

**UNOFFICIAL RESULTS**  
**ANNUAL TOWN MEETING**  
**April 30, May 2, 7, 9, 14 and 16, 2018**

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

There were 246 town meeting members. 124 members checked in and the Constable announced a quorum was present. The 260th Annual Town Meeting was called to order by the Moderator, James W. Pistrang at 9:21 p.m.

The call and return of the warrant was read by Assistant Town Clerk, Susan Audette.

Newly elected and re-elected town meeting members were sworn to the faithful performance of their duties by the Moderator. The Moderator congratulated those elected and re-elected to town wide office.

The Moderator explained the purpose and criteria used for inclusion of articles in the Consent Calendar.

Articles 1, 2, 3, 4, 5, 6, 7, and 9 were selected because they were considered to be routine articles, their meaning could be clearly explained in the Finance Committee Report, and it was reasonable to expect they would pass with no controversy.

Article 4 – FY2018 Budget Amendments and Article 7 - Other Post-Employment Benefits (OPEB) Trust Fund were removed at the request of five town meeting members.

The Moderator accepted the Select Board motion to move all remaining warrant articles included in the Consent Calendar of the 2018 Annual Town Meeting and the printed motions thereunder and approve those articles as a single unit. Articles 1, 2, 3, 5, 6, and 9 were voted **Yes 143, No 3, with 5 abstaining**.

**Procedural Motions**

**VOTED unanimously** to hear the Library portion of the budget at 7:05 p.m. on Monday, May 7, 2018.

**VOTED unanimously** to hear Article 10, and the Elementary and Regional portions of Article 8 at 7:10 p.m. on Monday, May 7, 2018.

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

**VOTED Yes 143, No 3, with 5 abstaining** to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form. Action taken 4/30/18.

Richard Kofler presented a report on behalf of the Council on Aging, and Chris Riddle spoke on behalf of the Town Meeting Coordinating Committee and the Town Meeting Advisory Committee.

**ARTICLE 2. Transfer of Funds – Unpaid Bills (Finance Committee  
VOTED Yes 143, No 3, with 5 abstaining to DISMISS.**

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

Action taken 4/30/18.

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

**VOTED Yes 143, No 3, with 5 abstaining** to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under M.G.L. Chapter 59, Section 5, clauses 17D, 22, 37A, or 41C.

Action taken 4/30/18.

**ARTICLE 4. FY 2018 Budget Amendments (Finance Committee)**

**VOTED unanimously to:**

A. Amend the action taken under Article 9 of the 2017 Annual Town Meeting Fiscal Year 2018 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for the General Government account by \$125,000, and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for Community Services by \$125,000;

Part B of the original warrant article was DISMISSED under the same motion;

C. Amend the action taken under Article 9 of the 2017 Annual Town Meeting Operating Budget, by appropriating to the Health Claims Trust Fund a sum of \$ 2,000,000 for employee health insurance, and to meet such appropriation transfer \$2,000,000 from Free Cash in the Undesignated Fund Balance of the General Fund, said appropriation to be reimbursed to the General Fund via a temporary health insurance premium surcharge to employers and employees until such time the total appropriation has been reimbursed.

Action taken 4/30/18.

**ARTICLE 5. Retirement Assessment (Finance Committee)**

**VOTED YES 143, No 3, with 5 abstaining** to raise and appropriate \$5,565,471 for the Hampshire County Retirement System assessment.

Action taken 4/30/18.

**ARTICLE 6. Regional Lockup Assessment (Finance Committee)**

**VOTED YES 143, No 3, with 5 abstaining** to raise and appropriate \$35,928 for the Hampshire County Regional Lockup Facility assessment.

Action taken 4/30/18.

**ARTICLE 7. Other Post-Employment Benefits (OPEB) Trust Fund  
(Finance Committee)**

**VOTED unanimously** to raise and appropriate \$500,000 for the OPEB Trust Fund established under the provisions of M.G.L., Chapter 32B, Section 20.

Action taken 5/2/18.

**ARTICLE 8. FY 2019 Operating Budget (Finance Committee)**

Marylou Theilman gave a report on behalf of the Finance Committee prior to consideration of the FY2019 Operating Budget.

**GENERAL GOVERNMENT**

**VOTED unanimously** to appropriate \$7,855,219 for General Government, that the salary of the Moderator be fixed at \$1,000, that of the Select Board Chair at \$2,000, that of the Select Board

Members at \$1,500, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation, \$7,726,883 be raised by taxation and \$128,336 be transferred from the Ambulance Receipts Reserved For Appropriation Account.  
Action taken 5/2/18.

### **PUBLIC SAFETY**

**VOTED** to appropriate \$10,446,161 for Public Safety and that to meet such appropriation \$7,774,383 be raised by taxation and \$2,671,778 be transferred from the Ambulance Receipts Reserved for Appropriation Account.  
Action taken 5/2/18.

### **PUBLIC WORKS**

**VOTED** to raise and appropriate \$2,355,505 for Public Works.  
Action taken 5/2/18.

*(Vince O'Connor made a motion to refer the Public Works budget back to the Select Board and Finance Committee. The Moderator did not accept the motion because referral of an article disposes of it.)*

### **CONSERVATION AND DEVELOPMENT**

**VOTED** to raise and appropriate \$1,439,099 for Conservation and Development.  
Action taken 5/2/18.

### **COMMUNITY SERVICES**

**VOTED Yes 108, No 24, with 9 abstaining**, to raise and appropriate \$1,808,486 for Community Services.

Action taken 5/2/18.

*(A motion was made by Jenifer McKenna to raise the Community Services budget by \$60,000. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. The amended motion was passed.)*

### **DEBT SERVICE**

**VOTED unanimously** to appropriate \$2,187,844 for payment of the Town's General Fund indebtedness, and to meet such appropriation 1,867,001 be raised by taxation and \$320,843 be appropriated and transferred from Community Preservation Fund annual revenues.  
Action taken 5/2/18.

### **SEWER FUND**

**VOTED unanimously** to appropriate \$4,177,666 for the Sewer Fund and that to meet such appropriation \$4,085,290 be made available from Sewer Fund revenues of the current year, and \$92,376 be transferred from Sewer Fund Retained Earnings.  
Action taken 5/2/18.

### **WATER FUND**

**VOTED unanimously** to appropriate \$3,996,578 for the Water Fund and that to meet such appropriation \$3,996,578 be made available from Water Fund revenues of the current year.  
Action taken 5/2/18.

### **SOLID WASTE FUND**

**VOTED unanimously** to appropriate \$487,270 for the Solid Waste Fund and that to meet such appropriation \$487,270 be made available from Solid Waste Fund revenues of the current year.  
Action taken 5/2/18.

### **TRANSPORTATION FUND**

**VOTED Yes 90, No 54, with 4 abstaining** to appropriate \$872,121 for the Transportation Fund and that to meet such appropriation \$819,121 be made available from Transportation Fund revenues of the current year and \$53,000 from the Transportation Fund Free Cash balance.

Action taken 5/9/18.

*(The Transportation Fund portion of Article 8 was voted initially on May 2. A motion had been made by Robert Kusner at that time to increase the Transportation Fund budget by \$50,000. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. Mr. Kusner's motion failed by a vote of Yes 61, No 67, with 9 abstaining.*

*A motion for reconsideration was made by Jeffrey Lee at the May 9 session. The motion to reconsider passed and the Transportation Fund was brought back to the floor for discussion.*

*Robert Kusner made a motion to increase the appropriation by \$53,000. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. Mr. Kusner's motion carried.)*

A report was presented by Library Director Sharon Sharry prior to consideration of the Library Services budget.

