

**RESULTS**  
**ANNUAL TOWN MEETING**  
**April 30, May 2, 7, 9, 14, 16, and 2012**

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

The 254th Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:47 p.m. There were 242 town meeting members. 122 checked in and a quorum was declared. The call and the return of the warrant was read by Town Clerk, Sandra J. Burgess.

The Town Moderator was sworn to the faithful performance of his duties. The Moderator swore in newly elected and re-elected town meeting members.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of those town meeting members who had passed away, including Stephen Puffer, Seymour Friedman, and Howard Ziff.

The Moderator congratulated Mr. Lawrence O'Brien, and Mr. Amilcar Shabazz on their election to the School Committee; Mr. Austin Sarat, Ms. Tamson Ely and Mr. Carl Erickson to the Library Trustees, and Mr. Aaron Hayden on his re-election to the Select Board.

The Moderator recognized Select Board member Diana Stein for a statement.

Ms. Stein thanked the dedicated volunteers who serve the town on boards, committees, and commissions. Ms. Stein said the Select Board would begin making appointments to fill vacancies in June and encouraged people who were interested to submit a Citizens Activity Form.

The Moderator recognized Ms. Alice Swift, Town Meeting Member in Precinct 7 for a procedural motion.

Ms. Swift made a motion to consider Article 28 on Monday May 7 at 7:30 p.m. The motion was seconded. Town Meeting voted to consider Article 28 on Monday, May 7 at 7:30 p.m.

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

**VOTED** 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 4/30/12

*Katherine Appy gave a report for the Regional School District Planning Committee, and Margaret Roberts reported on behalf of the Town Meeting Coordinating Committee.*

**ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)**

**VOTED to dismiss.**

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

Action taken 4/30/12.

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

**VOTED unanimously** to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

Action taken 4/30/12

**ARTICLE 4. Authorization for Compensating Balances (Select Board)**

**VOTED** to accept the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

Action taken on 4/30/2012.

**ARTICLE 5. Street Acceptance – Sunrise Avenue (Select Board)**

**VOTED unanimously** that the Town accept as a town way Sunrise Avenue, as heretofore laid out by the Select Board and shown on a plan of land entitled "Sunrise Ave Street Acceptance," dated April 20, 2012, prepared by Amherst Department of Public Works Engineering Department, on file with the Town Clerk, and authorize the Select Board to take by eminent domain, to purchase or otherwise acquire the fee or an easement in said roadway, and drainage, utility and/or other related easements.

Action taken 4/30/12.

## **ARTICLE 6. Street Acceptance – Altered Layout of University Drive (Select Board)**

**VOTED** by a declared two-thirds vote to accept as a town way the altered layout of University Drive, as heretofore altered and laid out by the Select Board and shown on a plan of land entitled “Right of Way – Property Plan University Drive Route 9 to Big Y , Amherst, MA”, prepared by Stantec Consulting Services, Inc., Northampton, MA, on file with the Town Clerk, and authorize the Select Board to take by eminent domain, to purchase or otherwise acquire the fee or an easement in said roadway, and drainage, utility and/or other related easements.

Action taken 4/30/12.

## **ARTICLE 7. Sewer Easements – Harkness Road Project (Select Board)**

**VOTED** to authorize the Select Board to acquire by purchase, gift or eminent domain, easements for the construction of a sewer main, drainage and general utility purposes on portions of properties in the vicinity of the Harkness Road Sewer Project.

Action taken 4/30/12.

## **ARTICLE 8. FY 2012 Budget Amendments (Finance Committee)**

**A.**

**VOTED unanimously** to amend the action taken under Article 14 of the 2011 Annual Town Meeting Fiscal Year 12 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for the following accounts by \$102,100: Public Safety by \$82,000; Community Services by \$20,100 and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for General Government by \$102,100.

Action taken 4/30/12.

**B.**

**VOTED unanimously** to appropriate and transfer \$91,508 from Free Cash in the Undesignated Fund Balance of the General Fund to the Health Claims Trust Fund to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

Action taken 4/30/12.

**C.**

**VOTED** to appropriate and transfer \$426,206 from Free Cash in the Undesignated Fund Balance of the General Fund to the Reserve Fund for the purpose of paying the costs associated with the October 2011 snowstorm and related tree damage clean-up costs.

Action taken 4/30/12.

## **ARTICLE 9. Retirement Assessment (Select Board)**

**VOTED unanimously** to raise and appropriate \$3,468,324 for the Hampshire County Retirement System assessment.

Action taken 4/30/12.

## **ARTICLE 10. Regional Lockup Assessment (Select Board)**

**VOTED** to raise and appropriate \$31,323 for the Hampshire County Regional Lockup Facility assessment.

Action taken 4/30/12.

## **ARTICLE 11. Amherst-Pelham Regional School District Assessment Method (Amherst-Pelham Regional School Committee)**

**VOTED unanimously** to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2013 as required by Section VI of the Regional Agreement.

Action taken 4/30/2012.

## **ARTICLE 12. FY 2013 Operating Budget (Finance Committee)**

### **DEBT SERVICE**

**VOTED unanimously** to appropriate \$1,827,368 for payment of the Town’s General Fund indebtedness, and to meet such appropriation \$1,619,737 be raised by taxation, \$123,833 be appropriated and transferred from Community Preservation Fund annual revenues, and \$83,798 be appropriated from the Fund Balance Reserved for Debt Service Account.

Action taken 4/30/2012.

### **LIBRARY SERVICES**

**VOTED unanimously** to approve the Library Services operating budget of \$2,272,830, and that the Town raise and appropriate \$1,690,789 as its share of that budget.

Action taken 4/30/2012.

## **ELEMENTARY SCHOOLS**

**VOTED unanimously** to raise and appropriate \$21,558,039 for the Amherst Elementary Schools.  
Action taken on 4/30/2012.

The Moderator recognized Select Board Chair, Stephanie O'Keeffe for a motion.

Ms. O'Keefe made a motion to consider the Regional Schools Budget.  
Motion was defeated.

At 10:13 p.m. on April 30, 2012, the meeting voted to adjourn to Wednesday, May 2, 2012 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 205 town meeting members were checked in.

There were 242 town meeting members; 122 town meeting members constitute a quorum. The Constable reported a quorum at 7:42 p.m. and the May 2, 2012 session of the April 30, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg at 7:48 p.m.

Mr. Jonathan O'Keeffe, Planning Board Chair made a motion to consider Articles 24 and 25 at 7:30 p.m. on Wednesday, May 9, 2012. The motion was seconded and carried.

## **REGIONAL SCHOOLS**

**VOTED** to approve the Amherst-Pelham Regional School District operating and capital budget of \$28,527,558 and that the Town raise and appropriate \$13,796,524 as its share of that budget.  
Action taken on 5/2/12.

Town Manager John Musante presented a report prior to discussion on the General Government portion of the budget.

## **CONSERVATION AND DEVELOPMENT**

**VOTED unanimously** to raise and appropriate \$927,560 for Conservation and Development.  
Action taken on 5/2/2012.

Hilda Greenbaum, Nancy Gordon, James Pistrang, Nonny Burack, James Scott, and Robert Kusner were sworn in as tellers.

## **COMMUNITY SERVICES**

A.

**VOTED** to raise and appropriate \$1,692,882 for Community Services.  
Action taken on 5/2/2012.

*(Two motions were made to increase the Human Services portion of the Community Services budget; Kevin Eddings by \$66,000, and Gerald Weiss by \$26,000. In accordance with Sec. 7 of Article 1 – The Town Government – Rules of Order for Town Meeting, Town Meeting voted on the Eddings amendment first. The motion was defeated by a Tally Vote; Yes 67, No 111. The Weiss amendment was defeated by a Tally Vote; Yes 78, No 100.)*

At 10:11 p.m. on May 2, 2012, the meeting voted to adjourn to Monday, May 7 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 187 town meeting members were checked in.

