

Results
SPECIAL TOWN MEETING
November 28, 2007

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 7:44 p.m. There were 247 town meeting members. 124 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

James W. Pistrang, Nonny Burack, Hilda B. Greenbaum, James E. Scott, Jeffrey C. Lee and Nancy M. Gordon were sworn in as tellers.

ARTICLE 1. Office Uses (Planning Board)

VOTED to amend Section 3.3, Footnote f. of Table 3, Dimensional Regulations, and Sections 7.104, 10.38, and 11.24 of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A **VOTED unanimously, as amended**, to amend the second paragraph of Section 7.104, and Sections 10.392, 10.393, 11.2414 and 11.2417, as follows:

7.104

Driveways shall be located and designed so as to minimize conflict with traffic and provide clear visibility and sight distances for the observation of approaching pedestrian and vehicular traffic. ***The design and layout of driveways and circulation serving parking areas of 5 or more spaces shall prevent vehicles from backing into a street in order to exit the site. Circulation design, layout, and signs associated with non-residential uses shall direct exiting vehicles in a safe and convenient manner toward main thoroughfares and away from secondary streets passing through adjacent residential neighborhoods.*** No portion of the driveway at the edge of the street pavement shall be closer than 75 feet from an intersection, unless allowed by the ***Special Permit Granting Authority or Ppermit Granting Board***.

10.392

The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. ***When a non-residential use adjoins a residential district, an uninterrupted vegetated buffer shall, to the extent feasible, be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries. Where natural, undisturbed vegetation already exists on-site prior to site preparation and clearing, the majority of that vegetation may be retained and included as part of the buffer, along with the addition of such new plantings, selective removals, and other management of site plantings as are determined to be necessary to maintaining an effective year-round visual screen. See Section 11.3.***

10.393

The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of

cut-off luminaries, light shields, lowered height of light poles, screening, or similar solutions. *Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved site management plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.*

11.2414 Provision of adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. *When a non-residential use adjoins a residential district, an uninterrupted vegetated buffer shall, to the extent feasible, be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries. Where natural, undisturbed vegetation already exists on-site prior to site preparation and clearing, the majority of that vegetation may be retained and included as part of the buffer, along with the addition of such new plantings, selective removals, and other management of site plantings as are determined to be necessary to maintaining an effective year-round visual screen. See Section 11.3.*

11.2417 Protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and building exterior lighting, through the use of cut-off luminaries, light shields, lowered height of light poles, screening or similar solutions. *Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting lot property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved site management plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.*

B VOTED unanimously to amend Footnote f. of Table 3, Dimensional Regulations, as follows:

- f. *Except as may be otherwise provided for specific uses, rear and side yards shall be at least 50 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards shall be at least 10 feet.*

C VOTED by a declared two-thirds to combine and amend Sections 3.358 and 3.359 as follows, renumbering the remaining sections accordingly:

3.358 *Office Uses*

3.358.0 Bank, loan agency, real estate, insurance or other business or professional office providing services to the public in person on the premises.

R-0

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

N N N N N SPR SPR SPR SPR SPR N N N

3.358.1 *Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services predominantly by appointment to the public in person on the premises.*

R-0

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

N N SP N N SPR SPR SPR SPR SPR N SPR N

Standards & Conditions

For the purposes of this section, the public shall be defined as including all persons acting as customers or clients receiving services. "Predominantly by appointment" shall mean that a majority of customers or clients who are provided services in person on the premises during any extended period of operation (monthly, quarterly, or annually) shall do so through prior appointment. Exceptions shall be discretionary follow-up visits by customers or clients with regard to services already provided, visits by affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. Office uses under this section shall advertise their on-premises services as being available to the general public only by appointment.

3.358.2 *Administrative business office or similar Bbusiness or professional office not providing services to the general public in person on the premises.*

R-0

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

N N SP N N SPR SPR SPR SPR SPR SPR SPR N

For the purposes of these sections, the public shall be defined as including all persons acting as customers or clients. Exceptions shall be affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. No office use under section shall advertise its services as being available to customers and clients on the premises. Services shall be advertised as being available exclusively by telephone, mail, on-line, or other remote means.

[For Sections 3.358.1 and 3.358.2, inclusive]

In the PRP District, uses under these sections shall be located on parcels served by town water and sewer. Notwithstanding the provisions of footnote f., of Table 3, Dimensional Regulations, when a use under these sections is located on a property adjoining a residential district, a minimum 50-foot uninterrupted vegetated buffer shall be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries. When the Special Permit Granting Authority or Permit Granting Board determine that an increased buffer is warranted and the subject property and site layout allow, a vegetated buffer of up to 100 feet in width may be required. Said buffer may include any drives or roadways.

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for ***an office use under Sections 3.358.1 or 3.358.2*** ~~professional or office uses not dealing directly with the general public. The Zoning Board of Appeals may grant a Special Permit~~ providing it finds that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed office use meets the following conditions:

1. Is located on the ground floor only, and occupies no more than 50 percent of the gross floor area of the structure, exclusive of storage space.
2. Shall be allowed only as a second Principal use, where the first Principal use is a residential use ~~consisting of one dwelling unit.~~
3. Shares a property line with or is adjacent to another property with a similar use permitted under this section or a property in the B-L, B-VC or COM districts.
4. Employs no more than ***3 persons (for a Section 3.358.1 office) or 5 persons (Section 3.358.2)*** who work on-site, ***other than residents of the property.***
5. Where located in an existing building, the residential character of the structure and site shall be maintained.

Action taken 11/28/2007

The business of the warrant having been completed, the meeting voted to dissolve at 8:43 p.m. on Wednesday, November 28, 2007. 176 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk