insulation, small maintenance area for current vehicles and inadequate ventilation. The second floor is not wheelchair accessible and lacks electrical outlets and computer and other work space, and meeting space is inadequate. The salt shed is old and past its useful life. The fuel management system needs updating. Yard space lacks cover for seasonal vehicles. An extensive list may be found in the March 21, 2016 Amherst DPW Facility Study.

<http://www.amherstma.gov/documentcenter/34943>

The study recommends approximately 12,000 square feet for administration and staff support, 24,000 square feet for maintenance and shop, 43,000 square feet for minimally heated vehicle storage and washing, a 3,000 ton-capacity salt shed, 4,800 square feet of open storage canopy, fueling facility and bulk storage, in addition to parking area for staff and public.

The consultants analyzed 9 sites and suggested 3 sites for the new DPW building with related estimated cost: Fort River School site (\$37 million, Town owned site, may require demolition), Old Farm Road (\$38.2 million, cleared land, purchase required) and Ball Lane (\$37.82 million, land purchase required, may require demolition).

In May 2016, Interim Town Manager, Peter Hechenbleikner, created the Department of Public Works Fire Station Advisory Committee, which is specifically charged with "the responsibility of providing advice to the Town Manager, and through the Town Manager to the Select Board, Joint Capital Planning Committee, and Town Meeting on the options and preferred alternatives for construction of a DPW facility and an Amherst South Fire Station." That Committee is now responsible for oversight of follow-up to the study described above.

See chart below.

The figures in the chart are estimates that assume funding with a 25-year bond at 5% interest.

Summary of Department of Public Works Sites and Estimated Costs

Site	Cost	Principal	Interest	Total Principal/Interest at 5% on 25 year Bond
Fort River (Without Demolition)	\$37,059,338	\$37,059,338	\$24,088,570	\$61,147,908
Old Farm Road (Without Land Cost)	\$38,260,855	\$38,260,855	\$24,869,556	\$63,130,411
Ball Lane (Without Land Cost and Demolition)	\$37,820,680	\$37,820,680	\$24,583,442	\$62,404,122

Finance Committee 10/05/16

Amherst Fire Department Studies Summary

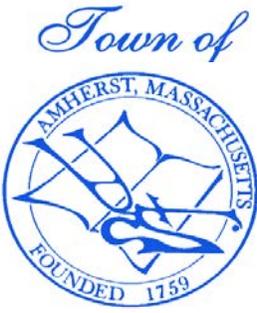
The existing downtown Amherst Fire Department (Central) headquarters was originally constructed in 1929. The one story garage at the rear of the building was constructed later and now functions as office space for the Business and Chief's Offices. The needs of the Department have been the focus of three Studies. The first Study (1966) resulted in the building of North Station in 1976.

The 1981 and 2006 Studies evaluated the department needs and existing Headquarters as part of their scopes. While the 2006 Study, now 10 years old, found at that time, the building was in fair to good condition, the building needed major renovations to meet the Fire Department's program requirements including demolition of the one story structure and adding a three story addition. It recommended replacement of the HVAC system, which no longer exists. Window AC units are used and are very inefficient. Ventilation is accomplished by opening doors and windows. Apparatus bay doors are closed most of the time for security reasons, as equipment has been stolen. The boiler was replaced in 2009 with a "rehabbed" boiler, and has failed approximately 3 times in the last five years. Piping is in need of replacement. The building's electrical system has not improved since the 2006 assessment when it was recommended that new lighting fixtures be installed in work areas to meet electrical standards, and electrical receptacles be installed to provide additional initiating and signaling devices. Carbon monoxide detectors, etc., as required by code have not changed and the building still is not ADA compliant. The Study further states that the building's three apparatus bay configuration does not provide sufficient horizontal and vertical clearances for modern firefighting apparatus, and today, it still has not changed, nor have the partitions been removed. Equipment has only inches of clearance at the overhead door and masonry walls. The apparatus concrete floor was cracked and was repaired in 2014. The exterior roof was redone in 2013. Finally, the Study states that the present site is the limiting factor for options of reuse for a new Fire Headquarters facility.

In the summer of 2016, Interim Town Manager, Peter Hechenbleikner, appointed the Department of Public Works Fire Station Advisory Committee, which is specifically charged with "the responsibility of providing advice to the Town Manager, and through the Town Manager to the Select Board, Joint Capital Planning Committee, and Town Meeting on the options and preferred alternatives for construction of a Department of Public Works facility and an Amherst South Fire Station."

The newly appointed Department of Public Works Fire Station Advisory Committee will consider a number of sites in South Amherst that would serve the center of Town (jointly with North Station) and South Amherst. Since the Committee is in the early stages of fulfilling its responsibilities, no firm cost estimate is available, although several other similar Fire Headquarter projects in other towns have cost between \$11 and \$13 million.

The Finance Committee estimates that if a new Fire Station were built at \$13 million and assuming a 25-year bond at 5%, the estimated cost of a new facility would be approximately \$21.45 million (\$13 million in principal plus \$8.45 million in interest).



Amherst Massachusetts

CO - FINANCE DIRECTORS

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To: Paul Bockelman, Town Manager

From: Claire McGinnis and Sonia Aldrich Co – Interim Finance Directors

Date: October 31, 2016

Subject: 2016 Fall Town Meeting Articles – Finance Background

The financial implications and explanations of each article are below in italics.

ARTICLE 2. Capital Program – Bond Authorization (Joint Capital Planning Committee)

To see if the Town of Amherst will appropriate, transfer from available funds and/or borrow \$66,369,000 to be expended under the direction of the School Building Committee to construct, originally equip and furnish two co-located elementary schools on the Wildwood site to educate all Amherst students in grades 2-6, including the cost of architectural design, project management and other incidental and related costs, as well as demolition of the existing building and other necessary site improvements, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town of Amherst may receive from the MSBA for the Project shall not exceed the lesser of (1) 68.34 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

The Wildwood School Building Committee has secured approval from the Massachusetts School Building Authority (MSBA) of the final scope and budget, a major outcome of the Feasibility Study process. Conceptual design, building layout and room images are available on the shared google doc <https://drive.google.com/file/d/0By0mz4P0v3bWZU16am1CSHRhRzA/view>. The language used has been vetted through both Town Counsel, Bond Counsel and the MSBA. To address the confusing final sentence in the article, this language is required by MSBA. The Building Committee confirms that this project grant will be the amount of the MSBA approval, \$33,881,000, which is the lesser amount when compared to 68.34% of \$66,369,000. The source of funds in the motion will be borrowing. Debt Service estimates were included in the FY17 JCPC recommended Capital Plan, with an assumed successful debt exclusion override vote. The Town will only borrow the Town Share. This article language matches the articles used to appropriate funds for the Feasibility Study in 2014 and the Crocker Farm Renovation of April 2000, which was the last time the Town completed a construction project with matching state school funds (known as SBAB at that time).

**ARTICLE 3. Capital Program – Land Acquisition
(Select Board)**

To see if the Town will: (a) authorize the Select Board to acquire by purchase, gift and/or eminent domain for public way and/or general municipal purposes, the parcel of land located at 24 Montague Road, containing 0.81 acres, more or less, and described in a deed recorded with the Hampshire District Registry of Deeds in Book 4825, Page 3478, Amherst Assessors Map 5A, Parcel 57; (b) raise and appropriate, transfer from available funds and/or borrow \$675,000 for the acquisition of said land, and any and all costs related thereto; (c) authorize the Select Board to enter into and execute any and all agreements necessary or convenient to effectuate the foregoing acquisition.

The source of funds in the motion will be borrowing. Earliest debt service expense will be FY18, providing time for JCPC and Town Manager to balance this capital expense with all new items for FY18.

**ARTICLE 4. Capital Program – Buildings and Facilities
(Joint Capital Planning Committee)**

To see if the Town will raise and appropriate, transfer from available funds and/or borrow \$75,000 to complete a feasibility and site selection study for a Fire Station.

This article originated with the DPW/Fire Station Advisory Committee and the project Owner Project Manager Guilford Mooring. The committee feels some urgency to keep this building project moving at a pace with the other three large building projects and therefore made the Fall request. The source of funds in the motion will be Overlay Surplus. An Overlay Surplus of \$122,703.86 was declared by the Board of Assessors at their October 13, 2016 meeting. This will be the source of funding for this article as well as Article 6 for the Triennial Property Revaluation. The remaining balance of \$7,703.86 will fall to Free Cash at fiscal yearend.

\$122,703.86	Overlay Surplus Declared by Board of Assessors on 10/13/2016
\$ (75,000.00)	Fire Station Feasability Schedule
\$ (40,000.00)	Triennial Valuation
\$ 7,703.86	Balance fall to Free Cash at year end

**ARTICLE 5. Capital Program – Buildings and Facilities
(Joint Capital Planning Committee)**

To see if the Town will raise and appropriate, transfer from available funds and/or borrow \$350,000 to complete a partial schematic design and cost construction estimate for a Department of Public Works facility.

This article originated with the DPW/Fire Station Advisory Committee and the project Owner Project Manager Guilford Mooring. The source of funds in the motion will be Free Cash.

ARTICLE 6. Triennial Property Revaluation
(Board of Assessors)

To see if the Town will raise and appropriate or transfer from available funds and or borrow \$40,000 to complete the triennial property revaluation.

This article originated with the Principal Assessor and the Board of Assessors. Typically part of the capital plan every third year, the requestors hope to start early on the revaluation of Town property securing the funding in FY17 instead of FY18. The Assessors would be able to allow longer time frames for public notification of the steps requiring public notice prior to certification of values and to process informal appeals to new values. Informal appeals and adjustments result in fewer abatement, smaller use of overly and more predictable revenue once the revaluation year begins with tax bills issued in December 2018. This purpose was last approved in Spring 2014 for fiscal 2015. The source of funds in the motion will be Overlay Surplus.

ARTICLE 7. Land Acquisition Watershed Protection
(Select Board)

To see if the Town will: (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 located on Overlook Drive, Amherst, shown as Parcel 49 on Assessors Map 6B, and containing 2.0 acres, more or less, and described in a deed recorded with the Hampshire District Registry of Deeds in Book 11135, Page 334; (b) to appropriate and transfer \$58,000 from the Water Fund Surplus for the acquisition of such land and costs related thereto; and, (c) authorize the Select Board, the Town Manager, and/or such other boards or officers 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 other funds, gifts, and grants, including grants for reimbursement, under any federal and/or other state programs, and to enter into any and all agreements and execute any and all instruments necessary or convenient to effectuate the foregoing acquisition.

The source of funds is in the article, the Water Fund.

ARTICLE 8. Groff Park Improvements
(Leisure Services and Supplemental Education Commission)

To see if the Town will: (1) transfer the care, custody, and control of a portion of the parcel of land located on Mill Lane, known as Groff Park, and identified by the Assessors as Parcel 17C-13, which portion contains .75 acres, more or less, and is approximately shown on a sketch plan entitled "PARC Grant: Improvements to Groff Park", on file with the Town Clerk, from the board or officer having custody thereof for the purposes for which it is currently held to the Leisure Services and Supplemental Education (LSSE) Commission for active and passive recreational purposes under the provisions of G.L. c. 45, §3, as it may be amended, and other Massachusetts statutes related to recreation; (2) appropriate the sum of \$950,000 for the purpose of rehabilitating and preserving Groff Park and costs related thereto, of which \$550,000 was appropriated and transferred from the Community Preservation Act Fund pursuant to the vote taken under Article 19A of the 2016 Annual Town Meeting, and to raise and appropriate, transfer from available funds and/or borrow the remaining \$400,000, contingent on receipt of grant funds; and (3) to authorize the Town Manager or designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants and/or reimbursements under any federal or other state programs in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project.

The source of funds was established at Town Meeting in May. This article seeks to expand the funds available by adding granted funds as a source.

**ARTICLE 9. Temporary Easements Mill Street Bridge
(Select Board)**

To see if the Town will authorize the Select Board to acquire by purchase, gift and/or eminent domain, for public way, bridge, sidewalk and/or related purpose, temporary construction easements in, on and under a portion or portions of the parcels of land described below in connection with the Mill Street Bridge Replacement Project, which parcels are approximately shown on a plan entitled “Amherst Mill Street Over Mill River” prepared by Chappell Engineering Associates LLC for the Massachusetts Department of Transportation, a copy of which is on file with the Town Clerk, as said plan may be amended from time to time and land within 100 feet of said parcels.

<u>Owner</u>	<u>Address</u>	<u>Map and Parcel</u>	<u>Area (SF)</u>
David S. Sharken	64 Mill St.	5B-15	1,311
Jones Properties	149-179 Summer St	5B-17	965
Joshua and Judith Lewis	172 State Street	5B-32	4,496
	5 Mill Street	5B-31	1,372

The article has no financial impact, but allows the Town access to space needed to complete the project.

**ARTICLE 10. Free Cash – OPEB Trust Fund Reimbursement Transfer
(Finance Committee)**

To see if the Town will appropriate and transfer \$202,802 from Free Cash in the Undesignated Fund Balance of the General Fund to the following accounts: \$106,163 to the Other Post-Employment Benefits (OPEB) Trust Fund of the Town of Amherst; \$7,806 to the Town of Pelham; and \$88,833 to the Amherst-Pelham Regional School District to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

Following custom established in 2013, the Town seeks to transfer our Medicare Part D reimbursements to the OPEB Trust Fund and to the Region and Pelham for their Trusts. The Town provides a drug benefit to our retirees under Medicare Part D. For the past seven years, the federal government has provided a partial reimbursement of employers’ increased health insurance costs for this drug benefit, in order to encourage employers to provide the benefit. That subsidy, totaling \$202,802, is unbudgeted revenue to the Town and becomes part of our Free Cash each year.

**ARTICLE 11. Free Cash – Stabilization Funds
(Finance Committee)**

To see if the Town will appropriate and transfer a **sum of money** from Free Cash in the Undesignated Fund Balance to the Stabilization Fund.

Following our Financial Policy, the article seeks to transfer to Stabilization the amount of Free Cash in excess of reserve goals is recommended to be transferred to the Stabilization account. Source of funds in the motion will be Free Cash and the amount is expected to be \$1,086,162.

