



PLANNING BOARD

Report to Town Meeting

**ARTICLE 30. Zoning Bylaw. Watershed Protection (WP) District
Lot Coverage (Planning Board)**

To see if the Town will amend Section 6.18 and Table 3, Dimensional Regulations and footnotes of the Zoning Bylaw by adding the language in *bold italics*, as follows:

A. Amend Section 6.18, as follows:

6.18 Maximum Lot Coverage

Maximum lot coverage shall include the percentage of a lot covered in the manner described in Section 6.17, Maximum Building Coverage, plus that portion of a lot covered by driveways, parking areas, walkways, tennis courts, swimming pools or other similar surfaces.

For the purposes of this Bylaw, all such surfaces, whether constructed of impermeable materials (i.e., concrete, bituminous asphalt, oil and stone and the like) or constructed of permeable materials (i.e., gravel, peastone and the like) shall be included in the calculation of maximum lot coverage.

In the Watershed Protection (WP) overlay district, no use of land shall result in the rendering impermeable of more than 15% of the total area of any lot, or more than 20% with artificial recharge, or a total of 2,500 square feet, whichever is greater.

B. Amend Table 3, Dimensional Regulations, by adding o. as a superscript to the title of Maximum Lot Coverage (%) in Table 3, and adding the following new text to the Footnotes, as follows:

o. See Section 6.18.

Recommendation

The Planning Board voted unanimously (7-0, 1 member absent) to recommend that Town Meeting adopt Article 30.

Background

Article 30 proposes to amend the regulations for the Watershed Protection (WP) District in order to bring Amherst into compliance with state requirements for the operation of Atkins Reservoir as a public surface water supply.

The Watershed Protection (WP) District is an overlay district that superimposes additional regulations on properties in Amherst from which rain and snow run off into the Atkins Reservoir. The purpose of the WP District is stated in the Zoning Bylaw as being “to provide additional protection to those lands which by virtue of their location, slope and soils, make up the watersheds of the public water supply.”

Public water supplies in Massachusetts must meet state requirements regarding the protection of water quality. Public water supply regulations promulgated by the Department of Environmental Protection (DEP) prohibit certain activities within Zone A of a municipal public surface water supply, including:

- (1) land uses that result in the rendering impervious of more than 15%, or more than 20% with artificial recharge, or 2500 square feet of any lot, whichever is greater;” [310 CMR 22.20C, (2) (1)]

In an October 20, 2010 letter regarding Amherst’s Water Management Act permit for the operation of Atkins Reservoir, DEP specifically imposed a condition requiring Amherst to comply with the above provision of state water supply regulations by adding language containing those provisions to Amherst’s zoning regulations. The Department of Public Work subsequently forwarded to the Planning Board a request to develop an amendment to the Zoning Bylaw to achieve compliance with this state regulation.

Public Hearing

The Planning Board held a public hearing on Article 30 on Wednesday, March 2, 2011. The Board heard a report and recommendation from the Zoning Subcommittee. Prior to the hearing, three affected property owners had inquired about the impacts of the proposed amendment. At the hearing, a representative of one property owner asked whether the proposed amendment would apply only in the overlay district, or on the rest of any property the overlay district affected. She was told that the amendment only applied within the bounds of the overlay district itself. There was no other public comment. After discussion, the Planning Board voted unanimously (7-0, 1 member absent) to recommend that Town Meeting adopt Article 30.