

**RESULTS
SPECIAL TOWN MEETING
November 7, 9 and 16, 2011**

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

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:40 p.m. There were 246 town meeting members. 124 checked in and a quorum was declared. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

Mr. Gregg asked for a moment of silence for Marilyn J. Rodzwell and Robert John Ackermann, town meeting members who had passed away since the Annual Town Meeting.

Mr. Gregg also welcomed Precinct 3 town meeting member, Anurag Sharma, as the newly appointed member of the Finance Committee.

Upon a motion made by Ms. O’Keeffe town meeting voted to postpone consideration of Article 17 until 7:30 p.m. on Wednesday, November 16, 2011.

A motion was made to consider Article 5 after Article 17. The motion was defeated.

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

VOTED unanimously 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 on 11/7/2011.

(Reports were heard from John Musante, Town Manager; Andy Steinberg, Chair of the Finance Committee; Hope Crolius, Chair of the Public Shade Tree Committee; and Hwei-Ling Greeney, Chair of the former Committee on Homelessness.)

ARTICLE 2. FY 12 Water Fund Operating Budget Amendment (Finance Committee)

VOTED unanimously to increase the FY12 Water Fund operating budget by \$100,000.00 for a total of \$4,201,543 by transfer from the Water Fund free cash balance for purchase of water meter radio transmitters.

Action taken on 11/7/2011.

ARTICLE 3. Capital Program - War Memorial Pool (Select Board)

VOTED unanimously to transfer the care, custody, and control of the parcel of land located at 205 Triangle Street, which contains 1.3 acres, more or less, and is described in a deed recorded with the Hampshire Registry of Deeds in Book 941, Page 199, from the board or officer having custody thereof for the purposes for which it is currently held to the Town Manager for recreational purposes under the provisions of G.L. c. 45, § 45, as it may be amended, and other Massachusetts statutes related to recreation, to be managed and controlled by the Leisure Services and Supplemental Education (LSSE) Commission, and to appropriate \$297,600, \$252,600 of which shall be from Free Cash and \$45,000 of which shall be transferred from the Community Services FY 12 budget for the purpose of repairing, rehabilitating, improving, and/or restoring said land and the structures and facilities thereon, including, without limitation, the pool, the pool building, the filtration system, and the decking, and further to authorize the Town Manager and/or the LSSE Commission to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the

Urban Self-Help Act (301 CMR 5.00) and/or others 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.
Action taken on 11/7/2011.

ARTICLE 4. Capital Program - Puffer's Pond (Conservation Commission)

VOTED by a declared two-thirds vote to appropriate and transfer \$370,000 from Free Cash in the Undesignated Fund Balance of the General Fund for the purpose of the design and construction of improvements to the Puffer's Pond beaches, parking area and trails (Assessors Maps 2D-8; 5B-33; 5B-130; 5B-129; and 5B-16), contingent upon award of grant application and, if necessary, transfer and/or dedicate all or a portion of the foregoing properties to recreation purposes and seek special legislation therefore under Article 97 of the Amendments to the Massachusetts Constitution.
Action taken on 11/7/2011.

ARTICLE 5. Amherst Housing Market Study (Select Board)

VOTED Yes 90, No 67 to appropriate and transfer \$40,000 from Free Cash in the Undesignated Fund Balance of the General Fund for the purpose of conducting a prospective residential market analysis for housing in Amherst.
Action taken on 11/7/2011.

Hilda Greenbaum, Nancy Gordon, Nonny Burack, Jim Pistrang, Rob Kusner, and Jim Scott were sworn in as tellers prior to town meeting taking a tally vote on Article 5.

ARTICLE 6. Stabilization Fund: Appropriate/Transfer (Finance Committee)

VOTED by a declared two-thirds vote to appropriate \$400,000 from FY 12 Estimated Revenue to the Stabilization Fund.
Action taken on 11/7/2011.

At 10:02 p.m. on November 7, 2011, the meeting voted to adjourn to Wednesday, November 9, 2011 at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 168 town meeting members were checked in.

There were 246 town meeting members; 124 town meeting members constitute a quorum. The Constable reported a quorum at 7:50 p.m. and the November 9, 2011 session of the November 7, Special Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 8:10 p.m.

ARTICLE 7. Authorization for Affordable Housing Restriction – #5 - 11 Olympia Drive (Select Board)

VOTED to authorize the Select Board to accept, on such terms as the Select Board deems appropriate, an affordable housing restriction on the Amherst Housing Authority property located at 5-11 Olympia Drive, which restriction is granted in consideration of the Community Development Block Grant funds granted by the Town to the Amherst Housing Authority.
Action taken on 11/9/2011.

ARTICLE 8. Local Option Abandoned Property (Select Board)

VOTED to accept M.G.L. c.200A, §9A, as amended by section 65 of Chapter 188 of the Acts of 2010, which includes new notice requirements and provides an alternative procedure for the Town to follow for managing abandoned funds (unclaimed checks or "tailings").
Action taken on 11/9/2011.

ARTICLE 9. Watershed Land Acquisition Shutesbury (Select Board)

VOTED unanimously to (1) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by purchase, gift, or eminent domain, for water supply protection and other similar purposes, two parcels of land in the Town of Shutesbury, one of which is located off West Pelham Road, contains 7.19 acres, more or less, is described in a deed recorded with the Franklin Registry of Deeds in Book 5455, Page 215, and is shown as "Parcel B" on a plan recorded in Plan Book 125, Page 38, and the other is located on Baker Road, contains 10.6 acres, more or less, is shown on the aforesaid plan, and is a portion of the property described in a deed recorded in 2894, Page 147; (2) appropriate \$120,000 for such acquisition, and, to meet such appropriation, transfer \$120,000 from the Water Fund Surplus; (3) authorize the Select Board, the Town Manager, and/or such other boards as may be appropriate, to apply for and accept gifts and grants of funds, including grants of reimbursement, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments to effectuate the foregoing acquisition.

Action taken on 11/9/2011.

ARTICLE 10. Watershed Land Acquisition Parcel II (Select Board)

VOTED unanimously to (1) authorize the Select Board, in its capacity as the Board of Water Commissioners, to acquire by purchase, gift, or eminent domain, for water supply protection and other similar purposes, a parcel of land in the Town of Pelham, which parcel is located off Boyden Road, contains 14 acres, more or less, is identified on Assessors Map 17 as Parcel 4, and described more particularly in a deed recorded with the Hampshire Registry of Deeds in Book 1928, Page 213; and (2) appropriate \$14,000 for such acquisition, and, to meet such appropriation, transfer \$14,000 from the Water Fund Surplus.

Action taken on 11/9/2011.

ARTICLE 11. Capital – Sewer Extension Project (Select Board)

VOTED by a declared two-thirds vote to appropriate \$4,200,000 to pay costs of designing, and constructing sewer lines, including the payment of all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Action taken on 11/9/2011.

ARTICLE 12. Pelham Road Bridge Replacement Project Easements (Select Board)

VOTED unanimously to authorize the Select Board to acquire by gift, purchase or eminent domain, for the purpose of repairing, improving or reconstructing Pelham Road and/or the bridge thereon, temporary and permanent construction easements in, on, and under the parcels of land shown on a plan entitled, "Plan and Profile of Bridge Preservation Project Pelham Road," prepared by AECOM Technical Services, on file with the Town Clerk.

Action taken on 11/9/2011.

ARTICLE 13. Snell Street Project Easements (Select Board)

VOTED unanimously to authorize the Select Board to acquire by gift, purchase or eminent domain, for the purpose of repairing, improving or reconstructing Snell Street and/or the bridge thereon, a temporary construction easement in, on, and under the parcels of land owned by Amherst College, located at Baker Street, identified on Assessors Map 14C as parcel 69 and shown on the plan entitled "Rehabilitation of Snell Street Pedestrian Bridge Amherst, MA.," dated October 3, 2011, prepared by Simpson Gumpertz & Heger on file with the Town Clerk.

Action taken on 11/9/2011.

ARTICLE 14. Atkins Corner Project Easements (Select Board)

VOTED unanimously to supplement the votes taken under Article 5 of the 2009 Annual Town Meeting and Article 3 of the November 8, 2010 Special Town Meeting, and authorize the Select Board to acquire, by gift, purchase, or eminent domain, for public way purposes in connection with the Atkins Corner intersection project, permanent easements in the properties identified below and shown on a plan entitled “Plan of land in the Town of Amherst Hampshire County Bay Road, West Bay Road and West Street Altered and laid out by the Town of Amherst,” dated May 2009, prepared by Foresight Surveying, on file with the Town Clerk.

<i>Owner</i>	<i>Address</i>	<i>Book and Page</i>
Atkins Peach-Berry Hill, Inc.	West Street	Book 4877, Page 321
Orchard Run Associates	West Street	Book 4886, Page 314
Hampshire College	West Street, Bay Road	Book 4600, Page 314, and Book 5374, Page 83
Seymour Epstein and Alice H. Epstein, Trustees of Balderwood Realty Trust	West Street	Book 4116, Page 321

Action taken on 11/9/2011.