There were 245 town meeting members; 123 town meeting members constitute a quorum.  
The Constable reported a quorum at 7:40 p.m. and the May 7, 2012 session of the April 30, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 7:41 p.m.

Mr. Gregg asked town meeting to rise and observe a moment of silence in memory of Diane Westfall who passed away on May 2.

Town Meeting resumed with discussion of Article 28 per vote taken on April 30, 2012.  
Town Meeting continued with Motion B under Community Services.

B.

**VOTED unanimously** to establish a revolving fund pursuant to M.G.L. Ch. 44, §53E½ for the operation of an After School Program from which the receipts shall be credited for expenditure by the LSSE department as authorized by the Department Head of the LSSE or his/her designee for supplies and services, including salaries and benefits of staffing, and related administrative costs for the program operation with a limit of \$400,000 that may be expended from said revolving fund in the fiscal year which begins on July 1, 2012.

Action taken on 5/7/12.

## **PUBLIC SAFETY**

**VOTED unanimously** to appropriate \$8,877,651 for Public Safety and that to meet such appropriation \$6,689,975 be raised by taxation and \$2,187,676 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 5/7/12.

## **PUBLIC WORKS**

**VOTED unanimously** to raise and appropriate \$1,996,684 for Public Works.

Action taken on 5/7/12.

## **GENERAL GOVERNMENT**

**VOTED unanimously** to \$6,088,418 for General Government, that the salary of the Moderator be fixed at \$100, that of the Select Board at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation, \$5,985,066 be raised by taxation and \$103,352 be transferred from the Ambulance Receipts Reserved For Appropriation Account.

Action taken on 5/7/12.

## **WATER FUND**

**VOTED unanimously** to appropriate \$3,498,354 for the Water Fund and that to meet such appropriation \$3,498,354 be made available from Water Fund revenues of the current year.

Action taken on 5/7/12.

## **SEWER FUND**

**VOTED unanimously** to appropriate \$3,652,855 for the Sewer Fund and that to meet such appropriation \$3,410,187 be made available from Sewer Fund revenues of the current year and \$242,668 be transferred from Sewer Fund Surplus.

Action taken on 5/7/12.

## **SOLID WASTE FUND**

**VOTED unanimously** to appropriate \$549,855 for the Solid Waste Fund and that to meet such appropriation \$496,800 be made available from Solid Waste Fund revenues of the current year and \$53,055 be transferred from Solid Waste Fund Surplus.

Action taken on 5/7/12.

## **TRANSPORTATION FUND**

**VOTED unanimously** to appropriate \$984,383 for the Transportation Fund and that to meet such appropriation \$884,165 be made available from Transportation Fund revenues of the current year and \$100,218 be transferred from Transportation Fund Surplus.

Action taken on 5/7/12.

## **ARTICLE 13. Petition Article – Restoration of Human Services (Kevin Eddings et al)**

**VOTED to Dismiss.**

Action taken on 5/7/12.

*[To see if the Town will support the restoration of a line item for Human Services in the FY 2013 budget at the FY 2008 level of funding (\$66,000).]*

## **ARTICLE 14. Reserve Fund (Finance Committee)**

**VOTED unanimously** to raise and appropriate \$100,000 for the Reserve Fund for FY 2012.

Action taken on 5/7/12.

## **ARTICLE 15. Capital Program – Chapter 90 (Joint Capital Planning Committee)**

**VOTED unanimously** to authorize the expenditure of the sum of \$500,000 of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

Action taken on 5/7/12.

## **ARTICLE 16. Capital Program – Equipment (Joint Capital Planning Committee)**

**VOTED** to appropriate \$1,213,804 to purchase, repair, and/or install new or replacement equipment and that to meet such appropriation \$925,804 be raised by taxation, \$255,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account, and \$33,000 be transferred from the Fund Balance Reserved for Capital account.

Action taken on 5/7/12.