### **LIBRARY SERVICES**

**VOTED** to approve the Library Services operating budget of \$2,683,069 and that the Town raise and appropriate \$1,993,466 as its share of that budget.

Action taken 5/7/18.

A report was presented by Dr. Mike Morris prior to consideration of the Elementary Schools budget.

### **SCHOOLS – ELEMENTARY**

**VOTED Yes 102, No 62, with 7 abstaining** to raise and appropriate \$23,242,365 for the Amherst Elementary Schools.

Action taken on 5/7/18.

*(Carol Gray made a motion to increase the Elementary School budget by \$15,000. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. Ms. Gray's motion carried.)*

A report was presented by Dr. Mike Morris prior to consideration of the Regional Schools budget.

### **SCHOOLS – REGIONAL**

**VOTED** to approve the Amherst-Pelham Regional School District operating and capital budget of \$31,815,351 and that the Town raise and appropriate \$16,045,304 as its share of that budget.

Action taken 5/7/18.

*(Vince O'Connor made a motion to increase the Regional School budget by \$100,000 in the form of a gift from the town of Amherst to the Amherst-Pelham Regional School District for the purpose of preserving the Regional High School Culinary Arts Program and the High School Pre-School. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. Mr. O'Connor's motion was defeated by a vote of Yes 68, No 110 with 7 abstaining.)*

### **ARTICLE 9. Reserve Fund (Finance Committee)**

**VOTED YES 143, No 3, with 5 abstaining** to raise and appropriate \$100,000 for the Reserve Fund for FY 2019.

Action taken 4/30/18.

At 9:57 p.m. on Monday, April 30, 2018, town meeting voted to adjourn to Wednesday, May 2, 2018 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 211 town meeting members were checked in.

The May 2, 2018 session was called to order by the Town Moderator, James Pistrang, at 7:14 p.m. There were 247 town meeting members; 124 members constituted a quorum. The constable announced that a quorum was present.

Town Meeting resumed with consideration of Article 7.

At 10:07 p.m. on Wednesday, May 2, 2018, town meeting voted to adjourn to Monday, May 7, 2018 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 156 town meeting members were checked in.

The May 7, 2018 session was called to order by the Town Moderator, James Pistrang, at 7:05 p.m. There were 247 town meeting members; 124 members constituted a quorum. The constable announced that a quorum was present.

Town Meeting resumed with consideration of the Library Services portion of Article 8, followed by Article 10, and the Elementary and Regional portions of Article 8.

**ARTICLE 10. Amherst-Pelham Regional School District Assessment Method  
(Amherst-Pelham Regional School Committee)**

**VOTED unanimously** to amend Section VI of the Amherst Pelham Regional School District Agreement by adding subsection i) as follows: For Fiscal Year 2019 only, the alternative operating budget assessment shall be calculated as 20% of the minimum contribution with the remainder of the assessment allocated to the member towns in accordance with the per-pupil method found in Section VI e) of the Amherst Pelham Regional School District Agreement.  
Action taken 5/7/18.

At 10:01 p.m. on Monday, May 7, 2018, town meeting voted to adjourn to Monday, May 9, 2018 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 197 town meeting members were checked in.

The May 9, 2018 session was called to order by the Town Moderator, James Pistrang, at 7:09 p.m. There were 247 town meeting members; 124 members constituted a quorum. The constable announced that a quorum was present.

Town Meeting resumed with Article 11.

**ARTICLE 11. General Bylaw - Revolving Fund Reauthorization (Finance Committee)**

**VOTED unanimously** pursuant to G.L. c.44, §53E½, to amend the General Bylaws by inserting a new bylaw establishing the After School Program Revolving Fund, specifying the departmental receipts to be credited to the fund, the departmental program or purpose for which the fund may be expended, and the entity authorized to expend the fund, such bylaw to provide as follows:

**Revolving Fund**

There is hereby established in the Town of Amherst, pursuant to G.L. c.44, §53E½, the following Revolving Fund:

<b>Revolving Fund</b>	<b>Authorized to Spend Fund</b>	<b>Revenue Source</b>	<b>Use of Fund</b>
After School Program	Department Head of the LSSE or his/her designee	Program and Tuition fees, Gifts, Grants and Admin Fee	Supplies and services, including salaries and benefits of staffing, and related administrative costs for the operation of the After School Program.

Expenditures from such revolving fund set shall be subject to the limitation established annually by Town Meeting or any increase as may be authorized in accordance with G.L. c.44, §53E½.

It was further voted to establish a funding limit of \$400,000 for said fund, or, take any other action relative thereto.

Action taken 5/9/18.

**ARTICLE 12. Community Preservation Act Appropriations  
(Community Preservation Act Committee)**

A. **VOTED** to appropriate \$955,645 for Community Preservation Act Purposes recommended by the Community Preservation Act Committee and that the following items 1–13 be appropriated or reserved from Community Preservation Act Funds as follows, and to authorize the Town to accept or convey property interests where applicable, as required under M.G.L. Chapter 44B, Section 12.

<b>Project</b>	<b>Appropriation</b>	<b>Source of Appropriation</b>
<b>AFFORDABLE HOUSING</b>		
Amherst Community Connections- Housing Stabilization Program	\$112,815	
Amherst Community Land Trust (ACLT) First Time Home Buyers Program	\$266,200	
Amherst Municipal Affordable Housing Trust (AMAHT)- Consultant	\$40,000	
Amherst Municipal Affordable Housing Trust (AMAHT) - Development Support	\$150,000	
<b>Total Affordable Housing</b>	<b>\$569,015</b>	<b>FY19 Estimated Revenues, Undesignated Fund Balance &amp; Reserved Fund Balance for Community Housing \$92,399</b>
<b>HISTORIC PRESERVATION</b>		
North Amherst Community Farm (NACF)- Farm House Preservation and Rehabilitation	\$130,000	
Amherst Historical Society (AHS)-Textiles	\$13,580	
Amherst Historical Society (AHS)-Boiler	\$30,000	
<b>Total Historic Preservation</b>	<b>\$173,580</b>	<b>FY19 Estimated Revenues &amp; Undesignated Fund Balance</b>
<b>OPEN SPACE</b>		

Town of Amherst - Due Diligence	\$25,000	
Amherst Dog Park Task Force – Dog Park	\$45,000	50% Open Space 50% Recreation
<b>Total Open Space</b>	<b>\$70,000</b>	<b>FY19 Estimated Revenues &amp; Undesignated Fund Balance</b>
<b>RECREATION</b>	<b>Appropriation</b>	<b>Source of Appropriation</b>
Amherst Dog Park Task Force – Dog Park	\$45,000	50% Open Space 50% Recreation
Amherst Baseball, Inc. - Mill River Baseball Fields	\$44,550	
Town of Amherst - Mill River Basketball Courts	\$50,000	
<b>Total Recreation</b>	<b>\$139,550</b>	<b>FY1819 Estimated Revenues &amp; Undesignated Fund Balance</b>
<b>ADMINISTRATIVE</b>		
To fund CPAC Administrative Expenses	\$3,500	
<b>Total Administrative</b>	<b>\$3,500</b>	<b>FY1819 Estimated Revenues &amp; Undesignated Fund Balance</b>
<b>Community Preservation Act Purposes</b>		
<b>Total for Article 12</b>	<b>\$955,645</b>	

Several motions were made by Town Meeting members to divide Article 12. Because both the Open Space and Recreation portions included appropriations for the Amherst Dog Park, the Moderator determined that those two areas could not be divided.