Article 4: \$75,000 for a Fire Station Feasibility Study

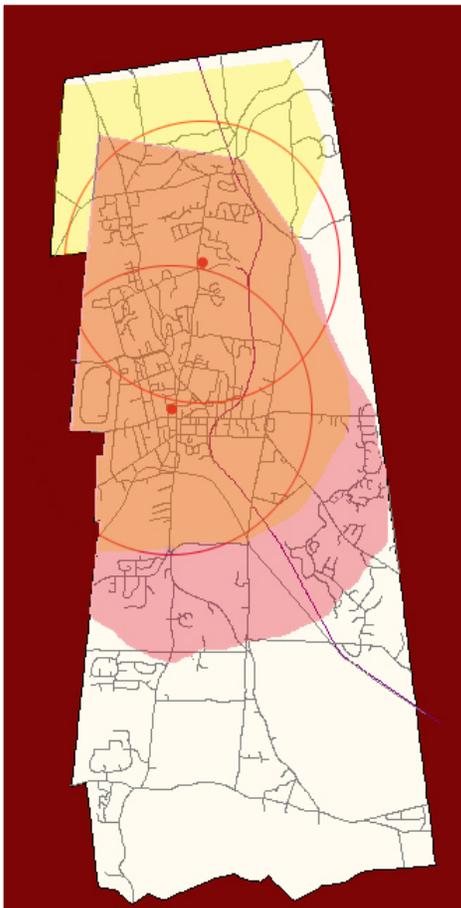
Why a new fire station?

The central fire station at 68 North Pleasant St. was built in 1929, when fire vehicles were much smaller, and the department answered about 150 calls a year. By 1975 when a second fire station opened at 603 East Pleasant St., annual fire and emergency medical services (EMS) calls totaled about 2,000. Today, fire trucks and ambulances must be custom-built to fit through Central Fire Station's doors. The department handles close to 6,500 EMS and fire calls a year.

Can we put this off?

No. It has already been put off for five decades. Studies conducted in 1966, 1983 and 2006 all pointed out that emergency responses to parts of South and East Amherst are dangerously delayed due to their distance from the central fire station. All three studies recommended replacing the station with a new one located somewhat south of the downtown. The full 2006 report can be found at

<http://www.amherstma.gov/DocumentCenter/Home/View/33791>



Current station coverage



Coverage with new south station

Where would a new fire station be located?

The 2006 study recommended that it should be along the South Pleasant Street corridor, roughly in the vicinity of the Mill Lane intersection, in order to improve response times to South Amherst while maintaining adequate coverage for the areas where most calls come from – downtown, University Drive, and the University of Massachusetts. Evaluation of possible sites would be part of the feasibility study. The current location of the Department of Public Works (DPW) is one of those sites.

What is a “feasibility study”? Why does the Town need a consultant to do one?

Based on interviews with Amherst Fire Department staff, and a review of current state and national standards for fire stations, the consultant would develop space requirements for the department’s programs. Using that information, up to three potential sites would be identified, followed by a conceptual design and floor plans and preliminary cost estimates. Much of this work is technical and depends on deep knowledge of requirements for and best practices in the field of fire protection and emergency medical services. Once funds for the study are approved, the Town would contract with a consultant that has extensive experience in designing and completing fire stations.

When will the feasibility study be finished? What next?

The study would be completed by March 2017. We would come back to a future Town Meeting to request more funding for a detailed schematic design. We do not yet have a cost estimate for that, but our committee is currently requesting \$350,000 for a schematic design of a new DPW facility.

How much would a new fire station cost?

The feasibility study would help refine that estimate.



September 17, 2016

Article 5: \$350,000 for Schematic Design of a New DPW Facility

The Department of Public Works/Fire Station Advisory Committee is requesting \$350,000 for site analysis, schematic design, and cost estimate for a new Department of Public Works (DPW) facility. Amherst has never built a DPW facility. Instead, in the 1940's, the town retrofitted a 1915 trolley barn at 586 South Pleasant Street. This building has seen very few significant improvements or modernizations even as Amherst's population has increased and DPW responsibilities greatly expanded.



The present DPW headquarters building

The DPW is an essential first-responder when snow, storms, or other disasters hit, for example, clearing the way for other emergency vehicles. This essential Town Department also constructs, maintains, and repairs roads and sidewalks (with less than adequate Town and Commonwealth funding), is responsible for the water supply, sewer collection and treatment systems, storm water drainage systems, traffic lights, snow removal, maintenance of DPW and other Town vehicles, Solid Waste Transfer Station & Recycling Center, as well as many town parks, recreation areas, shade trees, and cemeteries. The DPW currently is responsible for maintaining 130 miles of road, 122 miles of sanitary sewer lines, 114 miles of water lines, 21 pump stations, water and wastewater treatment facilities, five water supply wells, two reservoirs, three cemeteries, 80 acres of manicured turf playing fields/parks/Common, two pools, 90 miles of sidewalks and parking lots. For FY2017 the DPW's General Fund, Water Fund, Sewer Fund, and Solid Waste Fund budgets total \$11.1 million and employ 64 workers.

Why is a new DPW facility needed?

Over Amherst's 257-year history, a public works building/facility has never been built. Due to the age and condition, the existing DPW headquarters has many problems and deficiencies including being undersized, inadequate layout, and antiquated mechanical, electrical and plumbing systems. There are unsatisfactory employee facilities and insufficient indoor space for equipment storage, care and maintenance. Safety, ventilation, and electrical operations do not meet industry standards. Locker rooms and restrooms are outdated, do not meet current code and are not appropriate for modern employee diversity. Valuable DPW vehicles and equipment must be stored outside and at various locations around Town due to a lack of indoor space. This both significantly shortens lifetimes and quickens depreciation of Town owned equipment and vehicles, which results in increased purchasing needs. Without shelter,

vehicles in winter are more difficult to start and must be cleared of snow, resulting in slower response times.

Due to the existing facility's insufficient size, DPW operations are dispersed throughout the Town, with the Trees & Grounds Division located on Mattoon Street, and traffic lights and signs stored at the wastewater treatment facility and the Ruxton storage building on Pulpit Hill Road. Consolidation of operations and storage would increase DPW efficiency and reduce operating costs. It is assumed that the wastewater treatment plant and the Transfer Station & Recycling Center will remain in their present locations.

What did the DPW Feasibility Study include?

In March 2016, a DPW Feasibility Study was completed by consultant Weston & Sampson at a cost of \$75,000. The study included assessment of current property and facilities, space needs, potential sites, basic building conceptual layouts and cost estimates. Nine potential locations were evaluated and ranked and the top three sites were recommended. Estimated cost of the facility is about \$37 Million, but the proposed schematic design would refine the estimate. It must be noted that the Fort River site is Town-owned but may require some demolition. The next two ranked sites on Old Farm Road and Ball Lane are not Town-owned and would need to be purchased. The study also evaluated costs for renovating the existing facility with no consolidation of operations or expansion of the building. The full report can be found at <https://www.amherstma.gov/documentcenter/view/34943>



Crowded and unsafe maintenance bay



Outdoor vehicle storage

What is involved with this Schematic Design?

Once funds are approved, the Town would contract with a consultant to prepare the schematic design for a new DPW facility. The schematic design phase would include site-specific analysis involving existing conditions, environmental and geotechnical investigations and a Traffic Impact Assessment. Actual schematic building design would include drawings of sufficient detail to show all interior spaces, exterior spaces and operational adjacencies. Drawings would be supported with narratives for civil/site, sewerage disposal systems, storm water collection systems, geotechnical/foundation, structural, mechanical (HVAC and plumbing), electrical and fire protection. Public outreach and education are included in this phase of work. A detailed construction cost estimate would also be prepared. The goal is to advance the design status so that Town Meeting could see a comprehensive plan and detailed cost estimate in 2017.

Town of



Amherst Massachusetts

ASSESSOR'S OFFICE

Assessor
Town Hall
4 Boltwood Avenue
Amherst, MA 01002-2351

Phone: (413) 259-3024
Fax: (413) 259-2401
assessors@amherstma.gov
www.amherstma.gov

Memo:

To: Town Meeting Members
From: David Burgess, Principal Assessor
Re: Article 6. Triennial Certification Funding Request
Date: October 20, 2016

Triennial Valuation –Typically funding for this article is requested at the Annual Town Meeting for the year of the recertification. The requestors hoped to start early on the revaluation of Town property securing the funding in FY17 instead of FY18.

The purpose of requesting the funds at the FY 2017 Special Town Meeting rather than at the Spring FY 2018 Annual Time Meeting is to allow more time for public review of the values. The coming certification is likely to see a significant increase in the value for the town and will most likely spur numerous inquiries. I expect the apartment complexes will see a larger than normal increase resulting in more appeals than usual from owners. Appeals from large complexes and commercials are of particular concern and should be dealt with before tax bills are sent if possible.

If we follow our normal time frame the values will not receive preliminary certification until October of 2017 after which we are required to have a period of time for informal hearings on values before final certification by the Department of Revenue. With values being set in October we would only have about four weeks for the public to review values and a further two weeks to complete any action required on the appeals. Normally this would be enough time but if, as expected, the number of appeals is significant then our options would be limited to not handling the appeal or delaying final certification from the DOR leaving very little time to set a tax rate and print tax bills in time for January 1st. Late November through December is the busiest period for the DOR so sometimes it can take some time to get the tax rate set.

If we start the process of the certification in the spring we will be able to set values by late July or early August and then set up a period for informal reviews that can extend into late October or early November. The benefit is twofold; the property owner has more time to review the value change and we have more time to act. The more appeals we can handle in an informal manner the less we will need to spend from the overlay account. The savings to the overlay could be significant as each \$1M we would abate would save approximately \$21,800.

Note: This is the last triennial certification as the new period will be five years.

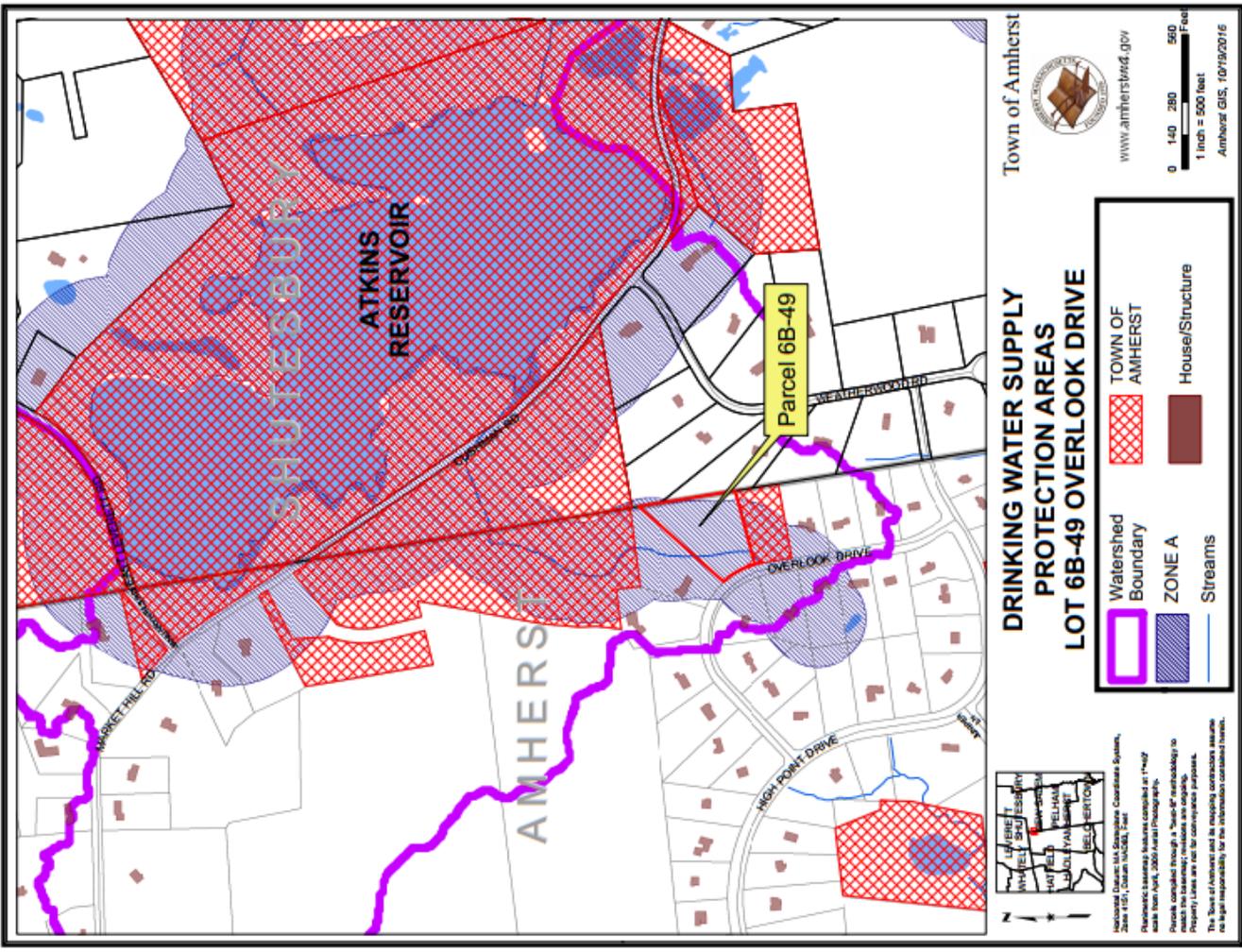
ARTICLE 7. Watershed Land Acquisition, Amherst This article authorizes the purchase of a 2.0-acre house lot near the Atkins Reservoir. The purchase price is \$58,000. The property abuts recently acquired Amherst-owned land on the southern border.

Key factors:

- The Atkins Reservoir provides approximately 1/3rd of Amherst’s drinking water supply and is therefore a critical water resource.
- Parcel is located approximately 700 feet from the Atkins Reservoir.
- A tributary stream to the Atkins reservoir runs directly through the property.
- As shown on the map, the parcel is located almost entirely within the Zone A surface water supply protection area. This is the most critical zone to protect because of its close proximity to the surface water supply source.