ARTICLE 15. Boltwood Walk Sewer Relocation Project Easements (Select Board)

VOTED unanimously to authorize the Select Board to release a sewer easement on the parcel of land shown as “SE2” on a plan entitled “Easement Plan, Amherst (Hampshire Co.), MA,” dated January 9, 2001, prepared by Clough, Harbor & Associates LLP, Engineers, Surveyors, Planners & Landscape Architects, recorded with the Hampshire Registry in Plan Book 188, Page 58, which sewer easement was acquired by the Town pursuant to the instrument recorded with the Hampshire Registry of Deeds in Book 6158, Page 247, on such terms and conditions as the Select Board deems appropriate, and to authorize the Select Board to accept, as consideration for the aforesaid release, a sewer easement in the parcel of land shown as “New Sewer Easement” on a plan entitled “ Proposed Site Plan,” dated January 10, 2011, prepared by SVE Engineering Planning Landscape Architecture Surveying, which plans are on file with the Town Clerk.

Action taken on 11/9/2011.

ARTICLE 16. Zoning Bylaw – Official Zoning Map Conversion (Planning Board)

VOTED unanimously to amend Section 2.1, Zoning Map, of the Zoning Bylaw, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

SECTION 2.1 ZONING MAP

The location and boundaries of zoning districts shall be ~~shown on a map of the Town comprised of sheets numbered 1-B through 30-D at a scale of 1” = 200’ and 1” = 400’~~ and ***as delineated on the Town of Amherst Geographic Information Systems (GIS) map*** entitled ‘Official Zoning Map, Amherst, Massachusetts, May 1984 ***2011***,’ as amended. This map, including overlays ***districts***, shall be on file in the Town Clerk’s Office ***in electronic and hard-copy (paper) format with copies available upon request. The “Official Zoning Map” shall also be available for viewing on the Town of Amherst website.***

Said Zoning Map and amendments thereto as shall be duly adopted shall be considered an integral part of this Bylaw. *Amendments to zoning district boundaries adopted by action of Town Meeting shall be shown as amendments to this Map or shown on such other maps as may be incorporated as part of this Zoning Bylaw.*

Action taken on 11/9/2011.

ARTICLE 17. Zoning Bylaw – Village Center Re-Zoning (Planning Board)

The Planning Board made a motion in terms of the article except to change the permit requirement for townhouses (Section 3.322) in the NAVC and AC districts from SPR to SP.

Following the main motion Barbara Ford, town meeting member, called to divide Article 17 in order to consider the definitions of Town House (proposed Section 12.87) and Apartment (proposed Section 12.04) separately from the rest of the article.

The Moderator, in accordance with Section 3 of the Rules of Order for Town Meeting, allowed the division.

Having divided Article 17, and upon a motion made by Ms. Ford, town meeting:

VOTED unanimously to remove from the first sentence of the proposed definition of Apartments the phrase “where the majority of such units are designed and used for residential occupancy”.

Action taken 11/16/2011.

Having amended the language of the proposed definition town meeting further:

VOTED unanimously to amend Article 12 of the Zoning Bylaws by adding a definition of Apartment, and by amending the definition of Town House by deleting the ~~lined-out~~ language and adding the language in *bold italics* as follows:

12.04 *Apartment: A residential use consisting of one or more buildings, each building containing no fewer than three (3), nor more than twenty-four (24) dwelling units. Apartment dwelling units may share internal accessways and entrances and need not have separate exterior entrances on the ground level.*

12.87 *Town House: A residential use consisting of one or more buildings containing no fewer than ~~three~~ nor more than ten (10) attached dwelling units, each of which has a separate private entrance on the ground level and where no building which is no more than three stories in height. Individual town house dwelling units extend from foundation to roof, and may consist of more than one floor, with each unit having fully exposed walls on at least two sides for access, light, and ventilation.*

Action taken on 11/16/2011

The remainder of Article 17 was **DEFEATED Yes 119, No 79**, failing of a two-thirds majority.

The language of the original article was as follows:

To see if the Town will amend the Official Zoning Map for North Amherst Village and Atkins Corners, and amend the Zoning Bylaw, including Articles 2, 3, 5, 6, 7, 8, and 12, as well as Section 3.3, Use Classification and Standards (the Use Chart) and Table 3, Dimensional Regulations, and its footnotes, and to add a new Article 16, Form-Based Zoning. Pagination and enumeration shall be adjusted as needed. Deleted language is shown as ~~lined-out~~, with new language in *bold italics*, as follows:

A. Amend the Zoning Bylaw by adding a new Article 16.0 – Form Based Zoning, as follows:

ARTICLE 16.0 FORM-BASED ZONING

- 16.0 Statement of Public Purpose*
- 16.1 Base Zoning Districts and Overlay Districts*
- 16.2 Street Types*
- 16.3 Building Types and Site Dimensional Standards*
- 16.4 Development Standards for Sites and Buildings*
- 16.5 Public and Private Open Space Types*
- 16.6 Nonconforming Lots, Uses and Structures*
- 16.7 Off-Street Parking and Access Standards*
- 16.8 Landscaping, Screening and Lighting Standards*
- 16.9 Administration*

ATTACHMENT A containing New Article 16 – Form-Based Zoning is available for inspection at the offices of the Town Clerk and Planning Board

B. Amend Section 2.04 – Special Districts, by adding the North Amherst Village Center (NAVC) District and the Atkins Corners (AC) District, Village Form Residence Overlay District (R-VF), and Educational Form Overlay District (ED-F), as follows:

NAVC	<i>North Amherst Village Center</i>
AC	<i>Atkins Corners</i>
R-VF	<i>Village Form Residence Overlay District</i>
ED-F	<i>Educational Form Overlay District*</i>

**Note: This area in the AC District has not yet been rezoned to Education District.*

ATTACHMENT B containing Amendments to Article 2 – Zoning Districts (Section 2.04 Special Districts) is available for inspection at the offices of the Town Clerk and Planning Board.

C1.A Amend Section 3.21 – Educational District (ED) to establish form overlay district boundary as follows:

ATTACHMENT C1A – Amendments to Article 3 – Use Regulations (Section 3.21 – Education District) is available for inspection at the offices of the Town Clerk and Planning Board.

C1.B Amend Section 3.01 – Prohibited Uses – All Districts as follows:

ATTACHMENT C1B – Amendments to Article 3 – Use Regulations (Section 3.01 – Prohibited Uses – All Districts) is available for inspection at the offices of the Town Clerk and Planning Board.

C2. Amend Section 3.3 – Use and Classifications Standards by adding the NAVC and AC Districts and establishing allowable uses for each land use category, as follows:

ATTACHMENT C2 – Amendments to Article 3 – Use Regulations (Section 3.3 – Use and Classification Standards) is available for inspection at the offices of the Town Clerk and Planning Board.

D. Amend Article 5 – Accessory Uses in the following sections:

Section 5.0111 regarding Supplemental Apartment

Section 5.013 regarding Home Occupation

Section 5.041 regarding Seasonal Outdoor Dining, etc.

Section 5.042 regarding Live or Pre-Recorded Entertainment, etc.

Section 5.0430 regarding Drive-Through Facilities

Section 5.061 regarding Recreation Ways

Section 5.070 regarding Limited Manufacturing Activity

Section 5.081 regarding Licensed Day Care Facility

Section 5.090 regarding Farm Conference Center

Section 5.091 regarding Farm Stand Restaurant

ATTACHMENT D – Amendments to Article 5 – Accessory Uses is available for inspection at the offices of the Town Clerk and Planning Board.

E. Amend Section 6.1, Table 3 – Dimensional Regulations by adding new dimensional standards for the NAVC and AC Districts, as follows:

ATTACHMENT E – Amendments to Article 6 – Dimensional Regulations (Table 3) is available for inspection at the offices of the Town Clerk and Planning Board.

F. Amend Article 7 – Parking Regulations for the NAVC and AC Districts, as follows:

ATTACHMENT F – Amendments Article 7 – Parking Regulations (Section 7.9 Waivers) is available for inspection at the offices of the Town Clerk and Planning Board.

G. Amend Article 8 – Sign Regulations for the NAVC and AC Districts, as follows:

Section 8.101 regarding Numbers of Signs and Dimensions in the R-VF

Section 8.2 regarding signs in the AC and NAVC Districts

Section 8.24 regarding additional signs in the AC and NAVC Districts

Section 8.25 regarding additional signs in a National Historic Register District

ATTACHMENT G – Amendments to Article 8 – Sign Regulations is available for inspection at the offices of the Town Clerk and Planning Board.

H. Amend Section 12.0 – Definitions

ATTACHMENT H – Amendments to Article 12 – Definitions (Additional definitions related to Form-Based Zoning) is available for inspection at the offices of the Town Clerk and Planning Board.

I. Amend Official Zoning Map (Section 2.1) by adding the following districts and overlay districts as shown on Attachment I – Figures 1A and 1B.

NAVC North Amherst Village Center

AC Atkins Corners

R-VF Village Form Residence Overlay District

ED-F Educational Form Overlay District

ATTACHMENT I – Amendments to the Official Zoning Map (Section 2.1) is available for inspection at the offices of the Town Clerk and Planning Board.