*[Kevin Noonan made a motion to decrease the total appropriation by \$20,000 by eliminating the amount recommended for security cameras for the Jones Library building. The Moderator, not wanting to come to a final vote until Town Meeting had the opportunity to discuss all the items to be funded under Article 16, called for a vote on whether or not to amend the bottom line. The Rules of*

*(Order for Town Meeting, Section 7, requires that a vote taken on an article when two or more motions are made with regard to the same subject relating to sums of money, that the question shall first be put upon the largest sum. Therefore, Town Meeting had to vote on the amount recommended by the Joint Capital Planning Committee rather than on the amendment. Town Meeting voted on the JCPC recommended amount and therefore the vote to amend failed by default. After continued discussion Town Meeting came to a final vote on Article 16 and in accordance with said section voted first on the motion for the higher amount. Motion carried.)*

At 10:02 p.m. on May 7, 2012, the meeting voted to adjourn to Wednesday, May 9, 2012 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 182 town meeting members were checked in.

There were 245 town meeting members; 123 town meeting members constitute a quorum. The Constable reported a quorum at 7:37 p.m. and the May 9, 2012 session of the April 30, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 7:40 p.m.

Town Meeting resumed with Article 24 as voted by town meeting on May 2, 2012.

There were 247 town meeting members; 124 town meeting members constitute a quorum. The Constable reported a quorum at 7:43 p.m. and the May 16, 2012 session of the May 16, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 7:45 p.m.

Town Meeting resumed with Article 17. Jeffrey Lee was sworn in as teller.

**ARTICLE 17. Capital Program – Buildings & Facilities (Joint Capital Planning Committee)**

**VOTED** to raise and appropriate \$368,396 to repair and/or improve buildings and facilities.

Action taken on 5/16/12.

*(Motions were made by James Perot to reduce the appropriation by \$40,000 and by Vincent O'Connor to reduce the appropriation by \$80,000. The Moderator, not wanting to come to a final vote until Town Meeting had the opportunity to discuss all the items to be funded under Article 17, called for a vote on whether or not to amend the bottom line. The Rules of Order for Town Meeting, Section 7, however, requires that a vote taken on an article when two or more motions are made with regard to the same subject relating to sums of money, that the question shall first be put upon the largest sum. Therefore, Town Meeting had to vote on the amount recommended by the Joint Capital Planning Committee rather than on the amendments. Town Meeting voted Yes 101, No 55 on the JCPC recommended amount and therefore the votes to amend failed by default. After continued discussion Town Meeting came to a final vote on Article 17 and in accordance with said section voted first on the motion for the higher amount. Motion carried.)*

**ARTICLE 18. Capital Program – Debt (Joint Capital Planning Committee)**

**VOTED** by a declared two-thirds vote to appropriate \$1,071,000 for the following purposes:

- A. \$612,000 for the purchase and planting of trees and equipment related thereto, and for making other public works improvements, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- B. \$150,000 for the purchase of a large truck for the Public Works Department, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- C. \$184,000 for making repairs to the Amherst Central Fire Station, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- D. And \$125,000 for purchasing police communications equipment, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Action taken on 5/16/12.

## **ARTICLE 19. Capital Program – Debt Rescission (Select Board)**

**VOTED unanimously** to rescind the \$80,000 unissued amount that was authorized to be borrowed by a vote of the Town passed at the Special Town Meeting held on November 5, 2007 (Article 5), as amended by a vote of the Town passed at the 2008 Annual Town Meeting held on April 28, 2008 (Article 17(C)), for the acquisition of portable classrooms to be used at the Mark's Meadow school facility but which is no longer needed for the purpose for which it was initially approved.

<u>Authorizing Vote</u>	<u>Amount</u>	<u>Borrowed</u>	<u>Rescission</u>
Nov. 5, 2007	\$195,000		
April 28, 2008	\$105,000		
Total	\$300,000	\$220,000	\$80,000

Action taken on 5/16/12.

## **ARTICLE 20. Capital Program – Debt Repurpose (Select Board)**

**VOTED unanimously** to appropriate the following unexpended amounts of money that were initially borrowed to finance capital projects that are now complete, and for which no further liability remains, to pay a portion of the costs of repairs to the sidewalks at Bangs Community Center authorized by Article 18 of the *Annual Town Meeting* May 18, 2011 and to reduce by a like amount the portion of the Bangs Community Center project funding to be raised by taxation, as permitted by MGL Chapter 44, Section 20:

<u>Original</u>	<u>Borrowed</u>	<u>Unexpended</u>	<u>Repurpose</u>
Portable Classrooms	\$220,000	\$6,261.96	Sidewalk repair
STM Nov. 5, 2007 and ATM April 28, 2008			

Action taken on 5/16/12.

## **ARTICLE 21. Community Preservation Act (Community Preservation Act Committee)**

A

**VOTED unanimously** to appropriate a sum of \$384,000 for Community Preservation Act Purposes as recommended by the Community Preservation Act Committee and that the following amounts (items 1- 7) be appropriated from Community Preservation Act Fund Estimated Revenues:

<b>Project</b>	<b>Total Appropriation</b>	<b>Source of Appropriation</b>
<b>AFFORDABLE HOUSING</b>		
1 Habitat for Humanity Belchertown Road Site Improvement	\$20,000	
2 HAP Olympia Drive Project General Construction	\$250,000	
<b>Total Affordable Housing</b>	<b>\$270,000</b>	<b>FY13 Estimated Revenues</b>
<b>HISTORIC PRESERVATION</b>		
3 Amherst Historical Society Roof Repair	\$25,000	
4 Amherst Historical Society Database	\$22,000	
5 West Cemetery Fencing for Dickinson Plot	\$40,000	
<b>Total Historic Preservation</b>	<b>\$87,000</b>	<b>FY13 Estimated Revenues</b>
<b>Open Space</b>		
6 Surveys & Appraisals	\$25,000	
<b>Total Open Space</b>	<b>\$25,000</b>	<b>FY13 Estimated Revenues</b>
<b>ADMINISTRATIVE</b>		
7 To fund CPAC Administrative Expenses.	\$2,000	
<b>Total Administrative</b>	<b>\$2,000</b>	<b>FY13 Estimated Revenues</b>
<b>Total for Article</b>	<b>\$384,000</b>	

Action taken on 5/16/12.

**B**

**VOTED** to appropriate a sum of \$200,000 for Community Preservation Act purposes recommended by the Community Preservation Act Committee and that the following amount be appropriated from Community Preservation Act Fund Balance as a “Budgeted Reserve”

Action taken on 5/16/12.

**C**

**VOTED unanimously** to appropriate the sum of \$25,000 from Community Preservation Fund estimated revenues for the purpose of acquiring a conservation restriction on two parcels of land in North Amherst, which parcels are shown on Assessors Map 5C as Parcels 28 and 151, located on North Pleasant Street, and are portions of the premises in deeds recorded with the Hampshire Registry of Deeds in Book 8351, Page 91 and Book 8788, Page 122; and further, to authorize the Select Board to acquire said restriction by gift, purchase, or eminent domain, to be held by the Conservation Commission in accordance with Chapter 40, Section 8C of the General Laws; and further, to authorize the Town Manager and/or the Conservation Commission or their designee to seek and file on behalf of the Town any and all applications deemed necessary for grants under which this conservation restriction acquisition may be eligible for funding and to accept said grants; and further, to authorize the Select Board, the Town Manager, and/or the Conservation Commission to enter into any and all agreements, and execute any and all instruments, as may be necessary or appropriate to effectuate the foregoing acquisition.

Action taken on 5/16/12.

**ARTICLE 22. Free Cash (Finance Committee)**

**VOTED unanimously** to appropriate and transfer from Free Cash in the Undesignated Fund Balance of the General Fund the sum of \$218,200 to balance the FY 13 Fiscal Year Budget.

Action taken on 5/16/12.

**ARTICLE 23. Stabilization Fund (Finance Committee)**

**VOTED unanimously to DISMISS.**

*[To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2013 Budget.]*

Action taken on 5/16/12.