A motion was made to further divide the items in the Historic Preservation portion of Article 12.

Accordingly Town Meeting voted Article 12 as follows:

<b>Affordable Housing</b>	<b>Voted unanimously</b>
<b>Historic Preservation</b>	
North Amherst Community Farm (NACF) – Farm House Preservation and Rehabilitation	<b>Voted unanimously</b>
Amherst Historical Society (AHS) – Textiles	<b>Voted unanimously</b>
Amherst Historical Society (AHS) – Boiler	<b>Voted</b>

<b>Open Space and Recreation</b>	<b>Voted</b>
<b>Administrative</b>	<b>Voted unanimously</b>

**B. Voted by a declared two-thirds** to (a) authorize the Select Board to acquire by gift, purchase, and/or eminent domain, for open space purposes, portions of the parcels of land located on Bay Road, shown on Assessor Map 25B as Parcels 21 and 59, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 11596, Page 157, which portions, containing 30.4 acres, more or less, shall be under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (b) raise and appropriate, transfer from available funds, and/or borrow the sum of \$270,000 for the acquisition of said land and costs related thereto, and, to meet said appropriation, and, to meet said appropriation, transfer the sum of \$113,000 from the Community Preservation Act Fund and authorize the Treasurer, with the approval of the Select Board, to borrow the remaining sum of \$157,000 under G.L. c.44, §7, G.L. 44B, §11, and/or any other enabling authority and to issue bonds or notes of the Town therefor, and any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to of costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with G.L. c.44, §20; (c) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to accept on behalf of the Town funds granted under the LAND Program (G.L. c. 132A, §11) and/or any other funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (d) authorize the Select Board and/or the Conservation Commission to convey a restriction on said parcels of land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

Action taken 5/9/18.

**ARTICLE 13. Capital Program – Equipment (Joint Capital Planning Committee)**

**VOTED unanimously** to appropriate \$1,136,925 to purchase repair and/or install new or replacement equipment and to meet such appropriation \$576,925 be raised by taxation, \$260,000 be transferred from the Ambulance Receipts Reserved for Appropriation account, and \$300,000 be transferred from the Overlay Surplus reserve, and further to authorize the application for and acceptance of any gifts, bequests, or grants.

Action taken 5/9/18.

**ARTICLE 14. Capital Program – Buildings and Facilities**

**VOTED Yes 65, No 62 with 3** abstaining to appropriate \$2,007,864 to repair and/or improve buildings and facilities and to meet such appropriation \$2,007,864 be raised by taxation and further to authorize the application for and acceptance of any gifts, bequests, or grants.

Action taken 5/9/18.

*(A motion was made to reduce the appropriation by \$90,000, removing the Downtown Wayfinding Signs line item. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. Ms. Page’s motion failed by default.)*

At 10:31 p.m. on Monday, May 9, 2018, town meeting voted to adjourn to Monday, May 14, 2018 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 160 town meeting members were checked in.

The May 14, 2018 session was called to order by the Town Moderator, James Pistrang, at 7:06 p.m. There were 248 town meeting members; 125 members constituted a quorum. The constable announced that a quorum was present.

### **Procedural Motions**

**VOTED unanimously** to hear Article 39 on Wednesday, May 16, 2018 at 7:05 p.m.

**VOTED unanimously** to hear Article 25 on Wednesday, May 16, 2018 at 7:10 p.m.

**VOTED** to hear Article 27 on Wednesday, May 16, 2018 at 7:15 p.m.

Town Meeting resumed with consideration of Article 15.

### **ARTICLE 15. Capital Program – Bond Authorization Transportation Fund (Finance Committee)**

**VOTED by a declared two-thirds** to borrow \$450,000 for repairs at the Main Street Parking Lot, and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, (1) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to project costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20.

Action taken 5/14/18.

### **ARTICLE 16. Capital Program – Bond Authorization Water Fund (Finance Committee)**

**VOTED by a declared two-thirds** to appropriate \$2,000,000 to pay for the costs of water main and system replacements on Northampton Road, and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 8 (5), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to project costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20.

Action taken 4/15/18.

### **ARTICLE 17. Capital Program – Bond Authorization Sewer Fund (Finance Committee)**

**VOTED unanimously** to appropriate \$1,000,000 to pay for the costs of replacing the gravity belt thickener, and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7 (1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs of issuance of such bonds or notes, may be applied to project costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20.

Action taken 5/14/18.

### **ARTICLE 18. Capital Program – Bond Authorization PEG Fund for Amherst Media (Finance Committee)**

**VOTED unanimously** to appropriate \$410,000 to pay for the costs of audiovisual equipment and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7 (1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and further, any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to costs

of issuance of such bonds or notes, may be applied to project costs approved by this vote with a reduction of borrowing authority therefore by a like amount in accordance with M.G.L. Chapter 44, Section 20.

Action taken 5/14/18.

**ARTICLE 19. Rescission of Bond Authorization – Cole Property (Finance Committee)**

**VOTED unanimously** to rescind the \$225,000 unissued amount that was authorized to be borrowed by a vote of the Town passed at the Annual Town Meeting held on May 1, 2017 (Article 12b) for the acquisition of Cole Property.

Action taken 5/14/18.

**ARTICLE 20. Acquisition of Easement – Cole Property (Select Board)**

**VOTED unanimously** to authorize the Select Board to acquire by gift, an easement on a portion of the parcel of land located off West Street and described in a deed recorded with the Hampshire County Registry of Deeds in Book 9150, Page 152 to access, and to allow members of the public to access the open space parcel of land on said property by foot, vehicles and other means, which open space parcel is to be donated to the Conservation Commission for conservation purposes under the provisions of G.L. c.40, §8C.

Action taken 5/14/18.

**ARTICLE 21. Dedication of Use - Groff Park (Select Board)**

**VOTED unanimously** to permanently dedicate Groff Park, located on Mill Lane and identified by the Assessors as Parcel 17C-13, and containing 12 acres, more or less, to active recreational purposes under the provisions of G. L. c. 45, §3, as it may be amended, and other Massachusetts statutes related to recreation, as required under the Land and Water Conservation Fund Grant Program (P.L. 88-578), and transfer the care, custody, and control of said park to the Leisure Services and Supplemental Education (LSSE) Commission for, such purposes.

Action taken 4/15/18.

**ARTICLE 22. Acquisition of Easements – Multiple Locations (Select Board)**

**VOTED unanimously** to authorize the Select Board to acquire, by gift, purchase or eminent domain, in connection with the:

- A. East Hadley Road Sidewalk Project, for public way, walkway and/or sidewalk purposes, permanent and/or temporary easements in, on, under a portion or portions of the property identified below and shown on a plan entitled “**East Hadley Road Multi-Use Path**” dated December 17, 2017, prepared by the Town of Amherst, on file with the Town Clerk.

<u>Owner</u>	<u>Address</u>	<u>Map and Parcel</u>
Ercolini, Robert Trustee New Fort River Nominee Trust	166 East Hadley Road	17C-30
Ercolini, Robert Trustee Riverglade Nominee Trust		16D-34
Ercolini, Robert Trustee New Hollister Nominee Trust		16D-15
Northland Boulders LLC C/O Northland Investment Corp.	188 East Hadley Road	16D-11
Yosrex Limited Partnership C/O Ronex Corp	266 East Hadley Road	16D-13

B. West Bay Road Sidewalk and Road Improvement Project, for public way and sidewalk purposes, permanent and/or temporary easements in, on, under a portion or portions of the property identified below and shown approximately on a plan entitled “Sidewalk Plan West Bay Road”, dated December 27 2017, prepared by the Town of Amherst, on file with the Town Clerk.