Action taken on 11/16/2011.

**ARTICLE 18. Resolution Regarding a Committee on Homelessness (Committee on Homelessness)
DEFEATED Yes 60, No 65** *[To see if the Town will vote to adopt the following Resolution:*

WHEREAS, since its establishment in the fall of 2007 by the Select Board, the Committee on Homelessness has assisted the Town in achieving significant progress in its efforts to prevent and end homelessness in Amherst; and

WHEREAS, in 2007, immediately following the establishment of the Committee on Homelessness, three of its members participated in a series of regional meetings that produced the report “All Roads Lead Home, The Pioneer Valley’s Plan to End Homelessness”; and

WHEREAS, in 2008, the Committee on Homelessness worked with the Town to secure motel rooms for the homeless during the coldest nights of the New England winter; and

WHEREAS, in 2009, Committee on Homelessness worked with the Town to establish a seasonal warming place, which provided nighttime shelter, hot meals, and outreach and referral services for the homeless; and

WHEREAS, in 2010, the Committee on Homelessness worked with the Town to establish a full-fledged and state-approved emergency shelter at the site of the former warming place, with improved safety measures; and

WHEREAS, in 2011, the Committee on Homelessness proposed and successfully advocated for the inclusion of housing units for the homeless and those of extremely low income in the affordable housing development planned for Olympia Drive; and

WHEREAS, the Committee on Homelessness has assisted the Town in securing state approval of hundreds of thousands of dollars in CDBG funding to improve the lives of the homeless in Amherst; and

WHEREAS, the Committee on Homelessness has assisted the Town to better safeguard the well being of homeless shelter guests by successfully advocating for the development of a protocol for sheltering during extreme weather, a shelter guest grievance policy, and a more enlightened shelter admission policy that addresses the heightened needs of female, elderly, and frail homeless individuals; and

WHEREAS, because the shelter’s state-issued occupancy permit is scheduled to expire at the end of the 2012-2013 shelter season, the Committee on Homelessness has assisted the Town in locating and securing a permanent site for the shelter; and

WHEREAS, because of the absence of permanent supportive housing for the 16-20 chronically homeless individuals of Amherst estimated in 2009, the Committee on Homelessness had been collaborating with the Town to develop a goal in the Housing Production Plan of creating enhanced single room occupancy units to address this unmet housing need; and

WHEREAS, the Committee on Homelessness proposed, produced, and has distributed more than 1000 copies of a local Resource Guide for the poor and homeless in Amherst, presently in its third edition; and

WHEREAS, the Committee on Homelessness routinely conducted its business in a manner consistent with the Open Meeting law, including posting its meeting agendas and minutes in a timely manner, and has among the most detailed and thorough meeting minutes of all Town boards and committees; and

WHEREAS, unlike all other Town committees and boards, the Committee on Homelessness addresses housing issues that are unique to the poor and homeless among us who, often because they do not meet minimum income thresholds, do not qualify for affordable housing;

WHEREAS, in light of the significant amount of work yet to be done to secure a permanent home for our homeless shelter, additional housing for individuals of very low and extremely low income, and 16-20 units of permanent supportive housing for the chronically homeless among us;

***WHEREAS**, in September of 2011, believing its mission could better be achieved by a new committee, the Select Board dissolved the Amherst Committee on Homelessness; now, therefore, be it*

***RESOLVED**, that Town Meeting hereby calls for the establishment of a Committee on Homelessness that shall:*

- *Participate in local and regional discussions to prevent and end homelessness;*
- *Provide recommendations to the Select Board and Town Manager on the best known practices to prevent and end homelessness, and assist the Town and Town Manager in implementing those practices; and*
- *Assist the Town in securing a permanent site for the Town's homeless shelter, permanent supportive housing for the chronically homeless, and permanent housing for those of very low and extremely low income; and*

*Be it further **RESOLVED**, that the Committee on Homelessness shall consist of seven members appointed by the Select Board for terms of three years, among them, to the extent possible, members who have experience working with the homeless and two members who are homeless or have a history of homelessness.]*

Action taken on 11/9/2011

At 10:26 p.m. on November 9, 2011, town meeting voted to adjourn to Wednesday, November 16, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 147 town meeting members were checked in.

There were 248 town meeting members; 125 town meeting members constitute a quorum. The Constable reported a quorum at 7:40 p.m. and the November 16, 2011 session of the November 7, 2011 Special Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 7:42 p.m.

Town Meeting resumed with discussion of Article 17.

The business of the warrant having been completed, at 10:25 p.m. the meeting voted to dissolve. 205 town meeting members were checked in.

Attest:

Sandra J. Burgess

Town Clerk