Purchase of these properties will contribute to long-term watershed protection goals:

- Amherst will own, and therefore protect, additional watershed land
- Ownership allows Amherst to control activities on land
- Prevent development that may negatively impact water supply

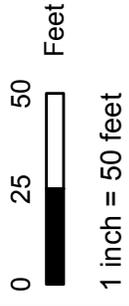
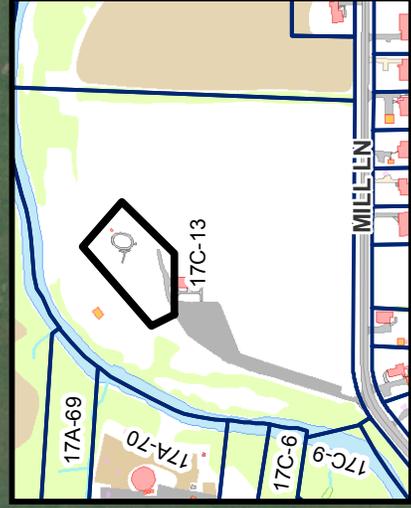
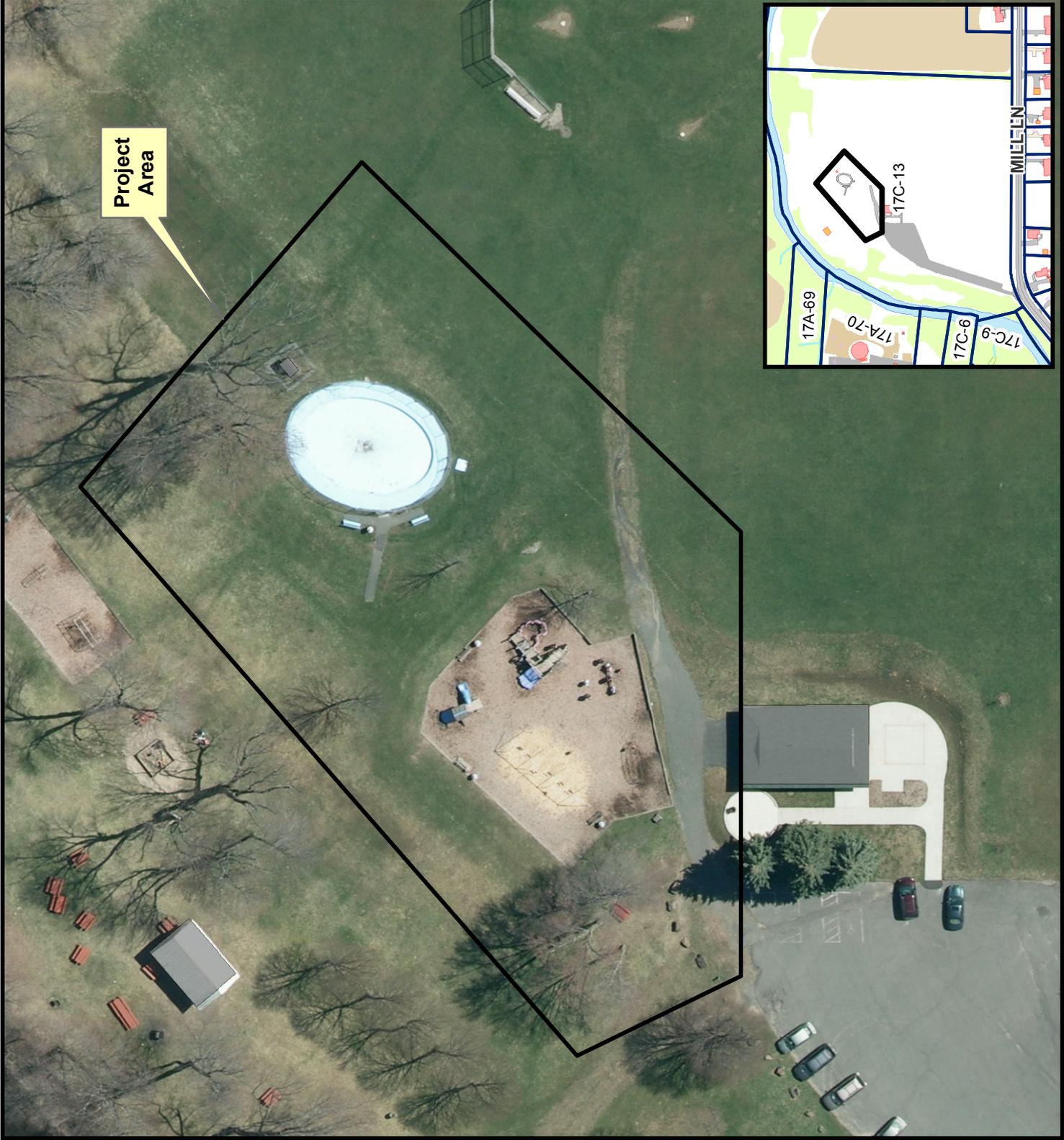


PARC Grant: Improvements to Groff Park

Town of Amherst



Project Area: Boundary Plan





AMHERST *Massachusetts*

OFFICE OF THE SUPERINTENDENT OF PUBLIC WORKS
586 SOUTH PLEASANT STREET
AMHERST, MA 01002
TEL. 413-259-3050 FAX 413-259-2414

Oct 13, 2016

Article 9. Temporary Easements – Mill Street Bridge

In 2012 the Massachusetts Department of Transportation (Mass DOT) recommended closing the Mill Street Bridge after an annual inspection. The Bridge has severe corrosion along the two outside girders and heavy scouring along both abutments. The Town closed the bridge and began an extensive outreach project to develop a preliminary design for a project to replace the bridge. After many meetings by the Public Works Committee a concept was recommended to the Select Board. The recommended concept was a bridge with one lane of traffic going in the southerly direction with a multi-use path on the east (dam) side of the bridge. The Select Board accepted this concept and forwarded it to Mass DOT District 2 for inclusion in the State's local bridge replacement projects.

The Mill Street Bridge project has moved along in the Mass DOT process and has reached the 25% design phase. The project is on track to be bid for construction in the late summer 2017, with a construction start of October 2017 and a one year/season construction window. It is currently planned as a "foot print bridge project," meaning it will stay within the existing road layout and not extend past the current bridge structure in width. The Bridge will be lengthened by about 10 feet to accommodate the new stream crossing standards. All cost for the bridge replacement will be from Federal and State Bridge Funds. The estimated cost at this time is roughly \$ 2,570,539.06.

To keep the project on track the Town is required to acquire the required temporary easements or right of entries.

<u>Owner</u>	<u>Address</u>	<u>Map and</u>	<u>Area (SF)</u>
David S. Sharken	64 Mill St.	5B-15	1,311
Jones Properties	149-179 Summer St	5B-17	965
Joshua and Judith	172 State Street	5B-32	4,496
	5 Mill Street	5B-31	1,372

This article will authorize the Select Board to take the necessary steps to do this and keep the project on schedule. If during the discussions with the property owners it is determined that monetary compensation is required and a funding source is needed a article would be prepared for Annual Town Meeting.

There are two easements shown in yellow on the map that are on conservation land and will be handled by the Conservation Commission by a license agreement.

AMBERST
MILL STREET OVER MILL RIVER
PRELIMINARY BIDDING PLAN

NO.	DESCRIPTION	DATE
1	ISSUED FOR BIDDING	10/20/03
2	REVISED	10/20/03
3	REVISED	10/20/03
4	REVISED	10/20/03



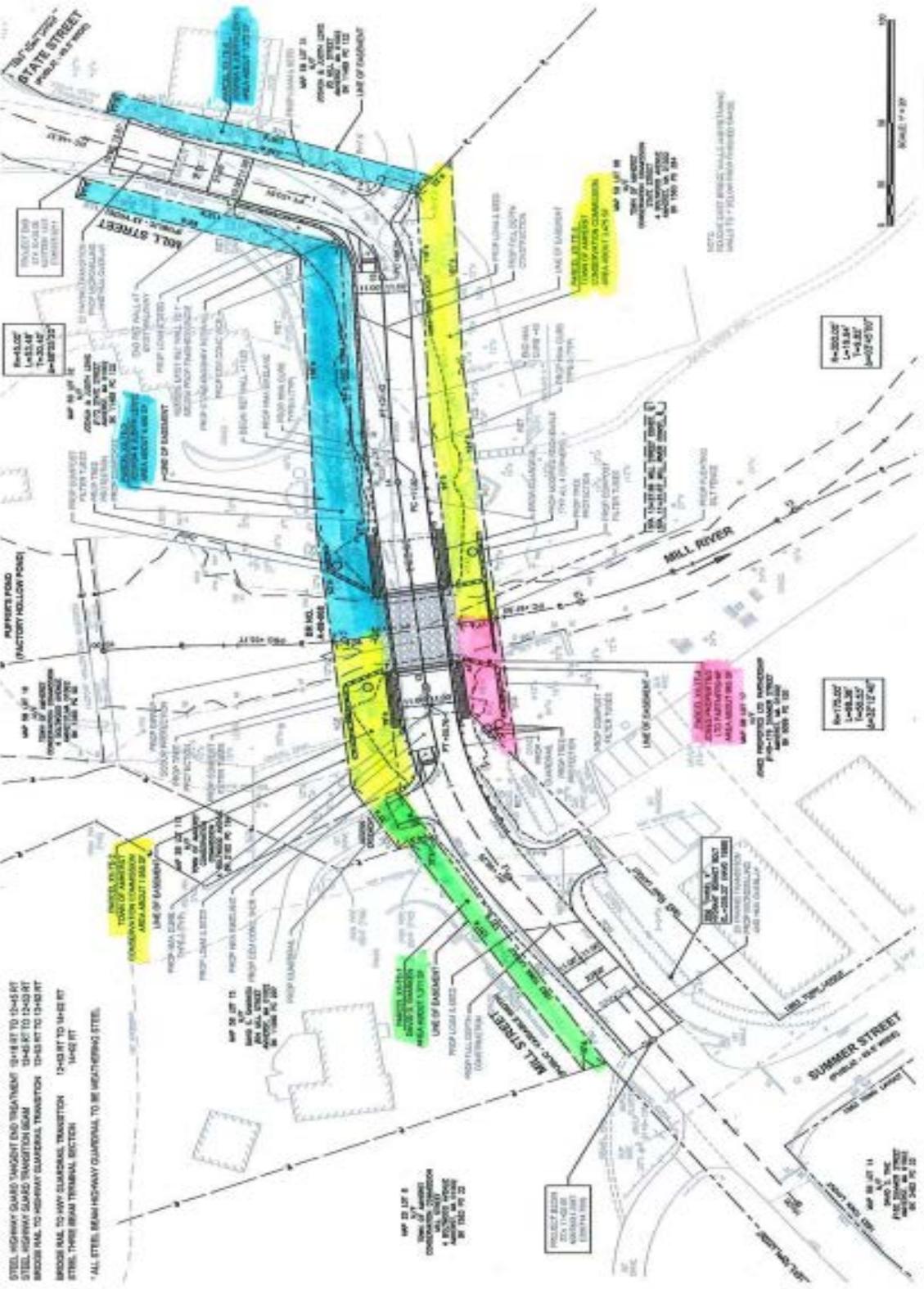
TRAFFIC SIGNAL CONTROL
SEE UTILITY PLANS

WATER SUPPLY UTILITIES
SEE UTILITY PLANS

SEWERAGE DETAILS
SEE UTILITY PLANS

- * HIGHWAY GUARDRAILS - MILL STREET
- STEEL THREE BEAM TERMINAL SECTION 10+58.17 TO 10+61.17
- BRIDGE RAIL TO HWY GUARDRAIL TRANSITION 10+61.17 TO 10+65.17
- BRIDGE RAIL TO HWY GUARDRAIL TRANSITION 10+65.17 TO 10+68.17
- STEEL THREE BEAM TERMINAL SECTION 10+68.17 TO 10+71.17
- STEEL HIGHWAY GUARDRAIL TRANSITION 10+71.17 TO 10+74.17
- STEEL HIGHWAY GUARDRAIL TRANSITION 10+74.17 TO 10+77.17
- STEEL HIGHWAY GUARDRAIL TRANSITION 10+77.17 TO 10+80.17
- STEEL HIGHWAY GUARDRAIL TRANSITION 10+80.17 TO 10+83.17
- STEEL HIGHWAY GUARDRAIL TRANSITION 10+83.17 TO 10+86.17
- STEEL HIGHWAY GUARDRAIL TRANSITION 10+86.17 TO 10+89.17
- STEEL HIGHWAY GUARDRAIL TRANSITION 10+89.17 TO 10+92.17
- STEEL HIGHWAY GUARDRAIL TRANSITION 10+92.17 TO 10+95.17
- * ALL STEEL BEAM-HIGHWAY GUARDRAIL TO BE WEATHERING STEEL.

PROJECT AREA
MILL STREET OVER MILL RIVER
AMBERST, MA
10/20/03



10+12.00
10+15.00
10+18.00
10+21.00

10+24.00
10+27.00
10+30.00
10+33.00

10+36.00
10+39.00
10+42.00
10+45.00

10+48.00
10+51.00
10+54.00
10+57.00



FOR PROFILES, SEE SHEET NO. 4



PLANNING BOARD

Report to Town Meeting

**Article 14. Zoning – Business Uses of Homes
(Planning Board)**

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

~ SEE WARRANT ~

Recommendation

The Planning Board voted 7-0-0 with one member absent to recommend that Town Meeting adopt Article 14.

Background and Purpose

This article is a revised and improved version of an article originally proposed at the 2014 Annual Town Meeting to update the regulations for accessory home business uses (businesses operated by residents from their homes) to reflect changing standards and practices. The conducting of business from residences is encouraged by the Town so long as such businesses respect the character and peaceful enjoyment of the neighborhoods in which they operate.

Existing language describes accessory home business uses as (1) office or studio, and (2) home occupation. The former has few conditions – notably that a residence hosting a business is indistinguishable from a residence without a business – and is allowed by right with no oversight. The latter covers a range of trades- or craftspeople, requires a Special Permit, and has some additional conditions that address potential impacts from some of the home businesses that currently exist in town, such limitations on sales of merchandise and storage of materials.