**ARTICLE 24. Zoning – Form Based Zoning and Atkins Corners Rezoning (Planning Board)**

**DEFEATED Yes 131, No 78**

*[To see if the Town will vote to amend the Zoning Bylaw and Official Zoning Map as shown in the document “Town of Amherst, Village Center Form-Based Zoning,” as follows:*

*Add Form-Based Design Regulations*

1. *To add a new Article 16, Form-Based Regulations, excluding all regulations specific to Atkins Corners and North Amherst village centers, and to amend Sections 3.01 and 5.061, and Articles 7 and 12.*

*Add Form-Based Design Regulations for Atkins Corners*

2. *To add those regulations under Article 16, Form-Based Regulations, specific to zoning districts and overlay districts in Atkins Corners village center, and to amend Articles 2, 3, 5, 6, 7, 8, 12 and 16, as well as Section 3.3, Use Classification and Standards (Use Chart), and Table 3, Dimensional Regulations, including all amendments specific to the Atkins Corners village center.*

*Add Atkins Corners zoning districts to Official Zoning Map*

3. *To amend zoning district boundaries as shown on Figure 1A for the Atkins Corners village center.]*

Action taken on 5/9/2012.

(Town Meeting Member Janet Chevan moved to amend Article 24 by removing the southeast segment bordering on Bay Road and Route 116 from the Atkins corner zone and restoring it to its currently existing zone as shown in the area outlined on the map displayed on the screen at Town Meeting and not labeled #2. Motion was defeated. Ms. Chevan then moved to amend Art. 24 to restore the Applewood PURD. Motion was defeated.)

At 10:13 p.m. on May 9, 2012, the meeting voted to adjourn to Monday, May 14, 2012 at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 213 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 May 14, 2012 session of the April 30, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 8:02 p.m.

## **ARTICLE 25. Zoning – Form Based Zoning and North Amherst Rezoning (Planning Board) DEFEATED Yes 137: No 73**

[To see if the Town will vote to amend the Zoning Bylaw as shown in the document “Town of Amherst, Form-Based Zoning,” as follows:

Add Form-Based Design Regulations

1. To add a new Article 16, Form-Based Regulations, excluding all regulations specific to Atkins Corners and North Amherst village centers, and to amend Sections 3.01 and 5.061, and Articles 7 and 12.

Add Form-Based Design Regulations for North Amherst village center

2. To add those regulations under Article 16, Form-Based Regulations, specific to North Amherst village center, and to amend Articles 2, 3, 5, 6, 7, 8, 12 and 16, as well as Section 3.3, Use Classification and Standards (Use Chart), and Table 3, Dimensional Regulations, all, including all amendments specific to North Amherst village center.

Add North Amherst village center zoning districts to Official Zoning Map

3. To amend zoning district boundaries as shown on Figure 1B for North Amherst village center.]

Action taken on 5/14/2012.

(Town Meeting Member Nolan Anaya made a motion to have those areas proposed under Article 25 as NAVC and RLD-FC west of Sunderland Road and north of the Mill River remain COM as shown on the map on the screen, retaining the small section of NAVC/FC on the northeast corner of the Swartz Farm and to remove the following three properties from the proposed R-VC/R-VF zoning along Montague Road, keeping them as R-N zoning:

- The area around 134 Montague Road (Cowls homestead) at the corner of Montague Road and Cowls Road
- The property at 85 Montague Road (5A-104)
- The property at 65 Montague Road (5A-76) all as shown on the screen.

The motion to amend was carried.

Vote on Article 25 as amended failed to obtain the required two-thirds vote.)

At 10:13 p.m. on May 14, 2012, the meeting voted to adjourn to Wednesday, May 16, 2012 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 214 town meeting members were checked in.