<u>Owner</u>	<u>Address</u>	<u>Map and Parcel</u>
Pioneer Valley Living Care/Amherst	1 Spencer Drive	25A-43
Carle, Eric & Barbara, Foundation C/O Eric Carle Museum of Picture Book Art	125 West Bay Road	25A-22
Valley Properties Land Trust C/O Treasurer’s Office		25B-52
Trustees of Hampshire College	205 West Bay Road	25A-1-1

C. East Pleasant Street / Village Park bus pull offs and sidewalk improvements Project, for public way and sidewalk purposes, permanent easements in, on, under a portion or portions of the property identified below and shown approximately on a plan entitled “**East Pleasant Street /Village Park Bus pull offs**”, dated February 21, 2018, prepared by the Town of Amherst, on file with the Town Clerk.

<u>Owner</u>	<u>Address</u>	<u>Map and Parcel</u>
Related Village Park, LLC C/O The Related Companies	497 East Pleasant Street	8D-21
Commonwealth of MASS U Mass		8C-13
Commonwealth of MASS U Mass	505 East Pleasant Street	8D-3
Commonwealth of MASS U Mass	513 East Pleasant Street	8D-15

E. Main Street Sidewalk Project, for public way and sidewalk purposes, permanent and/or temporary easements in, on, under a portion or portions of the property identified below and shown approximately on a plan entitled “**Plan of Proposed Taking and Easement in Amherst Mass**”, dated February 23, 2018, prepared by Holmberg & Howe Inc. Land Surveyors, on file with the Town Clerk.

<u>Owner</u>	<u>Address</u>	<u>Map and Parcel</u>
Amherst Womans Club	35 Triangle Street	14B-19
Amherst Community Television, Inc.	Main Street	14B-250

Action taken 5/14/18.

**VOTED unanimously** to authorize the Select Board to acquire, by gift, or purchase, in connection with the:

D. Belchertown Road Reconstruction, Resurfacing and Related Work on Route 9-Belchertown Road Project, for public way and sidewalk purposes, permanent and/or temporary easements in, on, and under the parcels of land abutting and/or near Belchertown Road, shown approximately on a plan entitled "Amherst- Pelham- Reconstruction, Resurfacing and Related Work on Route 9-Belchertown Road", dated February 21 2018, on file with the Town Clerk, and listed on Schedule A, attached to the warrant.

Action taken 5/14/18.

(Vincent O'Connor made a motion to divide Section D. Gerry Weiss made a further motion to remove the phrase "by eminent domain" with regards to Section D. The motion to amend was voted Yes 93, No 63 with 5 abstaining.)

**ARTICLE 23. Acquisition of Land and/or Easements –  
Harlow Drive and Rolling Ridge Road (Select Board)**

**VOTED unanimously** to authorize the Select Board to acquire, by gift, purchase or eminent domain, for multi-path purposes, the fee to and/or permanent and temporary easements in, on, under a portion or portions of the parcels of land identified by the Assessors as Parcel 5D-267 and Parcel 5D-268.

Action taken 5/14/18.

**ARTICLE 24. Abandonment of Water Line Easement - Kingman Road (Select Board)**

**VOTED unanimously** to authorize the Select Board to release the water line easement acquired by the Town pursuant to the Order of Taking dated June 9, 1984 and recorded with the Hampshire Registry of Deeds in Book 2740, Page 90, said easement identified under item #2 (Kingman Road) therein.

Action taken 5/14/18.

**ARTICLE 26. Stabilization Fund (Finance Committee)**

**VOTED unanimously** to appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2019 Budget.

Action taken 5/14/18.

**ARTICLE 27. Transfer and Authorization - East Street School to AMAHT (Select Board)**

**VOTED by a declared two-thirds** to transfer from the School Committee for school purposes to the Select Board for general municipal purposes and for the purpose of conveyance, the care, custody and control of the parcel of land known as the East Street School, located at 31 South East Street, identified by the Assessor's as Parcel 15A-20, and containing 2.4 acres, more or less, and to authorize the Select Board to acquire said property by eminent domain for affordable housing purposes and for the purpose of clearing the Town's title thereto, and to authorize the Select Board to convey the same to the Amherst Affordable Housing Trust Fund for affordable housing purposes on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board deems in the best interest of the Town, provided that at least twenty-five percent (25%) of the units developed on said property shall be used in perpetuity for housing for those earning no more than eighty percent (80%) of the area median income, and further to authorize the Select Board to accept, on behalf of the Town, an affordable housing restriction on said units, which may be held in common with said Trust, provided, however, that the Town shall not provide a conditional commitment to convey said property to the Amherst Affordable Housing Trust until the Town Council determines that a feasible project, meeting the above objectives has been identified and shall not convey such property until financing commitments have been obtained, and key permits have been secured.

Action taken 5/16/18.

(A motion to refer the article back to the Select Board and Housing Trust was defeated.)

Following discussion of Article 27, Carol Gray moved for reconsideration of vote on Article 8, Elementary Schools budget. The motion to reconsider failed by a vote of Yes 76, No 106 with 2 abstaining.

**ARTICLE 28. Amendment – Establishment of Agricultural Commission (Select Board)**

**VOTED unanimously** to amend the action taken under Article 10 of the October 30, 2006 Special Town Meeting establishing an Agricultural Commission, by deleting the lined out language and adding the language in bold italics, to be in accordance with MGL c40 §8L, as follows:

To see if the town will establish an Agricultural Commission to represent the Amherst farming and agricultural community, as well as other farming and forestry activities. As of January 1, 2007, the Agricultural Commission will replace the Farm Committee previously established by the Select Board.

The purpose of the Agricultural Commission will be to support commercial agriculture and other farming activities in the Town of Amherst. The Commission's duties shall include but will not be limited to the following: promoting agricultural-based economic opportunities in Town; acting as mediators, advocates, educators, and/or negotiators on farming issues; working for the preservation of agricultural lands; advising Town Meeting, Select Board, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical Commission, Board of Assessors, and the Open Space Committee, or any other appropriate Town Boards and Committees, on issues involving agriculture; pursuing all initiatives appropriate to creating a sustainable agricultural community in the Town of Amherst; and, reviewing and advising on development proposed in farmland areas, as may be permitted under zoning and other development regulations.

The Commission shall consist of ~~nine~~ **seven** members appointed by the Select Board. A majority of the membership shall be substantially engaged in the pursuit of agriculture. All members of the Commission must either be residents of the town, ~~or owners and farmers of agricultural property or agricultural enterprises within the town.~~ **owners or farmers of agricultural property or agricultural enterprises within the town, or enrolled in an agricultural program at one of the learning institutions in Amherst.** One member shall be a non-voting representative of the Planning Board, nominated by the Planning Board and appointed by the Select Board. The Director of Conservation and Planning shall serve as a non-voting staff liaison to the Agricultural Commission.

The term of appointment shall be for 3 years staggered ~~so that three new members are appointed each year.~~ Initially, three members shall be appointed for a term of three years; three members shall be appointed for a term of two years; and three members shall be appointed for a term of one year. At the time of passage of this article, current members of the Amherst Farm Committee- who meet the Commission's membership criteria, shall continue to serve out their current terms as Commission members. Reappointments shall be consistent with Town Policy.

Action taken 5/14/18.