However, through experience, the Building Commissioner and the Zoning Board of Appeals have uncovered a couple of weaknesses in the current regulations: First, that many minor accessory business uses receive the same set of conditions as more major business uses and have to go through the same Special Permit process; and second, that contracting businesses (like builders or landscapers) operating out of a home are more challenging to permit under the current bylaw because the existing language doesn't provide guidance for regulating the kinds of impacts they may have.

This amendment would establish performance standards for home businesses that, if met, would streamline the permitting process for many of them by allowing an administrative review in lieu

of a ZBA hearing and automatically apply the conditions that the ZBA has customarily attached to these kinds of businesses; and it would create categories and conditions for contracting businesses to make more clear the manner in which they can operate from a residence.

Mechanics

The amendment would redefine the two current categories of home business use and add two more having to do with contracting businesses, in ascending order of intensity:

1. A Home Business would describe someone working out of their home with no obvious clues that they are doing so, including no increase in traffic to the home. If conducted under the short list of conditions included in this section, then no permit would be needed.
2. A Customary Home Office is one that could involve clients coming to the residence, so there might be a larger parking lot to accommodate them, but otherwise the business doesn't have much impact on the neighborhood.
3. A Small Contractor is one that could have a vehicle or two used in the business parked at the house but no heavy equipment (defined as vehicles weighing more than 10,000 lb. and machinery used in the business), and any storage of materials is limited and enclosed.
4. A Large Contractor would be a more intense version of the other: more materials (not necessarily stored in an enclosed space) and more vehicles (but not more than two heavy vehicles) and it would be somewhat more obvious that a business exists on the premises. This kind of accessory use would be restricted to the lower density residential zones.

All would be subject to a list of general regulations (see Section 5.0121) that form a baseline of requirements for any business being operated out of a residence. These include that the business is operated by the residents of the home and is clearly accessory to the residence; and that with regard to parking, signs, and sounds associated with the business the character of the neighborhood should be protected.

While the first category of Home Business is allowed by right if these conditions are met, the others would require a Special Permit – except that the sections detailing Home Offices and Small Contractors include their own lists of specific conditions that, if met, would enable the Building Commissioner to approve the use administratively without the need for a ZBA hearing.

A Large Contractor would require a Special Permit in all cases and the use category would include a longer list of conditions that if *not* met would be an indication that the business is probably not appropriate as an accessory use to a home and should be based in a nonresidential building or in a different zoning district.

A waiver or modification provision would be included to allow the Building Commissioner or ZBA to modify the regulations to fit unforeseen circumstances.

Parts B, C, and D of the article would add definitions to help flesh out the new language being

added to the Bylaw, renumber subsequent subsections of Article 5, and correct cross references to other sections of the Bylaw that would be affected by the changes in Part A.

Benefits

The proposed amendment would update the accessory uses section of the Zoning Bylaw to better represent the kinds of businesses that people customarily operate from residences.

The proposed amendment would give the Building Commissioner and the ZBA a better set of guidelines to regulate some kinds of home business uses that don't really fit in our current Bylaw.

The proposed amendment would streamline the permitting process for home businesses that typically have minimal if any impact on their neighborhoods.

Risks

The proposed amendment might not adequately provide for the full range of home businesses that could or do occur in Amherst – though the amendment would be an improvement on the status quo, which is clearly inadequate.

Despite the proposed general and category-specific conditions having been derived from the recent history and practice of the ZBA, it may in some circumstances be preferable for a home business to go through the public hearing process and receive conditions that are site-specific.

Process

The Planning Board introduced a version of this article at the 2014 Annual Town Meeting at the request of Town staff. It was defeated amidst dissatisfaction about a provision that called for registration of home businesses even if allowed by right with no board or staff review. That element has been eliminated from this version, as has a section dealing with parking of vehicles at home businesses that was a little confusing and not necessary; any issues associated with parking can be dealt with as a condition of a Special Permit.

A public hearing on this article was held on September 21, 2016, at which time the Planning Board discussed the history, merits, and mechanics of the article. No additional input was received at that time, and the Planning Board voted 7-0-0 with one member absent to recommend the article as presented.

Addendum to Planning Board Report on Article 14, Business Uses of Homes

Here is the **existing language in the Zoning Bylaw, Article 5, Accessory Uses**, proposed to be deleted:

- 5.012 Office or Studio - The use of a portion of a dwelling or of a building accessory thereof as the office of a doctor, dentist, optician, member of the clergy, lawyer, architect, engineer or other member of a recognized profession, or as the studio or office of an artist, musician, teacher, real estate or insurance agent residing on the premises shall be considered accessory to the use of the dwelling unit, provided that:
- 5.0120 Not more than two persons other than residents of the premises are regularly employed therein in connection with such use.
 - 5.0121 No external change is made which alters the residential appearance of the building on the lot.
 - 5.0122 There is no outward evidence that the premises are being used for any purpose other than residential (except for an accessory sign or vehicle as hereinafter permitted).
- 5.013 Home Occupation - The Board of Appeals may authorize, by issue of a Special Permit, the use of a portion of a dwelling or building accessory thereto as the workroom of a resident artist, craftsman, beautician, dressmaker, milliner, photographer, cabinetmaker, skate sharpener, radio repair technician or other person engaged in a customary home occupation, or as the office of a resident taxicab or limousine service operator (see Section 3.340.3), or as a place for incidental work and storage in connection with the off-premises trade by a resident builder, carpenter, electrician, painter, plumber or other artisan, or by a resident tree surgeon, landscape gardener or similar person, provided that:
- 5.0130 Such use is clearly secondary to the use of a premises for dwelling purposes.
 - 5.0131 Not more than two persons other than residents of the premises are regularly employed there in connection with such use.
 - 5.0132 No trading in merchandise is regularly conducted except for products made on the premises or of parts of other items customarily maintained in connection with, and incidental to, such merchandise.
 - 5.0133 No external change is made which alters the residential appearance of the building on the lot.
 - 5.0134 All operations, including incidental storage, are carried on within the principal or accessory building, and that there is no outward evidence that the premises are being used for any purpose other than residential (except for an accessory sign or vehicle as hereinafter permitted).
 - 5.0135 The proposed accessory use would be suitably located in the neighborhood in which it is proposed and/or the total Town, whichever is deemed appropriate by the Board of Appeals.
 - 5.0136 In Residence Districts, the use will be reasonably compatible with other uses permitted as of right in the same district;
 - 5.0137 The use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, excessive noise or visually flagrant structures and accessories, and the use is not a serious hazard to abutters, vehicles or pedestrians.
 - 5.0138 Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including special attention to safe vehicular circulation on the site and at the intersection with abutting streets.



PLANNING BOARD

Report to Town Meeting

**Article 15. Zoning – Site Plan Review Applicability
(Planning Board)**

A. To see if the Town will amend Article 11, Administration and Enforcement, by replacing Section 11.21, Applicability, in its entirety and replacing it with the following new language:

~ SEE WARRANT ~

B. To see if the Town will amend Section 3.3 by deleting the lined out language, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 7-0-0 with one member absent, to recommend that Town Meeting adopt Article ____.

Background and Purpose

One of the primary functions of the Planning Board is the conducting of hearings for and subsequent permitting of a wide range of land use projects that are subject to what the Zoning Bylaw calls Site Plan Review (SPR). This happens for uses that the Town has chosen to allow or encourage in one zoning district or another but which could potentially have impacts on their surroundings that warrant prior review by a public body. (There are also some uses that cannot be denied according to state law, but which may be reviewed by the Planning Board.) For such uses the permitting body may "judge the appropriateness and impacts of the site development characteristics" and impose conditions about such things as landscaping, design, management, or parking to ameliorate potential negative impacts on neighbors and the town in general. It may also require expert analysis of potential impacts to inform its decision.

Because of the way that the Zoning Bylaw currently reads, many projects for which no change to a site is being requested or for which the change is practically inconsequential still have to come before the Planning Board for review. Recently, for example, an existing nonresidential use permitted by SPR proposed relocating playground equipment in an area of the property not

visible from the street and in fact not visible from any neighboring property due to vegetation and topography. However, the fact that it involved a change to the property owner's site plan necessitated an appearance before the Planning Board. Other examples of projects regulated by SPR that would be affected if this amendment were adopted include: changes in the design or color of exterior signs, installation of venting apparatus for interior cooking equipment, and replacement of an exterior door.

These kinds of hearings entail the preparation and production (not just for the Planning Board but for members of the public who might attend the Planning Board meeting at which the hearing is held) of numerous reports, diagrams, and maps detailing and analyzing the project by members of town staff; coordination of and attendance at a site visit by members of the Planning Board and Planning Department staff; and time spent holding a public hearing at a Planning Board meeting. At the meeting, the applicant often has to sit through one or more other hearings or other business of the Planning Board before his or her project is taken up. Before coming to a decision, the Planning Board must verify that the project conforms to a list of standards encoded in the Zoning Bylaw (Section 11.24). After the meeting, Planning Department staff prepares a record of the decision, which must then be signed by the Planning Board at a subsequent meeting.

For many projects, the hearing itself comprises discussion of design and other issues; making connections to the town's Master Plan and other planning issues; consideration of questions and concerns raised by abutters and other interested citizens; the crafting of conditions to regulate aspects of the site or the use; and finally evaluation of the proposal to confirm that it meets Site Plan Review criteria. But for the minor projects that are the subject of this amendment, there are no salient issues to discuss, no connections to make, no public comment to receive, and no conditions that could usefully improve the project. For these projects, the Planning Board's decision generally amounts to a routine approval. This amendment provides a way to accelerate that process with an objective checklist for projects that many people likely don't even realize are regulated by SPR.

Mechanics

Part A

This amendment establishes conditions for certain low-impact SPR projects that, if met, could be approved administratively by the Building Commissioner/Zoning Enforcement Officer rather than by the Planning Board after a hearing that effectively would be limited to a review of those conditions anyway.

The existing language under Section 11.21, Applicability reads in its entirety (emphasis added):

"Notwithstanding anything contained in this Bylaw to the contrary, **no building permit for construction, exterior alteration, relocation, or change in use except where noted, shall be granted for any use requiring Site Plan Review** under Section 3.3, until the provisions of this section have been fulfilled and an application approved by the Planning Board.

"Site Plan Review shall be used to judge the appropriateness and impacts of the site

development characteristics of a proposed project. Uses for which site plan review is required are permitted uses in accordance with Section 3.3, Table of Uses."

The proposed language retains the general requirement for a Planning Board review process for uses permitted by SPR, but adds a series of circumstances in which that process can be waived or handled administratively by the Building Commissioner:

1. When no physical change to the building or site is proposed.
2. When the use changes, but there will be no physical change to the building or site and no traffic or parking impacts.
3. When only signs are being installed or changed and those signs conform to the Zoning Bylaw without need for modification.
4. When minor changes to existing SPR permits are proposed and several conditions are met.
5. When a proposed alteration to an already approved site plan is minor.

In each case, the Building Commissioner would be empowered to determine whether the proposal falls under one of the circumstances listed and could request assistance from other members of town staff, the Design Review Board, or the Historical Commission to evaluate the proposal. If it doesn't conform to the conditions proposed in this amendment, or if the Building Commissioner believes it would benefit from Planning Board oversight, then it would go through the usual process.

Part B

There is an existing footnote at the beginning of the Use Chart (Section 3.3 of the Zoning Bylaw) that addresses SPR applicability, rendering it not required in "instances where a use change is proposed and no substantial physical changes . . . will occur" – similar to one of the circumstances proposed in this amendment. Since it would be rendered unnecessary by the language proposed in Part A of the amendment, that footnote would be deleted in Part B, along with some imprecise language about how an SPR use is "permitted". Here, the word "permitted" does not stand in for the word "allowed" but for "regulated", and the Use Chart key implies that an SPR use is regulated in two ways: "by right" and "with Site Plan Review", which is contradictory. Deleting the words "by right" from the Use Chart key entry for SPR does not change anything about how the Use Chart works or what it means; it is being proposed simply for clarity.

Benefits

Adopting this amendment would streamline the permitting process for most projects for which little or no change is proposed to the exterior of a building or site, avoiding the waste of time and paper that currently accompanies such projects. For sign applications and minor changes to existing site plans, the possibility of bypassing the step of having to go to a Planning Board hearing could motivate applicants to tailor proposals closely to the letter of the Bylaw.

Reducing the routine workload of the Planning Board and Planning Department staff should enable more time for careful consideration of Site Plan Review projects of a more consequential nature, or to engage in other important planning work that sometimes does not get its due, such

as master planning.

Risks

There is a slight chance that a project qualifying for administrative review under the proposed amendment might be one that the Planning Board or the public would appreciate having an opportunity to review and that might be improved by such oversight. However, there are almost certainly very few potential instances of that, and even then the missed opportunity is unlikely to have much of an impact on the town, since the projects in question are necessarily minor.

The Building Commissioner's judgment about what might be an "insubstantial" change in lot coverage or "minor" revision to a previously approved site plan might differ from that of others, resulting in the occasional project that perhaps could have or should have been heard by the Planning Board being administratively approved instead. On the other hand, the responsibilities of a Building Commissioner mean that he or she accrues a lot of experience evaluating building and site plans and is likely more qualified than most to determine when a project warrants extra oversight. The amended Bylaw authorizes the Building Commissioner to direct an application to the Planning Board if he or she deems it appropriate to do so.

Process

The Planning Board has been discussing the revision of SPR applicability rules for many years and finally set to work on it this past spring. With the assistance of the Building Commissioner and other members of the Planning and Inspections staff, the Zoning Subcommittee developed a framework for the kinds of projects the Planning Board had indicated it wanted covered by this amendment, and then drafted language to enact it.

A public hearing on this article was held on October 5, 2016. Members of the public raised some concerns about how the proposed language would be interpreted, specifically mentioning Section 11.212, which would affect an SPR involving a change of use; and Section 11.2143, which contains the somewhat fuzzy term "substantial change". The former is important because the very fact of a new use taking place in an existing building is something that could be argued warrants public discussion and review. However, in order for this section to be invoked, no physical changes to the exterior of a building or site may occur *and* the Building Commissioner must determine that "the proposed use will not result in the need for further review under Section 11.243", which has to do with traffic and parking issues, including driveways, loading zones, bicycle racks, and sidewalks.