**ARTICLE 29. General Bylaw Amendment - Zero Energy Town Buildings (Select Board)**

**VOTED Yes 149, No 2 with 5 abstaining** to amend the Town of Amherst General Bylaws, rescinding the Net Zero Energy Town Buildings Bylaw voted November 13, 2017, Special Town Meeting Article 15 and replacing it with the following:

**Purpose:** This bylaw shall be known as the Town of Amherst Zero Energy Town Buildings Bylaw. It is enacted to help counter and prevent the effects of global climate change. It affirms that the Town of Amherst is committed to working towards a resilient and carbon-neutral community by incorporating

optimal energy efficiency standards, using Renewable Energy, and *eliminating* nearly all use of Fossil Fuels in new Town Buildings and Building Additions, as provided herein.

1. **Zero Energy Requirements:** All new Town Buildings and Building Additions (the “Project”) shall be designed to meet Zero Energy Requirements:
  - a. The Project shall be designed to be Zero Energy Capable.
  - b. The Project shall be designed to operate without Fossil Fuels except as may be needed for emergency power generators, Process Energy or Specialized Equipment.
  - c. Renewable Energy Systems shall supply at least as much energy, on an annual basis, as is used by the Project for heating, cooling, ventilation, domestic hot water, lighting, telecommunications, computers, elevators, plug loads, food preparation, refrigeration and cooking and all other building systems that require energy for operation, except for emergency power generators, Process Energy, and Specialized Equipment.
  - d. The Project shall be conceived, planned, designed, engineered, and Commissioned collaboratively such that all systems work together to meet the Zero Energy Requirements described in this Bylaw.
2. **Applicability:**
  - a. This Bylaw shall apply to all Projects with a Total Project Cost more than \$2,000,000, as determined by the Town Manager, at the completion of the most recent Feasibility Study for the Project and prior to development of the Schematic Design.
  - b. For construction undertakings which combine renovation and new addition(s), only the new addition(s) shall constitute the Project for purposes of this Bylaw. Monitoring equipment shall be installed to enable separate determination of energy use by the Building and Building Addition(s).
  - c. For all Projects to which this Bylaw applies, the Town will design a Zero Energy Capable Project in compliance with this Bylaw. If the cost of purchase and installation of the Town owned new and independently measured Renewable Energy Systems for the Project exceeds 10% of the Zero Energy Ready Project Cost (Total Project Cost minus the purchase and installation cost of the Renewable Energy Systems) then (1) the Town shall proceed with the Zero Energy Capable Project design and (2) include in that design as much of such Renewable Energy Systems for the Project as equals 10% of the Zero Energy Ready Project Cost, and (3) shall plan to obtain any remaining energy capacity to meet the remaining need by Renewable Energy as long as the per kilowatt hour cost is less than or comparable to the per kilowatt hour cost of utility provided electricity in the first year of the contract. Only in the last circumstance may the Town purchase energy that is not specifically dedicated to the Project.
  - d. Renewable Energy Systems not on the Project site or not on the same electric meter as the subject Buildings or Building Additions may be used if insufficient solar or wind exposure is available on the project site. Such renewable energy systems shall be dedicated exclusively to the project and the energy generated shall be measured independently.
  - e. The Town may sell Renewable Energy Certificates (RECs).
3. **Compliance with this Bylaw:** Compliance with this Bylaw shall be determined by successful completion of all of the following:
  - a. Certification by the Architect of Record that the final Construction Documents, if followed, will produce a completed Project that is Zero Energy Capable.
  - b. Peer Review confirming that in the opinion of the third-party reviewer, the final Construction Documents, if followed, will produce a completed Project that is Zero Energy Capable.

- c. Completed contracting for Commissioning at a suitable point prior to occupancy, and Re-commissioning at a point 12 months after occupancy. However, the failure to achieve the Zero Energy Requirements at the point of 12-month Re-commissioning shall not affect compliance with this Bylaw.
  - d. Compliance shall be measured by the projected Site Energy, not Source Energy.
- 4. Implementation:** The Town and the Project end-users undertake, on a good faith basis:
- a. To formulate a preliminary Energy Budget for the Project consistent with the Zero Energy Requirements prior to Schematic Design.
  - b. To endeavor to operate the Project in accordance with a final Energy Budget for the Project consistent with the Zero Energy Requirements.
  - c. To report to the public annually the energy performance of the Project for ten years from the date of occupancy.

## **Definitions**

**Architect of Record:** The Architect whose professional seal is affixed to the construction documents.

**Building:** A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof providing services and affording shelter to persons, animals or property.

**Building Addition:** New construction attached to an existing Building.

**Buildings and Building Additions:** All new municipal buildings and new municipal building additions built by and for the Town of Amherst.

**Commissioning:** The process that verifies and documents that the building systems including all systems related to this Bylaw have been designed, installed, and function according to the Construction Documents.

**Re-commissioning:** The process of testing and recommending adjustments to the building systems at least 12 months after the date of occupancy.

**Construction Documents:** Drawings and specifications sufficient for competitive public bidding in the Commonwealth of Massachusetts.

**Energy Budget:** Established at the outset of design and updated periodically during design, an Energy Budget is based on estimated amounts of energy to be used once the building is occupied.

**Feasibility Study:** A planning document that confirms and explains the owner's requirements, identifies and evaluates alternative solutions and sites, recommends and defines solutions, summarizes the proposed scope of work, and provides a cost estimate.

**Fossil Fuels:** Fuels from petroleum, natural gas or coal.

**Peer Review:** Review by a third-party reviewer skilled in energy analysis and energy modeling certified as an architect or engineer.

**Photovoltaic Systems:** Electrical Systems using photovoltaic panels to collect solar energy and convert it to electricity.

**Process Energy:** Energy used to transform, for large-scale municipal, not Project, purposes, the biological, chemical and/or physical state of sewage, waste, water or other material, or to move and

package it during or after such transformation, including but not limited to municipal water supply pumping and treatment, municipal sewage treatment, and municipal waste compaction, transfer, recycling and/or composting, and similar processes, but not including food preparation, refrigeration and cooking.

**Re-commissioning:** See **Commissioning** above.

**Renewable Energy:** Energy from a source that is not depleted when used, such as wind or solar power.

**Renewable Energy Certificate (REC):** Represents and conveys the environmental, social and other non-power qualities of one megawatt-hour of renewable electricity generation and can be sold separately from the underlying physical electricity associated with a renewable-based generation source.

**Renewable Energy Systems:** Electrical and mechanical systems using Renewable Energy comprising one or more of the following: Photovoltaic Systems, Wind Energy Systems, and other systems that generate electricity without the use of fossil fuels.

**Project:** A single new construction undertaking by and for the Town of Amherst and to be constructed at the same time, comprised of new Building(s), new Building Addition(s), associated site work, and Renewable Energy Systems; but not including any building renovation component of the construction undertaking.

**Building Site:** Building(s) and Building Addition(s) and the area on which a building is located where energy is used.

**Schematic Design:** The first of five phases of an Architect's basic services in the planning and construction of a Building or Building Addition.

**Site Energy:** Energy consumed at the Building(s) and/or Building Addition(s) and by energy-consuming features of their associated site(s).

**Source Energy:** Site Energy plus the energy consumed in the extraction, processing and transport of primary fuels such as coal, oil and natural gas; energy losses in thermal combustion in power generation plants; and energy losses in transmission and distribution to the Building or Building Addition.

**Specialized Equipment:** Equipment that is essential to a particular function of the Building or Building Addition for its intended function, and is not heating, cooling, ventilation, domestic hot water, lighting, telecommunications, computers, elevators, plug loads, food preparation, refrigeration and cooking and has no reasonable electrically powered alternative.

**Total Project Cost:** The sum of the direct construction and non-construction costs of a Project, exclusive of site acquisition, demolition, landscaping and environmental remediation costs. In cases where renovation is also part of the same construction undertaking, non-construction costs and site-work costs of the undertaking shall be allocated prorated between the renovation and the Project.

**Wind Energy Systems:** Systems that collect wind energy and convert it to electricity.

**Zero Energy Capable:** Designed based on the Energy Budget, in compliance with the Zero Energy Requirements, incorporating highly efficient standards to minimize the Project's need for energy, and incorporating Renewable Energy Systems with enough capacity to supply the energy needed.

**Zero Energy Ready:** Designed to be Zero Energy Capable, but without the inclusion of Renewable Energy Systems.

**Zero Energy Requirements:** See Section 1.a-d of the Bylaw.

**Zero Energy Ready Project Cost:** Total Project Cost minus the purchase and installation cost of the Renewable Energy Systems.

Action taken 5/14/18.

(A motion made by Carol Gray to amend by changing the amount in Section 2 (a) from \$2,000,000 to \$1,000,000 was defeated by a vote of Yes 37, No 107 with 3 abstaining.)

At 9:57 p.m. on Monday, May 14, 2018, town meeting voted to adjourn to Wednesday, May 16, 2018 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 179 town meeting members were checked in.

The May 16, 2018 session was called to order by the Town Moderator, James Pistrang, at 7:10 p.m. There were 248 town meeting members; 125 members constituted a quorum. The constable announced that a quorum was present.

### **Procedural Motion**

**VOTED** to hear Article 25 at the next session of Town Meeting at 7:05 p.m.

*(It was voted to hear Article 25 at the next session of town meeting because it was unknown what date town meeting would be adjourned to.)*

Town Meeting resumed with consideration of Articles 39 and 27.

### **ARTICLE 30. Zoning Bylaw – Medical Marijuana Treatment Center & Off-site Dispensary (Planning Board)**

**VOTED unanimously** to amend the Zoning Bylaw by amending Article 12, Definitions, Sections 12.32, Medical Marijuana Treatment Center (MMTC) and Section 12.33, Off-Site Medical Marijuana Dispensary (OMMD), by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

12.32 Medical Marijuana Treatment Center (MMTC): A use operated by ~~an~~ ***not-for-profit*** entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. An MMTC shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products.

12.33 Off-Site Medical Marijuana Dispensary (OMMD): A medical marijuana facility that is located off-site from any cultivation/processing facility that is controlled and operated by the same registered and approved ~~non-profit~~ entity which operates an affiliated MMTC but which serves only to dispense the processed marijuana, related supplies and educational materials to patients registered and qualified under the provisions of 105 CMR 725.00 or their personal caregivers.

Action taken 5/16/18.

### **ARTICLE 31. Zoning Bylaw – Marijuana Uses (Planning Board)**

**VOTED by a declared two-thirds:**

Part A. To amend the Zoning Bylaw by amending Article 12, Definitions, by deleting the ~~lined-out~~

language and adding the new definitions related to Marijuana Uses, with the language in ***bold italics***, as follows:

- 12.34 ~~Recreational Marijuana Retailer (RMR): An entity licensed to purchase and deliver marijuana and marijuana products from marijuana cultivators and marijuana product manufacturers and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana consumers, for non-medical purposes.~~ ***An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.***
- 12.35 ***Craft Marijuana Cooperative: a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.***
- 12.36 ***Independent Marijuana Testing Laboratory: A laboratory that is licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission; (ii) independent financially from any medical marijuana treatment center, marijuana establishment, or marijuana licensee for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L c. 94C, Section 34.***
- 12.37 ***Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.***
- 12.38 ***Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, Medical Marijuana Treatment Center, Off-site Medical Marijuana Dispensary, or any other type of licensed marijuana-related business***
- 12.39 ***Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.***
- 12.40 ***Marijuana Transporter: An entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess marijuana and marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments, not for sale to consumers.***
- 12.41 ***Marijuana Microbusiness: A collocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator [up to 5,000 square feet in accordance with 935 CMR 500.005, Cannabis Control Commission Regulations], or Product Manufacturer or both, in compliance with the operating procedures for each [Cannabis Control Commission] license. A Microbusiness that is a Marijuana Product manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.***

- 12.42 *Marijuana Research Facility: An entity licensed to engage in research projects by the Massachusetts Cannabis Control Commission.***
- 12.43 *Marijuana Social Consumption Operator: A marijuana retailer licensed to purchase marijuana and marijuana products from a marijuana establishment and to sell marijuana and marijuana products on its premises only to consumers or allow consumers to consume marijuana and marijuana products on its premises only.***
- 12.44 *Marijuana Social Consumption Operation: An entity licensed to purchase or otherwise acquire marijuana from licensed marijuana establishments and sell single servings of marijuana to consumers for consumption or use on the premises, except as otherwise authorized herein.***
- 12.45 *Marijuana Social Club: An organization, club, lodge, business, or other private grounds allowing on-site consumption of marijuana or marijuana products where no sales of marijuana or marijuana products occurs.***
- 12.46 *Marijuana Delivery-Only Retailer: An entity that does not provide a retail location accessible to the public, but is authorized to deliver directly from a marijuana cultivator facility, craft marijuana cultivator cooperative facility, marijuana product manufacturer facility or microbusiness.***

**Part B.**

To amend the Zoning Bylaw by amending Article 3, Use Regulations, Section 3.3, Use Classification and Standards, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

ARTICLE 3 USE REGULATIONS, Section 3.3, Use Classifications and Standards

3.363 Marijuana Uses

3.363.0 Medical Marijuana Treatment Center (MMTC)

R-O

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

\*Allowed only in those B-L Districts which co-occur with the R&D overlay district.

See definition under Article 12.

Subject to the standards and conditions listed below, ~~under Section 3.362.~~

3.363.1 Off-Site Medical Marijuana Dispensary (OMMD)

R-O

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

See definition under Article 12.

Subject to the standards and conditions listed below, ~~under Section 3.362.~~

3.363.2 Recreational Marijuana Retailer (RMR)

R-O

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

See definition under Article 12.

Subject to the standards and conditions listed below, under Section 3.362.

**3.363.3 Craft Marijuana Cultivator Cooperative & Marijuana Cultivator**

**R-O**

<b>R-LD</b>	<b>R-N</b>	<b>R-VC</b>	<b>R-G</b>	<b>R-F</b>	<b>B-G</b>	<b>B-L</b>	<b>B-VC</b>	<b>B-N</b>	<b>COM</b>	<b>OP</b>	<b>LI</b>	<b>PRP</b>	<b>FPC</b>
N	N	N	N	N	SP	SP*	SP	N	SP	SP	SP	N	N

*\*Allowed only in those B-L Districts which co-occur with the R&D overlay district.*

*See definition under Article 12.*

*Subject to the standards and conditions listed below.*

**3.363.4 Independent Marijuana Testing Laboratory**

**R-O**

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

**SPR\***

*\*In those areas of the B-L District which coincide with the Research & Development (R&D) overlay district, Site Plan Review approval shall be required for uses regulated under this section. In all other areas of the B-L District, a Special Permit shall be required from the Zoning Board of Appeals*

*See definition under Article 12.*

*Subject to the standards and conditions listed below.*

**3.363.5 Marijuana Product Manufacturer & Marijuana Micro-business**

**R-O**

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

**SPR\***

*\*In those areas of the B-L District which coincide with the Research & Development (R&D) overlay district, Site Plan Review approval shall be required for uses regulated under this section. In all other areas of the B-L District, a Special Permit shall be required from the Zoning Board of Appeals*

*See definition under Article 12.*

*Subject to the standards and conditions listed below.*

**3.363.6 Marijuana Transporter**

**R-O**

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

*See definition under Article 12.*

*Subject to the standards and conditions listed below.*

**3.363.7 Marijuana Research Facility**

**R-O**

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

**SPR\***

*\*In those areas of the B-L District which coincide with the Research & Development (R&D) overlay district, Site Plan Review approval shall be required for uses regulated under this section. In all other areas of the B-L District, a Special Permit shall be required from the Zoning Board of Appeals*

*See definition under Article 12.*

*Subject to the standards and conditions listed below.*

**3.363.8 Marijuana Social Consumption Operation & Marijuana Social Consumption Operator & Marijuana Social Club**

**R-O**

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

*See definition under Article 12.*

*Subject to the standards and conditions listed below.*

**3.363.9 Marijuana Delivery-Only Retailer**

**R-O**

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

*See definition under Article 12.*

*Subject to the standards and conditions listed below.*

Standards and Conditions (applies to all ~~MMTCs, OMMDs and RMRs~~ **Marijuana Establishments, and if applicable, shall be in accordance with Regulations of the Cannabis Control Commission, 935 CMR 500**):

1. Purpose. It is recognized that the nature of the substance cultivated, processed, and/or sold by ~~Marijuana Establishments~~ **Marijuana Establishments** ~~medical marijuana treatment centers and off-site medical marijuana dispensaries and recreational marijuana retailers may have objectionable operational characteristics and~~ should be located in such a way as to ensure the health, safety and general well-being of the public as well as patients seeking treatment and customers seeking to purchase marijuana for recreational use. The specific and separate regulation of **Marijuana Establishments** ~~Medical Marijuana Treatment Centers (MMTCs) and Off-site Medical Marijuana Dispensaries (OMMDs) and Recreational Marijuana Retailers (RMRs)~~ **Medical Marijuana Treatment Centers (MMTCs) and Off-site Medical Marijuana Dispensaries (OMMDs) and Recreational Marijuana Retailers (RMRs)** is necessary to advance these purposes.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, 105 CMR 725.000, M.G.L. Chapter 94G, **M.G.L. Chapter 94I, and 935 CMR 500, Marijuana Establishments** ~~MMTCs and OMMDs and RMRs~~ **MMTCs and OMMDs and RMRs** will be permitted to provide **goods and services as allowed by the aforementioned laws and regulations.** ~~medical support, security and physician oversight that meet or exceed state regulation as established by the Massachusetts Department of Health (DPH) and to provide retail sales of marijuana for non-medical use in a manner that meets or exceeds state regulations.~~

2. Application Requirements. Above and beyond the standard application requirements for Special Permits **and Site Plan Review approval**, an application for a use under this section shall include the following:
  - a) The name and address of each owner of the facility/operation;
  - b) Copies of all documentation demonstrating appropriate application status under state law, or registration or license, issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;

- c) Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
  - d) A notarized statement signed by the organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons;
  - e) In addition to what is normally required in a site plan pursuant to Section 11.2, details showing all exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity;
  - f) A Management Plan as required under the Rules and Regulations of the ~~Special~~ Permit Granting Authority, including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to *Marijuana Establishments* ~~OMMDs and RMRs~~ or off-site direct delivery *consistent with state law and regulations*;
  - g) A traffic impact report as set forth in the Rules and Regulations of the ~~Special~~ Permit Granting Authority shall be developed and submitted with the application.
3. Regulations. The following regulations shall apply to uses under this section:
- a. Use Regulations.
    - 1) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.
    - 2) The hours of operation shall be set-up *by* the ~~Special~~ Permit Granting Authority, but in no event shall a facility be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
    - 3) *A violation of the Host Community Agreement may result in the revocation of a Special Permit or Site Plan Review approval.*
  - b. Locational and Physical Requirements
    - 1) All aspects of ~~an~~ *a Marijuana Establishment* ~~MMTC or OMMD or RMR~~ relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within *an enclosed area as defined by 935 CMR 500.002* ~~fully enclosed building~~ and shall not be visible from the exterior of the business.
    - 2) No outside storage of marijuana, related supplies, or educational materials is permitted.
    - 3) ~~No MMTC shall have a gross floor area in excess of 25,000 square feet.~~
    - 4) No OMMD or RMR shall have a gross floor area accessible to patients or customers which is in excess of 2,500 square feet, ~~except as may be permitted under 3., e., 1), e).~~ Space in an OMMD facility or RMR which is dedicated to administration or operations and is accessible only to employees of the facility shall not be included in this limitation.
    - 5) Ventilation – all facilities shall be ventilated in such a manner that:
      - a) No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and
      - b) No odor from marijuana or its processing can be detected by a person with an

unimpaired and otherwise normal sense of smell at the exterior of the ~~MMTC or OMMD facility or RMR~~ ***Marijuana Establishment*** or at any adjoining use or property.

c. Reporting Requirements

- 1) All Special Permit ***and Site Plan Review approval*** holders for uses under this section shall provide the Police Department, Fire Department, Building Commissioner, Board of Health, and Special Permit Granting Authority with the names, phone numbers, mailing and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facilities identified as designated contact persons to whom notice should be made if there are operating problems associated with any use under this section. All such contact information shall be updated as needed to keep it current and accurate.
- 2) ~~The~~ ***One of the two*** designated contact persons shall notify the Police Department, Fire Department, Building Commissioner, Board of Health and Special Permit Granting Authority in writing a minimum of thirty (30) days prior to any change in ~~ownership or~~ management of a facility regulated under this section.
- 3) The designated representatives of permitted facilities shall file an annual report with the Special Permit Granting Authority and shall appear before said Authority to present the report no later than ***30 days following renewal of a state license or registration*** ~~January 31<sup>st</sup> of each year~~, providing a copy of all current applicable state licenses for the owners and facilities, to demonstrate continued compliance with the conditions of the Special Permit ***or Site Plan Review approval***.
- 4) The designated contact persons shall be required to respond by phone or email within twenty-four (24) hours of the time of contact and inquiry regarding operation of the facility by a town official to the telephone number or email address provided as the contact for the business.

d. Transfer/Discontinuance of Use

- 1) A Special Permit ***or Site Plan Review approval*** granted under this Section is non-transferable and shall have a term limited to the duration of the applicant's ownership or leasing of the premises as ***a Marijuana Establishment*** ~~an MMTC or OMMD or RMR~~.
- 2) Any ***Marijuana Establishment*** ~~MMTC or OMMD or RMR~~ permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725.105 (J), (O) ~~prior to the expiration of its DPH Registration or~~ immediately following ***the expiration***, revocation or voiding of its DPH Registration or ***in compliance with 935 CMR 100.105(12) immediately*** following ***the*** expiration, revocation or voiding of its license issued by the Cannabis Control Commission.

e. Prohibitions

- 1) The proposed uses shall not be located:
  - a) ***Within five hundred (500) feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The distance under this section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located.***
  - b) Within three hundred (300) feet of a building:
    - i. Containing another ***Marijuana Establishment*** ~~MMTC or OMMD or RMR~~,