The possible consequence of leaving the word "substantial" undefined is limited to changes in lot coverage. An example of the kind of application this provision would cover is the resurfacing of a parking lot that needs a few additional square feet of paving to accommodate a handicap-accessible space without changing the number of existing parking spaces. While people may have different ideas about just how many square feet is "substantial", the Planning Board believes that few would object to the scenario described. Beyond that, it is not in the Building Commissioner's interest to invite second guessing about administrative processes and decisions, so we should expect any potentially noteworthy proposal to be sent to the Planning Board.

In both cases, the proposed language states that the authorized action (waiver of SPR or

administrative approval) *may* – rather than *shall* – take place. The Building Commissioner is within his or her rights to refer any project falling under the SPR permitting standard to the Planning Board, and it is in his interest to do so if there is any possibility of controversy or interest by abutters or the general public. The fact is, virtually all of the projects that would have been affected by this amendment during the tenure of any of the current members of the Planning Board, or the current Building Commissioner, have had absolutely no public comment and most have been disposed of by the Planning Board fairly quickly.

Before making its recommendation on this article, the Planning Board discussed the appropriateness of deleting the phrase "by right" from the description of the use permitting standard for SPR in the Use Chart key. While SPR *uses* cannot be denied, the existing language appears to conflate the "by right" regulation standard with Site Plan Review, which is inaccurate. Unlike by-right uses, SPR uses are subject to a hearing and possible conditions from the Planning Board. While state law doesn't explicitly establish an SPR process, judicial rulings have acknowledged that municipalities may adopt such a process and that it is theoretically possible for a site plan to be denied.

After further discussion, the Planning Board voted 7-0-0 with one member absent to recommend the article as presented.



PLANNING BOARD

Report to Town Meeting

**Article 16. Zoning – Educational District Project Review
(Planning Board)**

To see if the Town will amend Section 3.21, Educational District (ED) of the Zoning Bylaw, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 7-0-0 with one member absent, to recommend that Town Meeting adopt Article ____.

Background and Purpose

The Educational (ED) zoning district covers land owned by Amherst College, Hampshire College and the University of Massachusetts. A provision of Mass General Law Chapter 40A known as the Dover Amendment exempts those landowners from most zoning regulations. The result is that the Planning Board doesn't have much jurisdiction over what activities and construction occurs on the campuses. However, it is useful and informative for the Planning Board, the Planning Department, and the general public to know about the construction projects being undertaken on the campuses and so our Zoning Bylaw requires that the institutions file plans with the Planning Board before beginning work.

There is currently a sixty-day waiting period between the filing of construction plans with the Planning Board and the issuance of a building permit. Several times in recent years this requirement has caused a scheduling crunch when the Planning Board's meeting schedule doesn't neatly conform to the windows of opportunity that the institutions have to perform work with the least disruption to the academic calendar or on-campus events. Since the Planning Board does not have jurisdiction over work done in the ED zoning district – and the work requires a building permit anyway – the waiting period does not serve any useful purpose. When the waiting period is inconvenient, the Planning Board is often asked, and routinely grants, a waiver of the sixty-day waiting period.

Mechanics

This article eliminates the sixty-day waiting period while retaining the requirement that plans be filed with the Planning Board before work begins. In addition, the language describing what must be filed is updated to reflect current usage and practice.

Benefits

This article removes the unnecessary requirement that the colleges file building plans earlier than practical or begin work later than convenient especially for minor projects, or for the Planning Board to have to waive the requirement in order to facilitate a project.

Risks

This article lessens the possibility that the Planning Board can suggest alterations to a plan that might actually be implemented by the applicant, because the turnaround time could be so much shorter than it is now. On the other hand, many projects in the ED zoning district are beyond view from other zones and the likelihood that the Planning Board would suggest alterations to a plan is small.

Process

After several consecutive summers of being asked by Amherst College to waive the waiting period for projects initiated after school ends for the summer, for projects intended to be completed before classes resume in the fall, the Planning Board decided to propose amending the requirement. The article language was developed way back in the spring of this year, but a public hearing was not held until September 7, 2016. No public input was received at that time, and the Planning Board voted 7-0-0, with one member absent, to recommend the article as presented.



PLANNING BOARD

Report to Town Meeting

Article 17. Zoning – Table 3 Footnotes (Planning Board)

To see if the Town will amend Article 6, Dimensional Regulations and its Footnotes, of the Zoning Bylaw, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 6-0-1 with one member absent, and one member abstaining, to recommend that Town Meeting adopt Article ____.

Background and Purpose

Table 3 - Dimensional Regulations contains the minimum and/or maximum standards for the basic dimensions of any building lot in each of the zoning districts in Amherst, such as lot area, frontage, setbacks, and height. Many of the rows, columns, or cells in the table are marked with a footnote that either helps the user interpret the standard or modifies the standard under certain conditions. Over time, the list of footnotes has grown to fifteen, littering the table with tiny letters and compelling the user to continually refer back and forth from the table to the list of footnotes in order to understand what he or she is reading. Some are quite complicated, a characteristic that has unfortunately come to be assumed about most or all of the footnotes.

Meanwhile, the Zoning Bylaw chapter to which Table 3 is appended, Article 6, includes a section reserved for explaining and interpreting the table: Section 6.1, Interpretation. To a significant degree, Section 6.1 and the footnotes perform overlapping functions. Most of the footnotes in Table 3 are more appropriately placed in Section 6.1; several consist entirely of a reference to a subsection of Section 6.1, and several duplicate language that already exists in Section 6.1 or elsewhere in the Zoning Bylaw. Only a few of the footnotes actually have the capacity to change the listed dimension. Ideally, the list of footnotes should be limited to those that have the capacity to change the listed dimension. The Planning Board has begun to revise the list of footnotes, beginning with eliminating the ones that can be deleted without having to make any other changes to the Zoning Bylaw and without affecting how the Bylaw works in any way. A future amendment or amendments will address footnotes that can be deleted while their content is added to Section 6.1.

Mechanics

The footnotes to be deleted fall into three groups:

1.) Footnotes *g*, *n*, and *o* each refer to a wrong or missing subsection of Section 6.1 "for interpretation" and contain no other text. This circumstance arose when The Planning Board proposed, and Fall 2013 Special Town Meeting passed, an article that reorganized and clarified Section 6.1, but made no changes to the Table 3 footnotes. Footnote *g* annotates the row "Basic Minimum Side and Rear Yards"; footnote *n* annotates the row "Minimum/Maximum Height"; and footnote *o* annotates the row "Maximum Lot Coverage". The interpretations for each of these dimensions is contained in Section 6.1. The footnotes pointing to these sections are unnecessary, erroneous and can be deleted.

2.) Footnote *c* does not annotate any row, column, or cell in Table 3. It used to annotate "Basic Minimum Front Setback" for zoning district B-G only and reads: "Applies to any part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block, otherwise, no front setback is required." It was removed from Table 3 by the 2013 Annual Town Meeting as part of an article that changed the minimum front setback in the B-G zone from 20 feet (except under conditions described in the footnote) to a maximum of 20 feet. There was no corresponding removal of footnote *c* from the footnotes, so this article simply completes the overdue clean-up of an oversight. Meanwhile, the content of footnote *c* is duplicated in Section 6.121, which reads: "In the General Business (B-G) District, the 20 foot minimum front setback applies only to a part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block; otherwise, no setback is required."

3.) Footnote *i* annotates the columns for the R-O and R-N zones and states: "Substitute the dimensional requirements in Section 4.332 for 10% affordable projects within cluster subdivisions only." Section 4.33 governs the provision of affordable units in cluster subdivision developments, and subsection 4.332 is an alternate dimensional table that replaces Table 3 for cluster developments containing a minimum of 10% affordable units. Its heading reads: "For all cluster developments containing a minimum of 10% affordable units, the following Dimensional Regulations shall be substituted for those in Table 3." Footnote *i* is therefore unnecessary and can be deleted with no effect.

Benefits

This article begins the process of making Table 3 - Dimensional Regulations a little more comprehensible and a little less intimidating. Deleting a few unnecessary markings from the table makes it less cluttered and easier to read without losing any of the substance or meaning of the Zoning Bylaw.

Risks

There is no risk associated with adopting this amendment.

Process

The Zoning Subcommittee reviewed the Table 3 footnotes this past spring and divided the list into those that could be deleted without additional amendment, those that would require some minimal additional amendment elsewhere in the Zoning Bylaw in order to retain content, and those that would require more substantial amendment or that should be rewritten for better clarity rather than deleted. It was decided to bring the first group forward to the Fall Town Meeting. A Planning Board public hearing on this article was held on September 7, 2016. No public input was received at that time, and the Planning Board voted 6-0-1 (with one member absent and one abstention) to recommend the article as presented.

TABLE 3 - DIMENSIONAL REGULATIONS¹

Zoning District	R-LD	R-O ¹	R-N ¹	R-V-C	R-G	R-F	B-G	B-L	COM	B-VC	B-N	OP	LI	PRP	FPC	ED
Basic Minimum Lot Area (sq. ft.) ^h	80,000	30,000	20,000	15,000	12,000 ^m	20,000	12,000 ^b	20,000 ^b	20,000 ^b	12,000 ^b	15,000 ^{ab}	40,000 ^a	30,000 ^a	30,000 ^a	80,000	
Additional Lot Area/Family (sq. ft.)	10,000	10,000	6,000	4,000	2,500 ^{am}	1,250 ^{ab}	4,000	4,000	2,500 ^{ab}	1,500 ^{ab}						
Basic Minimum Lot Frontage (ft.)	200	150	120	120	100	100	40 ^b	125 ^b	125 ^b	60 ^b	100 ^b	100 ^a	100 ^a	200		
Basic Minimum/Maximum Front Setback (ft.) ^{af}	30	25	20	15	15	20	0/20	20	20	10/20	10	30	20	20	40	
Basic Minimum Side and Rear Yards (ft.) ^g	20	25	15 ^d	15 ^d	10 ^d	10	10 ^{ae}	25 ^a	25 ^a	10 ^a	10 ^{ae}	f	e	f	20	
Maximum Building Coverage (%)	10	15	20	25 ^a	25 ^a	45 ^a	70 ^a	35	35	35 ^a	35 ^a	20	25	25	10	
Maximum Lot Coverage (%) ^g	15	25	30	40	40	65 ^a	95 ^a	70/85 ^j	70	70	65 ^a	70	65	70	15	
Maximum Floors ^a	2 ½	2 ½	3	3	3	5	5	3	3	3	3	2 ½	3	3	1	
Minimum/Maximum Height (ft.) ^{ah}	35	35	35	35	40	55 ^a	55	35	35	16/40	40	35	50	35	20	
Cluster Minimum Lot Area (sq. ft.)	25,000	15,000	10,000	7,500	6,000											
Cluster Lot Frontage (ft.) ^k	100	100	80	60	50											
Cluster Minimum Front Setback ^k	20	20	15	10	10											
Cluster Minimum Side and Rear Yards (ft.) ^k	15	15	15	10	10											



PLANNING BOARD

Report to Town Meeting

Article 18. Zoning – Inclusionary Zoning (Planning Board)

To see if the Town will amend Article 15, Inclusionary Zoning, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 7-0-0 with one member absent, to recommend that Town Meeting adopt Article 18.

Background & Purpose

Article 18 is the most recent of several articles relating to Inclusionary Zoning which have been brought to Town Meeting by the Planning Board and others. Inclusionary Zoning is a regulatory approach to creating affordable housing which requires developers, in certain circumstances, to provide affordable units as a percentage of their proposed units.

Amherst first adopted its own Inclusionary Zoning policy at the 2005 Annual Town Meeting. That policy, now Article 15 of the Zoning Bylaw, requires affordable housing of “*all residential development requiring a Special Permit and resulting in additional new dwelling units*”. This applies to developments of 10 or more units, and the requirement is 12% of the units (rounded to the nearest whole number) be affordable. Over the years since adoption, the Town (Planning Board, Zoning Board of Appeals, planning staff, and town counsel) has consistently interpreted this section of the Bylaw to apply to Special Permits for use only.

There are two types of Special Permit in Amherst - those for use, and those for dimensional modifications. A Special Permit for use is one which allows a development to happen at all. For example, Presidential Apartments in North Amherst is an apartment complex which exists in a zone where apartment complexes are no longer allowed. Presidential Apartments is therefore considered to be a “legal non-conforming use”. A Special Permit is required for any change to the development.

The entire development requires a Special Permit. When Presidential proposed a 54-unit expansion in 2013, the Zoning Board of Appeals required that 6 of those be affordable.

A dimensional Special Permit in Amherst is one that allows a development to be larger or closer to lot lines than otherwise would be allowed. There have been several instances in which developments that do not require Special Permits for use have requested Special Permits for dimensional modification. Such a Special Permit, unlike a use Special Permit, relates only to a portion of the development. For example, it could allow a building to grow in volume by as little as 100 cubic feet, or as much as 100,000 cubic feet.

Planning Board Report to Town Meeting

Article 18 – Inclusionary Zoning (Planning Board)

In Fall of 2014 and Spring of 2016, petition articles were brought which would require the same percentage of affordable units in these three scenarios: a development that requires a use Special Permit (to exist at all), a development that does not require a use Special Permit but requests a minor dimensional Special Permit; and a development that does not require a use Special Permit but requests a major dimensional Special Permit. The Planning Board recommended against these articles, which were not adopted. The Planning Board agrees that a dimensional Special Permit could be significant enough to trigger an affordable requirement, but no proposal to this point has provided a mechanism for determining a requirement that is proportional to the dimensional Special Permit requested.

Article 18 would address this issue by expanding the requirement to include dimensional modification Special Permits and referencing a formula in Planning Board Rules & Regulations.

Mechanics

Article 18 would expand the affordability requirement to apply to *“All residential development requiring a Special Permit for any aspect of a proposed use or development, including, but not limited to, dimensional modifications”*.

The table of required unit quantities would be revised to reflect that the calculation is based on the number of units attributable to Special Permit. For a use Special Permit, that number would be 100% of the units proposed. So a new development proposing 54 apartment units that requires a use Special Permit would provide 6 units. For a development that does not require a use Special Permit but requests a dimensional Special Permit, a formula contained in Planning Board Rules & Regulations will detail the calculation. The Planning Board seeks to finalize and adopt this formula prior to Town Meeting.

Why put this formula in Planning Board Rules & Regulations? The Rules & Regulations can be updated by the Planning Board with a majority vote after a public hearing. In the past, a combination of the complicated nature of IZ proposals and the (very welcome) involvement of staff, consultants, public, and Board members has meant last minute changes to many proposals. By placing the critical piece of the proposal - expanding the requirement to dimensional Special Permits - in the Zoning Bylaw, that piece can be enshrined and any changes to the formula would be within the scope of that increase. In other words, current and future Planning Boards will have the ability to modify the increase somewhat, but it is definitively an increase in the requirement.

Article 18 would also make the following minor changes:

- Remove a reference to two levels of affordability (as of 2016 Annual Town Meeting, all affordable housing must now be at 80% of Area Median Income)
- Clarify that affordable units must also be comparable to market rate units in terms of size and bedroom count
- Clarify that affordable units may be rental units and that affordable units should be affordable in perpetuity or to the extent allowed by law

Benefits

Article 18 would expand the affordability requirement in Amherst and could lead to additional affordable housing. Placing a piece of the requirements in Planning Board Rules & Regulations allows some flexibility to adjust that increase in response to community input, market conditions, and other factors.

Planning Board Report to Town Meeting
Article 18 – Inclusionary Zoning (Planning Board)

Risks

The number of units yielded by this increase alone will not address the pressing need for affordable housing in Amherst. Inclusionary Zoning in Amherst and around the country has yielded mixed results, and the amount of resources spent drafting and enforcing regulations is large in relation to the number of units produced. The flexibility granted to the Planning Board to modify the calculation also introduces an element of uncertainty.

Process

The Planning Board has been working on the Inclusionary Zoning issue since summer of 2013, and this specific article since spring of 2016. Numerous Zoning Subcommittee meetings have been held at which the issue was discussed. A public hearing was held on Wednesday, October 5th, 2016. The Planning Board voted 7-0-0 with one member absent to recommend that Town Meeting adopt this article.



PLANNING BOARD

Report to Town Meeting

Article 19. Zoning Petition – South Prospect Street Area Rezoning (Guidera, et al)

To see if the Town will vote to amend the Official Zoning Map of the Zoning Bylaw to change the zoning designation for the contiguous area currently zoned Limited Business (B-L) and located south of Amity Street and east of South Prospect Street to General Business (B-G), including the following properties or portions of properties: 14A-214; 14A-216; 14A-217; 14A-218; 14A-219; and 14A-330

Recommendation

The Planning Board voted 7-1-0 to recommend that Town Meeting adopt Article 19.

Background

Article 19 is a petition article that proposes to rezone several properties (see map) in the area of Amity and South Prospect Streets, extending the existing Business General (B-G) District half a block west in the southern end of the town center.

The Planning Board has been studying the town center for many years and has proposed a number of zoning amendments to encourage optimal use of the center as a focus of Amherst's civic life, some of which have been adopted by Town Meeting and some not. Recently, the Planning Board has been examining the Limited Business (B-L) zone, which makes up part of the town center and also exists in other areas around town. As a recent building application made clear, the dimensional regulations in effect for the B-L zone are a significant challenge – even an impediment – to redevelopment of most of the parcels zoned B-L in the town center, and as a result, the B-L zone may not be fulfilling its purpose as described in the Zoning Bylaw: “to provide areas for moderate density, office, commercial, and multifamily developments.”

Unlike the town's other business zones, housing density is regulated by lot size in the B-L zone. That is, a minimum lot size of 20,000 square feet (almost half an acre) is required for even one residential unit (even in a mixed-use building), and an additional 4,000 square feet is needed for each additional unit. Only one parcel (out of six) in the area that is the subject of this article is more than 20,000 sf, and none are 24,000 sf or larger, which means that none can accommodate a multifamily development. And while there may be some demand for strictly commercial use on multiple floors, most potential developers would prefer to use upper floor residential development to complement and diversify an investment in lower floor retail or offices. That is not currently possible in most of the town center B-L zones (some residential use does exist on one parcel in this B-L zone, but it is nonconforming and grandfathered).

Planning Board Report to Town Meeting
Article 19 – South Prospect Street Area Rezoning (Petition – Guidera et al)

Beyond the de facto restriction on residential uses, other dimensional standards make it difficult to build anything on many of these lots. In particular, setbacks of 20-25 feet on all sides and a maximum building footprint (building coverage) of 35% shrink the buildable area on already modest parcels, and height is restricted to three floors and 35 feet, all of which makes for a building that may be too small to earn enough revenue to carry the mortgage that would be needed to build it. Setbacks and height can be modified by a Special Permit, but building footprint (building coverage) cannot in the B-L zone, limiting the potential relief, which is, in any case, discretionary.

The Planning Board has begun studying how to address these problems and has considered introducing amendments to reduce or eliminate the lot size requirement for residential use in the B-L zone and to adjust the dimensional table for B-L to reflect existing conditions and make it more functional. The petition article would achieve similar goals.

Purpose and Effect of Amendment

The petitioner seeks to create a more flexible zoning district and encourage sensible development on South Prospect Street. The change to B-G zoning would allow for more intense development, with a 70% maximum building footprint (building coverage), up to five floors, no front setback requirement, and no lot size requirements for residential use. These factors should promote mixed-use development, and may result in more office and retail space and more downtown housing. It is expected that any new development should result in increased tax revenues compared to existing conditions.

The proposed rezoning from B-L to B-G is in accord with the Key Directions and goals and objectives of the Amherst Master Plan and with past community planning, which has consistently called for directing most new growth to center districts, particularly downtown. Two major housing studies have indicated a supply/demand imbalance, and specifically a shortage of the kind of residential use likely to be part of a town center redevelopment project: rental or condo units in multifamily, mixed-use buildings.

The range of uses, both residential and nonresidential, and the permitting standards for those uses are virtually identical in the B-L and B-G zones, with the most notable difference being that apartments and townhouses require a Special Permit in the B-L zone but are allowed with Site Plan Review in B-G.

Public Hearing

The Planning Board held a public hearing on this article on Wednesday, October 19. The issues described above were presented and discussed and feedback was received from members of the public.

The Planning Board observed that the three B-L zones being proposed for change are separate cases having their own distinct characters, challenges, and opportunities. In the area that is the subject of this article, four of the six parcels are composed primarily of parking lots, though one is the town lot across from the Jones Library, one is the small lot that serves the Peoples Bank building, and one is owned by Amherst College; the other is the Bank of America lot adjacent to Amherst Cinema. Two of the parcels contain buildings that either come right up to the boundary line between the B-G and B-L zones or straddle it, which makes potential structural or use changes problematic for their owners; it would be preferable to have consistent zoning.

While there was general – though not unanimous – agreement among members of the Planning Board about the appropriateness of this location for more intensive zoning considering its proximity to the heart of the town center, including the Jones Library, the Town Common, and the Amherst Cinema, members noted the limited potential for redevelopment, since one of the parcels is owned by the town and two

Planning Board Report to Town Meeting

Article 19 – South Prospect Street Area Rezoning (Petition – Guidera et al)

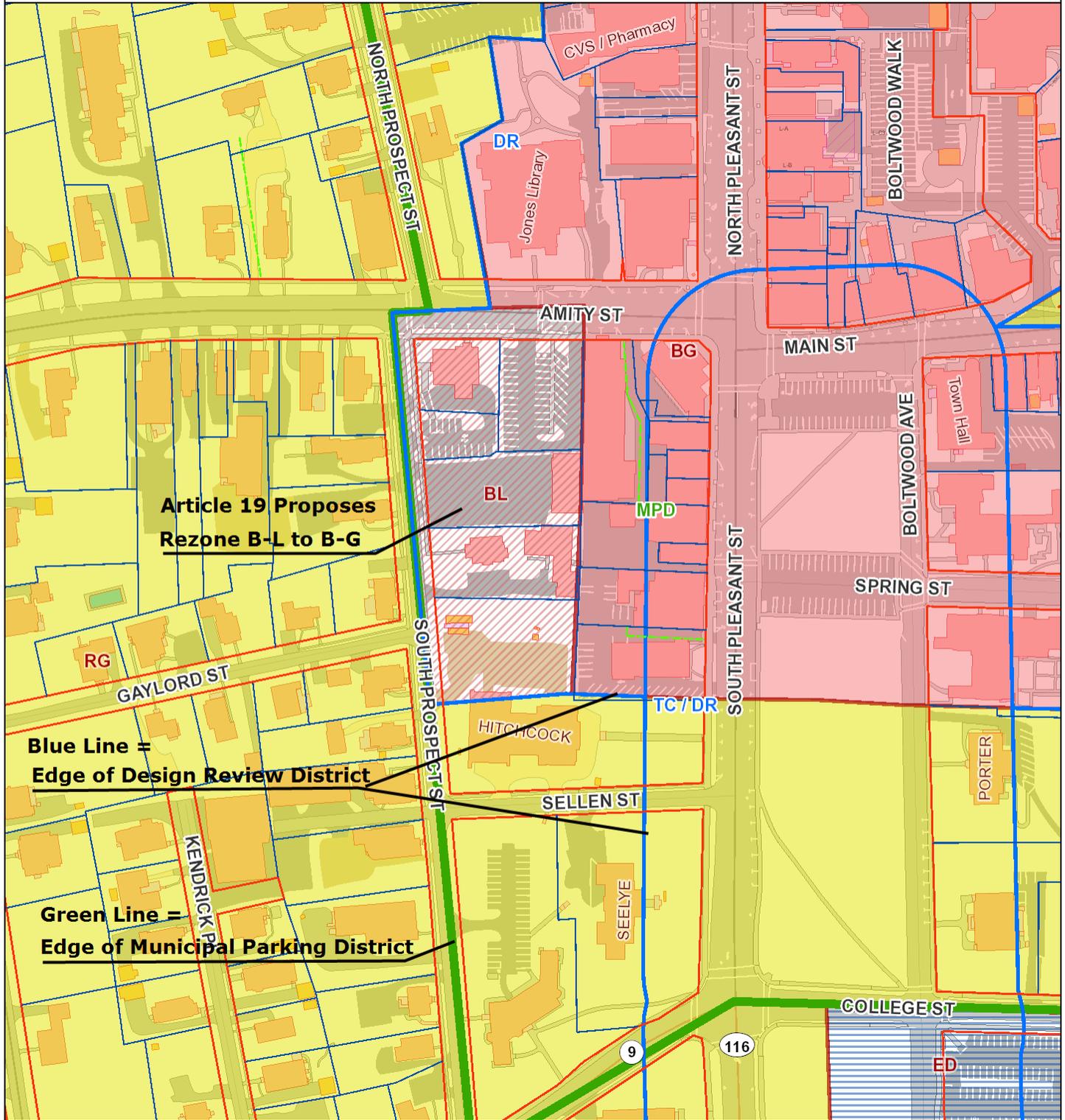
others were redeveloped relatively recently (and a fourth is owned by Amherst College).

The possible impact of the proposed rezoning on the downtown parking situation was raised as a concern. It is conceivable that redevelopment enabled by this zoning change could reduce the amount of parking available, though in the medium term at least, only the (private) Bank of America lot is likely to be affected.

The Board noted that numerous parcels across South Prospect Street to the west and further down Amity Street in the direction of Lincoln Avenue are dimensionally nonconforming and include a number of nonresidential uses. A transitional zone having different dimensional standards than the existing B-L zone might be a useful complement to B-G zoning in the town center.

Some members of the public urged concerted outreach to town center neighborhoods and further study of potential impacts on housing, parking, and the town economy and finances before making a decision about rezoning. None of the property owners of the lots proposed for rezoning, nor abutters to those properties, were present.

After further discussion, the Planning Board voted 7-1-0 to recommend that Town Meeting adopt Article 19.



**Article 19 Proposes
Rezone B-L to B-G**

**Blue Line =
Edge of Design Review District**

**Green Line =
Edge of Municipal Parking District**

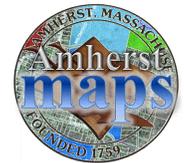
Horizontal Datum: MA Stateplane Coordinate System, Zone 4151, NAD83, Feet; Vertical Datum: NAVD88, FT
Planimetric & topographic basemap compiled at 1"=40' scale from April, 2009 Aerial Photography. Parcels compiled to match the basemap; revisions are ongoing.

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

The Town of Amherst makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of these data, & does not assume any liability associated with the use or misuse of these data.

- Property M**
- Adjacent Towns Parcels
- Zoning Map**
- × FPC Boundary Elevations
 - FPC Stream Setbacks
 - ▬ 25' Setback
 - ▬ 50' Setback
 - ▬ Zone Overlay
 - ▬ Design Review Board Jurisdi
 - ▬ Municipal Parking District

- Zoning**
- R-LD: Low Density Residenc
 - R-F: Fraternity Residence
 - R-O: Outlying Residence
 - R-N: Neighborhood Residen
 - R-VC: Village Center Reside
 - R-G: General Residence
 - B-VC: Village Center Busine
 - B-L: Limited Business
 - B-N: Neighborhood Business
 - B-G: General Business
 - OP: Office Park
 - COM: Commercial
 - PRP: Professional & Resear
 - LI: Light Industrial
 - ED: Educational
 - FPC: Flood-Prone Conserva



1" = 192 ft





PLANNING BOARD

Report to Town Meeting

Article 20. Zoning Petition – Hallock Area Rezoning (Guidera, et al)

To see if the Town will vote to amend the Official Zoning Map of the Zoning Bylaw to change the zoning designation for the contiguous area currently zoned Limited Business (B-L) and located west of North Pleasant Street and north of Cowls Lane to General Business (B-G), including the following properties: 11C-174; 11C-179; 11C-180; 11C-181; 11C-195; 11C-196; 11C-197; 11C-227; 11C-229; 11C-230; 11C-231; 11C-304; and 11C-305

Recommendation

The Planning Board voted 6-1-1 to recommend that Town Meeting adopt Article 20 for the properties south of Hallock Street. It further recommends (6-1-1 vote) that the article be referred to the Planning Board for the properties north of Hallock Street.