- except for facilities that are owned or leased by the same operator; or
  - ii. In which is located a ~~public or private elementary school, middle school, secondary school, preparatory school, licensed daycare center, or any other facility in which~~ children commonly congregate in an organized ongoing formal basis ***that is not a K-12 school***; or
  - iii. Owned by and operated as part of the campus of any private or public institution of higher learning; or
  - iv. Housing a public library; or
  - v. Containing any residential use, excepting a mixed-use building under Section 3.325 of the Zoning Bylaw.
- c) Within, on the same lot as, or on a lot immediately adjacent to a licensed pharmacy; or
  - d) Within buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana. An exception shall be that the Special Permit Granting Authority may grant permission for palliative and therapeutic care uses in the same building in which ***a Marijuana Establishment*** ~~an MMTC or OMMD or RMR~~ is operated.
- 2) ***For the purposes of 3.363.9(3)(e)(1)(b), the three hundred foot buffer shall be measured from the closest point of the building triggering the buffer to the closest point of the marijuana use.***
  - 3) The proposed use shall not display on-premises signage or other marketing on the exterior of the building or in any manner visible from the public way, which, in the opinion of the Special Permit Granting Authority ***or the Code Enforcement Officer*** may promote or encourage the use of marijuana or other drugs by minors.
4. Findings. In addition to the findings required under Section 10.38 ***and 11.24 of the Zoning Bylaw*** and meeting the provisions of Articles 7, 8 and all other applicable sections of this Bylaw, the ~~Special~~ Permit Granting Authority shall find that the proposed use:
- a. Meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will as proposed be in compliance with all applicable state laws and regulations.
  - b. Will provide copies of registrations and licenses and a copy of a signed Host ***Community*** Agreement with the Town of Amherst, in accordance with M.G.L. Chapter 94G and subsequent regulations, including 935 CMR 500, to the Building Commissioner prior to the issuance of a Certificate of Occupancy.
  - c. Is designed to minimize ~~any~~ adverse visual or ~~economic~~ impacts on abutters and other parties in interest.
  - d. Provides a secure waiting area, ***as required by state law or regulations.***
  - e. Provides adequate security measures to ensure that no individual ***or group*** participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.
  - f. Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.
5. Limitation on number of RMRs ***locations*** – No more than eight (8) Recreational Marijuana Retailers ~~locations~~ shall be permitted ~~to be located~~ ***within*** in the Town of Amherst.

Action taken 5/16/18.

**ARTICLE 32. Zoning Bylaw – Recreational Marijuana Retailer Locations (Planning Board)  
VOTED unanimously to DISMISS.**

(To see if the Town will vote to amend the Zoning Bylaw by amending Article 3, Use Regulations, Section 3.3, Use Classifications and Standards, Section 3.363.2, Recreational Marijuana Retailer, Standards and Conditions (applies to MMTCs, OMMDs and RMRs), **paragraph 5, by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:**

1. Limitation on number of RMRs *locations* – No more than eight (8) Recreational Marijuana Retailers *locations* shall be permitted ~~to be located~~ *within* in the Town of Amherst.

Action taken 5/16/18.

**ARTICLE 33. Zoning Bylaw – Supplemental Dwelling Units (Planning Board)**

**DEFEATED Yes 63, no 56 with 5 abstaining.**

[To see if the Town will vote to amend the Zoning Bylaw by amending Article 5, Accessory Uses, Section 5.011, Supplemental Dwelling Units, Section 5.012 General Requirements, by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

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

1. There shall be not less than 350 square feet nor more than 800 square feet of habitable space in any ~~supplemental dwelling unit~~ *Supplemental Apartment I or Supplemental Apartment II*, except that any such dwelling unit built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 900 square feet in habitable space.

*There shall not be less than 350 square feet nor more than 1,000 square feet of habitable space in any Supplemental Detached Dwelling Unit, except that any such dwelling unit built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 1,100 square feet of habitable space.*

2. No one family detached dwelling in which a supplemental apartment is constructed or upon the property of which a supplemental dwelling unit is built may be used simultaneously for accessory lodging under any provision of Section 5.010, nor shall any supplemental dwelling unit built upon the property of such a one family dwelling be so used.
3. One of the dwelling units on the property shall be occupied by the owner(s) of the principal one family residence, which requirement shall be made a condition of any Special Permit issued under this section.
4. Notwithstanding the provisions of Article 12, a supplemental dwelling unit shall be occupied by a total of no more than three (3) adult residents.
5. The design review principles and standards established under Section 3.204 shall be applied to all accessory uses under this section, and the review and recommendation of the Design Review Board may be sought by the Building Commissioner, Permit Granting Board, or Special Permit Granting Authority.]

Action taken 5/16/18.

**ARTICLE 39. Petition: Resolution - A Resolution in Support of the Paris Climate**

**Agreement (Gray-Lee et al)**

**VOTED unanimously** to adopt the following resolution in support of the Paris Climate Agreement:

**Whereas** NASA reports that the average global temperature has risen almost 2 degrees Fahrenheit since the 19th century, most of which having been in the last 35 years,

**Whereas** sea ice now is more than 1.27 million square miles smaller than the 1979-2000 average, and, **according** to National Geographic, sea level would rise 216 feet if all the ice in the world melted, submerging much of coastal US including most of Florida,

**Whereas** the National Oceanic and Atmospheric Administration reports that CO<sub>2</sub> in the air has reached 407 parts per million, the highest in 650,000 years,

**Whereas** the World Health Organization expects that between 2030 and 2050, climate change will cause approximately 250,000 additional deaths per year from malnutrition, malaria, diarrhea and heat stress alone,

**Whereas** the International Organization on Migration reports that up to 200 million people could be displaced by global temperature increase by 2050,

**Whereas** President Trump withdrew from the Paris Climate Agreement which set the goal of keeping global temperature rise this century below 2°C by reducing greenhouse gas emissions by 26 to 28 percent below 2005 levels by 2025,

**Whereas** the US is the number two CO<sub>2</sub> emitting country in the world,

**Whereas** 2,300 cities as well as 14 states including Massachusetts, which make up one third of the US population, have pledged that they will stand by the Paris Climate Agreement,

**Whereas** Burlington, Vermont's largest city, already runs on 100 percent renewable energy,

**Whereas** in 2017, Amherst Town Meeting took three actions addressing climate change: a Resolution to Implement a Carbon Fee and Dividend Program, a resolution calling for the town to use 100 percent renewable energy by 2050, and a Net Zero Energy bylaw requiring all new Town buildings costing more than \$1 million to use no more energy than they produce,

**Whereas** the Town of Amherst's 2005 Climate Action Plan's goal of reducing Amherst's greenhouse gas emissions by 35 percent below 1997 levels by 2009 was not met, though progress was made in energy efficiency and Amherst became a Green Community in 2012,

**Therefore be it resolved** that the Town of Amherst will stand by the Paris Climate Agreement by adopting the goal of reducing its greenhouse gas emissions by 26 to 28 percent below 2005 levels by 2025,

**And therefore be it further resolved** that upon passage the Amherst Town Clerk shall mail copies of the resolution and vote to President Donald Trump, Senator Elizabeth Warren, Senator Ed Markey, Congressman Jim McGovern, Governor Charlie Baker, Speaker of the Massachusetts House Robert DeLeo, Acting President of the Massachusetts Senate Harriette Chandler, and Representative Solomon Goldstein-Rose.  
Action taken 5/16/18.

At 10:35 p.m. on Wednesday, May 16, 2018, town meeting voted to adjourn to Monday, May 21, 2018 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 193 town meeting members were checked in.