Background

Article 20 is a petition article that proposes to rezone several properties (see map) in the area on North Pleasant Street between Cowles Lane and McClellan Street. This would extend the existing Business General (B-G) District across North Pleasant from the east, and would create a B-G corridor from the Town Common to Kendrick Park.

The Planning Board has been studying the town center for many years and has proposed a number of zoning amendments to encourage optimal use of the center as a focus of Amherst's civic life, some of which have been adopted by Town Meeting and some not. Recently, the Planning Board has been examining the Limited Business (B-L) zone, which makes up part of the town center and also exists in other areas around town. As a recent building application made clear, the dimensional regulations in effect for the B-L zone are a significant challenge – even an impediment – to redevelopment of most of the parcels zoned B-L in the town center, and as a result, the B-L zone may not be fulfilling its purpose as described in the Zoning Bylaw: “to provide areas for moderate density, office, commercial, and multifamily developments.”

Unlike the town's other business zones, housing density is regulated by lot size in the B-L zone. That is, a minimum lot size of 20,000 square feet (almost half an acre) is required for even one residential unit (even in a mixed-use building), and an additional 4,000 square feet is needed for each additional unit. Only one parcel (out of fourteen) in the area that is the subject of this article is more than 20,000 sf in area, and none are 24,000 sf or larger, which means that none can accommodate a multifamily development or even a two-family dwelling. And while there is some demand for strictly commercial use

Planning Board Report to Town Meeting
Article 20 – Hallock Area Rezoning (Petition – Guidera et al)

on multiple floors, most potential developers would prefer to use upper floor residential development to complement and diversify an investment in lower floor retail or offices. That is not currently possible in the town center B-L zones. (Some residential use does exist in the B-L zone, but it is nonconforming and grandfathered.)

Beyond the de facto restriction on residential uses, other dimensional standards make it difficult to build anything on many of these lots. In particular, setbacks of 20-25 feet on all sides and a maximum building footprint (building coverage) of 35% shrink the buildable area on already modest parcels, and height is restricted to three floors and 35 feet, all of which makes for a building that may be too small to earn enough revenue to carry the mortgage that would be needed to build it. Setbacks and height can be modified by a Special Permit, but building footprint (building coverage) cannot in the B-L zone, limiting the potential relief, which is, in any case, discretionary.

The Planning Board has begun studying how to address these problems and has considered introducing amendments to reduce or eliminate the lot size requirement for residential use in the B-L zone and to adjust the dimensional table for B-L to reflect existing conditions and make it more functional. The petition article would achieve similar goals.

Purpose and Effect of Amendment

The petitioner seeks to create a more flexible zoning district and encourage sensible development on North Pleasant Street. The change to B-G zoning would allow for more intense development, with a 70% maximum building footprint (building coverage), up to five floors, no front setback requirement, and no lot size requirements for residential use. These factors should promote mixed-use development, and may result in more office and retail space and more downtown housing. It is expected that any new development should result in increased tax revenues compared to existing conditions.

The proposed rezoning from B-L to B-G is in accord with the Key Directions and goals and objectives of the Amherst Master Plan and with past community planning, which has consistently called for directing most new growth to center districts, particularly downtown.

Appropriate development following a rezoning of the west side of North Pleasant to B-G would create physical enclosure of and activity on both sides of a principal street in a mixed use center that currently lacks enclosure. This would strengthen this center from the standpoints of design, function, and economic viability.

The range of uses, both residential and nonresidential, and the permitting standards for those uses are virtually identical in the B-L and B-G zones, with the most notable difference being that apartments and townhouses require a Special Permit in the B-L zone but are allowed with Site Plan Review in B-G.

Public Hearing

The Planning Board held a public hearing on this article on Wednesday, October 19, 2016. The issues described above were presented and discussed and feedback was received from members of the public.

During the public hearing the Planning Board acknowledged that Parcel 11C-228 was inadvertently left out of the petition, even though it is clearly shown on the Official Zoning Map as being included in the B-L zoning district located west of North Pleasant Street and north of Cowls Lane. Planning Board members included this parcel in their discussion of Article 20.

Planning Board Report to Town Meeting
Article 20 – Hallock Area Rezoning (Petition – Guidera et al)

Most members of the Planning Board felt that the proposed change was a natural extension of the existing B-G district on the east side of North Pleasant Street, at least between Cowles Lane and Hallock Street, and that the proposed change would encourage appropriate development on underused lots. There was less consensus about continuing the rezoning north of Hallock Street.

Discussion centered on the perceived function of the B-L zone as alternately a “buffer” or transition between downtown businesses and surrounding residential neighborhoods: Should there be such a buffer or transition? Where should it be? Does it already exist beyond the bounds of the current B-L district? What are appropriate dimensions and uses for this kind of zoning district?

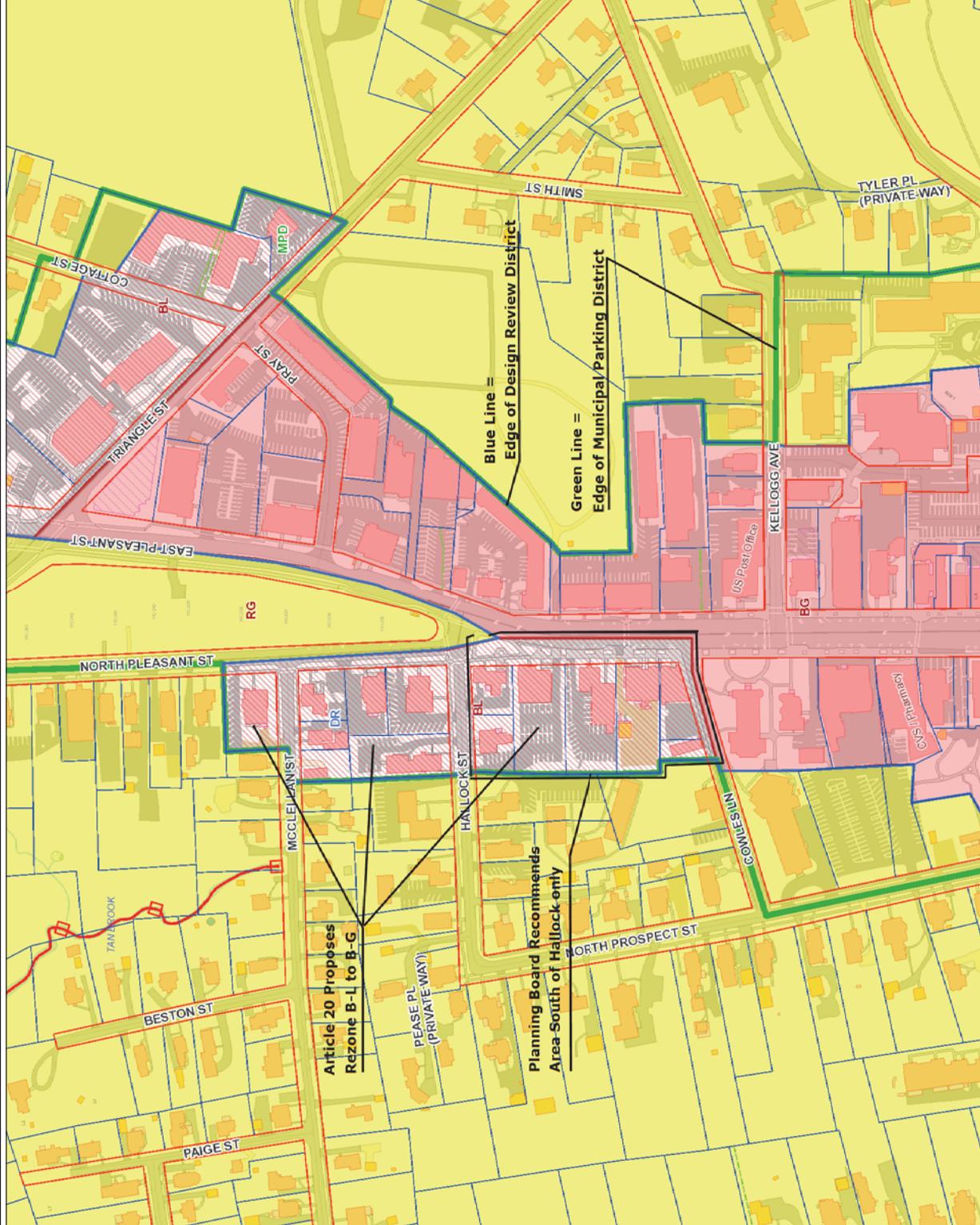
Some members of the public urged concerted outreach to town center neighborhoods and further study of potential impacts on housing, parking, and the town economy and finances before making a decision about rezoning. None of the property owners of the lots proposed for rezoning, nor abutters to those properties, were present.

After further discussion, the Planning Board voted 6-1-1 to recommend that Town Meeting adopt Article 20 for the properties south of Hallock Street and refer the article to the Planning Board for the properties north of Hallock Street. The board member voting against the motion was concerned about the increased intensity of use, heights, and lot coverage that could result from a rezoning, while the board member who abstained believed that the proposal should be endorsed as written.

Article 20 - Hallock Area Rezoning



- Property Map
- Adjacent Towns: Parson
- Zoning Map
- FPC Boundary Elevation
- 25' Setback
- 50' Setback
- III. Zone Overlay
- Design Review Board J
- Municipal Parking District
- Zoning
- R-LD: Low Density Res
- RF: Family Residen
- RN: Neighborhood R
- RNC: Village Center R
- RG: General Residenc
- RL: Limited Business
- B-L: Neighborhood Bu
- GS: General Business
- CO: Commercial
- PRP: Professional & R
- LI: Light Industrial
- BI: Business Interme
- FPC: Flood-Prone Con



Horizontal Datum: MA Stateplane Coordinate System, Zone 4151, NAD83, Feet; Vertical Datum: NAVD86, FT
 Planimetric & topographic basemap compiled at 1"=40 scale from April, 2009 Aerial Photography. Parcels compiled to match the basemap; revisions are ongoing.

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

The Town of Amherst makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of these data, & does not assume any liability associated with the use or misuse of these data.



1" = 192 ft



PLANNING BOARD

Report to Town Meeting

**Article 21. Zoning Petition – Triangle Street Area Rezoning
(Guidera, et al)**

To see if the Town will vote to amend the Official Zoning Map of the Zoning Bylaw to change the zoning designation for the contiguous area currently zoned Limited Business (B-L) and located west of Triangle Street, east of East Pleasant Street and west of Cottage Street, to General Business (B-G), including the following properties or portions of properties: 11C-265; 11C-322; 11D-40; and 11D-42

Recommendation

The Planning Board voted 8-0-0 to recommend that Town Meeting refer Article 21 to the Planning Board for further study.

Background

Article 21 is a petition article that proposes to rezone several properties in the area of Triangle and Cottage Streets (see map), extending the existing Business General (B-G) District at the northern end of the town center.

The Planning Board has been studying the town center for many years and has proposed a number of zoning amendments to encourage optimal use of the center as a focus of Amherst's civic life, some of which have been adopted by Town Meeting and some not. Recently, the Planning Board has been examining the Limited Business (B-L) zone, which makes up part of the town center and also exists in other areas around town. As a recent building application made clear, the dimensional regulations in effect for the B-L zoning district are a significant challenge – even an impediment – to redevelopment of most of the parcels zoned B-L in the town center, and as a result, the B-L zoning district may not be fulfilling its purpose as described in the Zoning Bylaw: “to provide areas for moderate density, office, commercial, and multifamily developments.”

While the aforementioned project demonstrates that there may be some demand for strictly commercial use on multiple floors, most potential developers would prefer to use upper floor residential development to complement and diversify an investment in lower floor retail or offices. However, housing density is regulated by lot size in the B-L zoning district (unlike in the town's other business districts), meaning a minimum lot size is required for even one residential unit (even in a mixed-use building), with additional square footage needed for each additional unit. Most parcels in the town center B-L zones cannot accommodate multifamily development because they are too small, making mixed-use development impossible. In this particular B-L district, though, three of the four parcels are larger than the minimum needed for residential use.

Planning Board Report to Town Meeting
Article 21 – Triangle Street Area Rezoning (Petition – Guidera et al)

Purpose and Effect of Amendment

The petitioner seeks to create a more flexible zoning district and encourage sensible development on Triangle Street. The change to B-G zoning would allow a 70% maximum building footprint or building coverage (versus 35% under B-L zoning) and up to five floors (from three). These and other factors could promote significantly more intense development in the area, which could yield more office and retail space and more downtown housing. It is expected that any new development would result in increased tax revenues compared to existing conditions.

The proposed rezoning from B-L to B-G is in accord with the Key Directions and goals and objectives of the Amherst Master Plan and with past community planning, which has consistently called for directing most new growth to center districts, particularly downtown.

The range of uses, both residential and nonresidential, and the permitting standards for those uses are virtually identical in the B-L and B-G zones, with the most notable difference being that apartments and townhouses require a Special Permit in the B-L zoning district but are allowed with Site Plan Review in B-G.

Public Hearing

The Planning Board held a public hearing on this article on Wednesday, October 19. The issues described above were presented and discussed and feedback was received from members of the public.

The Planning Board observed that the proposed obstacles to development adhering to most of the parcels in the other town center B-L districts do not exist to the same extent in this area because the lots are much bigger. While the area is suitable for more density than is currently allowed, there isn't a de facto restriction against redevelopment in this area like there is elsewhere in B-L districts. Since this area is further from the heart of the town center than the districts addressed in other zoning articles at this Town Meeting, it does not need to be a rezoning priority at this time.

After further discussion, the Planning Board voted 8-0-0 to recommend that Town Meeting refer Article 21 to the Planning Board for further study.

ARTICLES 19, 20 & 21

Limited Business (B-N) to General Business (B-G) District

Comparing the use regulations (Zoning Bylaw, Section 3.3) for the Limited Business (B-L) and General Business (B-G) Districts:

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

<u>Use Category</u>	<u>B-L</u>	→	<u>B-G</u>
3.31 EXTENSIVE USES			
3.310 Forestry	Y		Y
3.311 Orchard, nursery	Y		Y
3.312 Farm stand			
Class I	SPR		SPR
Class II	SPR		SPR
3.313 Commercial poultry/livestock	N		N
3.314 Private conservation/preserve	Y		Y
3.315 Outdoor recreation (commercial)	SP		SP
3.316 Impoundment or pond	SP		SP
3.317 Commercial greenhouse	SP		SP
3.32 RESIDENTIAL USES			
3.320 Single family house	N		N
3.321 Duplex			
3.3210 Owner-occupied duplex	N		N
3.3211 Non-owner occupied duplex	N		N
3.3212 Affordable duplex	N		N
3.322 Town House	SP		SPR↔
3.323 Apartments	SP		SPR↔
3.324 Subdividable/Converted dwellings			
3.3240 Subdividable dwelling	SP		SP
3.3241 Converted dwelling	SP		SPR↔
3.325 Mixed-use building	SPR		SPR
3.326 Fraternity/sorority	N		N
3.327 Overnight Lodging			
3.3270 Hotel/motel	SP		SP
3.3271 Inn	SP		SPR↔
3.3272 Hostel	SP		SPR↔
3.328 Congregate housing	N		N
3.329 Lodging/boarding house	SP		SPR↔
3.33 INSTITUTIONAL USES			
3.330 Non-profit Use			
3.330.0 Non-profit educational	SPR		SPR
3.330.1 Non-profit human service use	SPR		SPR
3.331 Kindergarten/day care	SPR		SPR
3.332 For-profit educational	SPR		SPR
3.333 Church/house of worship	SPR		SPR
3.334 Non-profit library/museum	SPR		SPR

<u>Use Category</u>	<u>B-L</u>	→	<u>B-G</u>
3.335 Public park/playground	SPR		SPR
3.336 Medical/residential facilities			
3.3360 For-profit	SP		SP
3.3361 Charitable/non-profit	SPR		SPR
3.337 Cemetery	N		N
3.338 Private lodge or club	SPR		SPR
3.339 Univ./college service building	SPR		SPR
3.34 GOVT./PUBLIC USES			
3.340 Utility uses			
3.3400 Energy facility	SP		SP
3.3401 Communication facility	SPR		SPR
3.3402 Wireless facility	SP		SP
3.3403 Transportation facility			
- Rail or bus depot	SP		SP
- Taxi or limousine	SP		SPR↔
3.341 Airport/heliport	SP		SP
3.342 Govt. admin., fire, police	SPR		SPR
3.343 Water or sewer facility	SPR		SPR
3.344 Other govt. use not specified	SPR		SPR
3.35 RETAIL BUSINESS & CONSUMER SERVICE USES			
3.350 Retail establishments			
3.3500 Retail stores	SPR		SPR
3.3501 Convenience stores	SPR		SPR
3.3502 Grocery, bakery, deli, caterer	SPR		SPR
3.351 Personal care establishments			
3.3510 Barber, beauty salon	SPR		SPR
3.3502 Laundry/dry cleaning	SPR		SPR
3.3503 Tailor, cobbler, etc.	SPR		SPR
3.352 Food & drink establishments			
3.3520 Class I restaurant/café	SPR		SPR
3.3521 Class II bar/restaurant	SP		SP
3.3522 Class III drive-up	N		N
3.353 Theater, motion picture house, bowling alley, dance hall, arcade or other indoor amusement or assembly use	SP		SP
3.354 Funeral home	SP		SPR↔
3.355 Studio/repair			
3.3550 Photography studio	SPR		SPR
3.3551 Appliance repair	SPR		SPR
3.356 Trades/repair shop	SP		SP
3.357 Veterinarian, kennel	SP		N↔
3.358 Office Uses			
3.350.0 Bank, loan agency, real estate insurance or other business or professional office providing services to the public in person on the premises	SPR		SPR

<u>Use Category</u>	<u>B-L</u>	→	<u>B-G</u>
3.358.1 Technical or professional office providing services predominantly by appointment to the public in person on the premises	SPR		SPR
3.358.2 Administrative business office or similar business or professional office not providing services to the public on the premises	SPR		SPR
3.359 Medical/dental laboratory	SPR		SPR
3.360 Medical Facilities			
3.360.0 Medical office	SPR		SPR
3.360.1 Medical group practice	SPR		SPR
3.360.2 Medical center	SPR		SPR
3.360.3 Clinic/emergency care	SPR		SPR
3.360.4 Medical Marijuana Facility			
3.360.40 Medical Marijuana Treatment Center	SP*		SP
*Allowed only in B-L Districts co-occurring with the R&D overlay district [Univ. Drive].			
3.360.41 Off-site Medical Marijuana Dispensary	SP		SP
3.361 Auction gallery	SPR		N↔
3.362 Artisan/craft shop	SPR		SPR
3.37 RESEARCH & INDUSTRIAL USES			
3.370 Warehouse, storage building	N		N
3.371 Lumber yard, other open-air storage	N		N
3.372 Research/Industrial			
3.3720 Research/testing facility	SP/SPR*		SP↔
*Where co-occurring with the R&D overlay district [Univ. Drive].			
3.3721 Light manufacturing, assembly, processing	SP/SPR*		SP↔
*Where co-occurring with the R&D overlay district [Univ. Drive].			
3.373 Manufacturing, assembly, processing	N		N
3.374 Quarrying rock or earth	N		N
3.375 Processing rock or earth	N		N
3.376 Radioactive waste storage & disposal	N		N
3.38 MOTOR VEHICLE RELATED USES			
3.380 Auto/truck rental	SP		SP
3.381 Filling station w/ sales	SP		SP
3.382 Auto salvage yard w/ sales	N		N
3.383 Car wash	N		N
3.384 Parking facilities			
3.3840 Commercial lot or garage	SP		SP
3.3841 Public lot or garage	SPR		SPR
3.385 Vehicle repair shop	SP		SP
3.386 Vehicle sales	SP		SP
3.387 Vehicle parts store; no installation/repairs	SPR		SPR
3.388 Vehicle parts store; installation & repairs	SP		SP
3.389 Truck terminal	N		N

Articles 19, 20, & 21
Comparative Dimensions for the B-L and B-G Districts
From Table 3, Article 6 of Zoning Bylaw

	<u>B-L</u>	→	<u>B-G</u>
Basic Minimum Lot Area (sq. ft.) ^h	20,000 ^b		12,000 ^b
Additional Lot Area/Family (sq. ft.)	4,000		1,250 ^{ab}
Basic Minimum Lot Frontage (ft.)	125 ^b		40 ^b
Basic Minimum/Maximum Front Setback (ft.) ^{an}	20		0/20 ^a
Basic Minimum Side and Rear Yards (ft.) ^g	25 ^a		10 ^{ae}
Maximum Building Coverage (%)	35		70 ^a
Maximum Lot Coverage (%) ^o	70/85 ^j		95 ^a
Maximum Floors ^a	3		5
Minimum/Maximum Height (ft.) ^{an}	35		55

Applicable Footnotes:

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.
- b. Applies to Residence Uses only (Section 3.32). In the B-G, B-VC and B-N districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.
- g. *Proposed to be deleted under Fall 2016 Special Town Meeting Warrant Article 17 due to incorrect reference*
- h. A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.
- n. *Proposed to be deleted under Fall 2016 Special Town Meeting Warrant Article 17 due to incorrect reference*
- o. *Proposed to be deleted under Fall 2016 Special Town Meeting Warrant Article 17 due to incorrect reference*

Fall 2016 Special Town Meeting Precinct Meetings



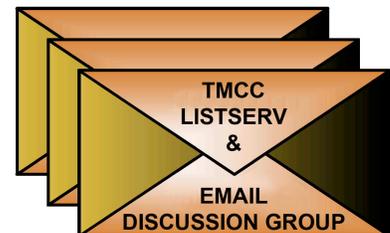
Purpose: to discuss and share information about articles before the upcoming Town Meeting. Members of Town Meeting and the public are welcome to attend any of the following meetings.

Town Meeting members should bring their copies of the Warrant and article information with them to the precinct meeting. If you have any questions contact the people listed below.

Date & Time	Location	Contact People
Thur. Nov. 3 7:00-9:00 pm	Middle School Professional Development Center across hall at north end of cafeteria	Barbara Ford 256-6268 Peggy Roberts 549-1575
Wed. Nov. 9 7:00-9:00 pm	Immanuel Lutheran Church Parish House Lounge 867 North Pleasant Street	Pat Holland 549-1503 Jacqueline Maidana 253-8832
Thur. Nov. 10 7:00-9:00 pm	Crocker Farm School Library 280 West Street (Rte. 116)	Mary Streeter 253-2441 Adrienne Terrizzi 253-5039
Sat. Nov. 12 2:00-4:00 pm	Police Station Community Room (no food; only drinks in cups with lids)	Alan Powell 549-7883 Chris Riddle 549-7526

Keep up-to-date on Town Meeting-related matters

- **Town Meeting begins Monday, Nov. 14, 2016 at 7:00 pm in the Middle School Auditorium** with additional possible sessions on **Nov. 16, 17 (Thursday), 21, 28, and Dec. 5, 2016.**
- **Read all the materials mailed to you before Town Meeting.**
- **Join a listserv** – send an email with your **name** and **precinct number** to the address below.
 - **TMCC Informational Listserv** – for announcements, motion sheets, etc. – send email to townmeeting@amherstma.gov
 - **Town Meeting Email Discussion Group** – for two-way dialogue & info – send email to amhersttownmeeting-subscribe@yahoogroups.com
- **Visit a Helpful Website**
 - **Town Meeting Warrant & Article Information** – www.amherstma.gov/tm Check this often!
 - **General Information for Town Meeting Members** – www.amherstma.gov/tminfo
 - **Watch Select Board, Planning Board, Finance Committee and other meetings** on Cable Ch. 17 or on demand at www.amherstmedia.org/meetings



Preparing for Fall 2016 Special Town Meeting

There are a variety of ways in which Town Meeting members and the public can learn about the articles for **2016 Fall Special Town Meeting, which begins on November 14, 2016.**

Attend the Warrant Review – The Warrant Review will be held on **October 25, 2016 at 7:00 pm** in the Town Room at Town Hall. It will be recorded by Amherst Media and rebroadcast several times on Channel 17 as well as being available to view on your computer “On Demand”. Visit www.amherstmedia.org for more information.

Zoning Q & A Forum hosted by the Town Meeting Coordinating Committee and the Planning Board will take place on Tuesday, **November 1** from 7:00 to 9:00 pm in the Large Activity Room at the Bangs Center.

Mailings from Town Hall – A packet of materials will be mailed to all Town Meeting members on November 2nd. Be sure to read these materials before Town Meeting. You may want to bring these documents to Town Meeting in a binder.



Bus Tour – TMCC will host a Bus Tour to view sites related to current Town Meeting articles. The Bus Tour will be held from 2 to 4 pm on Sunday, **November 6, 2016. Please meet in the Middle School parking lot by 1:45** to board the bus so we can leave by 2:00.

Precinct Meetings – This is a good way to learn more about Town Meeting. At a Precinct Meeting Town Meeting members and the public gather to learn about and discuss the articles to be decided at Town Meeting. You may attend any of the Precinct Meetings regardless of where you live in town. The Precinct Meetings will be held at the following times and places:



- **Thurs., November 3 at 7:00 pm**, Crocker Farm School Library, 280 West St.
- **Wed., November 9 at 7:00 pm**, Immanuel Lutheran Church Parish House Lounge, 867 North Pleasant Street
- **Thurs., November 10 at 7:00 pm**, Middle School Professional Development Center
- **Sat., November 12 at 2:00 pm**, Police Station Community Room

October-November - **Select Board, Finance Committee, Planning Board, and other committees review articles.** Attending or viewing these meetings is a great way to learn the details of the articles.

TMCC Mentor Program – If you would like to talk informally with or email questions to an experienced Town Meeting member, feel free to participate in our Mentor Program. If interested, send an email to TMCC at TownMeeting@amherstma.gov

2016 Fall Special Town Meeting begins on Monday, November 14, 2016 at 7:00 pm in the Middle School Auditorium. Additional sessions, if needed, are reserved for **November 16, 17** (note this is a Thursday), **November 21, 28, and December 5, 2016.**

Email us your questions and suggestions to TownMeeting@amherstma.gov

Warrant Review

Tuesday, October 25, 7pm
Town Room in Town Hall (2nd floor)

The Warrant Review will provide an overview of articles to be discussed at Fall Special Town Meeting. Town Meeting members and the general public are all invited to attend.

The Warrant Review will be recorded for replay on Amherst Media (Channel 17) prior to Town Meeting. For more information on the Amherst Media schedule of replays, please visit: www.amherstmedia.org/meetings

Bus Tour



Sunday, Nov. 6, 2016 2 to 4 pm
Meet at the Middle School at 1:45 pm

- Visit sites related to warrant articles.
- Meet fellow Town Meeting members.
- Ride the wheelchair- accessible bus

The bus tour is a great way to learn more about various articles on the Town Meeting warrant by visiting the sites related to them. It's also a fun way to get to know other Town Meeting members. If you have questions, please call Peggy at 549-1575.



Dependent Care Subsidy



Are you paying for babysitting or care-giving for an elderly or disabled family member to allow you to come to Town Meeting? If so, you can be reimbursed up to \$30 per Town Meeting night (or less if actual receipts are less) so long as funds are still available from the \$1,000 that has been set aside. All receipts must be submitted to the Select Board Office at Town Hall within two weeks of the last session of Town Meeting.

**Town Meeting
Coordinating
Committee**

- Peggy Roberts, Chair
549-1575
- Barbara Ford
256-6268
- Patricia Holland
549-1503
- Jacqueline Maidana
253-8832
- Alan Powell
549-7883
- Chris Riddle
549-7526
- Mary Streeter
253-2441



Zoning Questions & Answers

Tuesday, November 1 at 7:00 pm
Large Activity Room at Bangs Center



Wondering which way to go
on zoning?

Do you wish you had a guide
for all those letter combinations?

Do you have questions you want
answered before you vote?

Come to the Zoning Q & A Forum

We will have an overview of zoning in general and hear
about specifics of upcoming articles that will be
decided at 2016 Fall Special Town Meeting.

We welcome written & spoken questions before and during the
forum. If you like, you can email questions ahead of time to
townmeeting@amherstma.gov

This is a Town Meeting Coordinating Committee & Planning Board event to
inform Town Meeting members and the public about zoning.