## **ARTICLE 26. Zoning Amendment – Residential Parking Design Regulations (Planning Board)**

**VOTED Yes 106 No 35** to amend Sections 7.00 and 7.1 of the Zoning Bylaw, as follows:

- A. Amend Section 7.00 by reorganizing sentences, deleting the ~~lined-out~~ language, and adding the language in ***bold italics***, as follows:

7.00 In all districts except Educational Districts, off-street parking spaces shall be provided and maintained in connection with the construction, conversion or increase in *dwelling* units or dimensions of buildings, structures or use. *The provisions of this section shall apply to parking spaces for cars, vans, light trucks, and similar vehicles used predominantly for personal transportation. Parking for commercial vehicles or vehicles used for private or public transit shall be governed under the provisions of Sections 7.1, 7.3 and 7.5. Such Except as may be required otherwise by the Permit Granting Board or Special Permit Granting Authority, as applicable, parking spaces to shall be provided in at least the following minimum amounts.*

7.000 For dwellings, including apartments:

**7.0000** Two (2) parking spaces for each dwelling unit.

**7.0001** *Parking spaces for cars or similar vehicles parked in the front set back shall be on a paved surface such as concrete, bituminous asphalt, masonry pavers, oil and stone, gravel, trap rock, or a similar material (see Section 7.101).*

**7.0002** *In any residential district, There shall be a maximum of two (2) cars or similar vehicles allowed to be parked in the front setback of any property. Parking in the front setback shall be on paved surfaces only. Where five (5) or more cars are regularly parked on a given property in association with a residential use, parking in the front setback shall be designed so as to ensure free passage at all times for regular users and unrestricted access for emergency vehicles.*

- B. Amend Section 7.1 by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, by adding a new Section 7.100, and by renumbering the remaining sections accordingly, as follows:

## **SECTION 7.1 DESIGN STANDARDS AND LANDSCAPE STANDARDS**

The purposes of these design and landscaping requirements are to provide for: the safe and efficient flow of pedestrian and vehicular traffic; the separation of parking areas from abutting streets; visual relief from expanses of unbroken blacktop and vehicles; proper drainage and snow removal; and general visual enhancement of parking areas. Residential uses of four or fewer units shall be exempt from Sections **7.100** **7.102** and **7.104** **7.103**.

### **7.10 Design Standards**

#### **7.100 For new or altered parking areas consisting of a total of five (5) or more parking spaces, where no Special Permit or Site Plan Review approval is required:**

**7.1000 Parking Plan Required:** *An accurate scaled site plan shall be submitted to the Building Commissioner demonstrating compliance of the proposed parking with this Bylaw with respect to driveways, grading, slope, drainage, design, setbacks, layout, location on the site, circulation, lighting, landscaping, and other pertinent features.*

**7.1001 Waiver or Modification:** *Where not otherwise provided for under Section 7.90 or other sections of the Bylaw, any provision of Section 7.1 may be waived or modified by the Building Commissioner for compelling reasons of safety or design, except that no such administrative waiver or modification may be granted for maximum lot coverage.*

#### **7.101 Paving:** *For the purposes of this bylaw, a paved parking surface shall be considered to be one which has a prepared subgrade and compacted gravel base with a minimum total 12 inch depth, appropriate grading and drainage, and which is surfaced with a minimum 2 inch top coat of concrete, asphalt, masonry pavers, oil and stone, gravel, trap rock, or similar material, as approved or modified by the Town Engineer. To the extent feasible, permeable or porous paving shall be employed in new construction or site renovations or improvements.*

#### **7.102 Slope:** Parking areas used for parking and vehicle maneuvering shall have grades not to exceed five percent slope.

Driveways used exclusively for ingress or egress or interior parking lot circulation shall have slopes not exceeding 12 percent except within 30 feet of the road, in which case the slope shall not exceed 5 percent.

#### **7.103 Set back from buildings:** except for parking within an enclosed structure, no parking space shall be located within eight feet of a building wall. No access aisle, entrance or exit driveway shall be located within five feet of a building. Loading docks are exempt from this requirement.

#### **7.104 Dimensions, Marking & Delineation**

***The area of all parking areas shall be included in the calculation of maximum lot coverage.***

Parking areas shall be clearly delineated and shall be provided with a permanent dust-free surface and adequate drainage. Each parking space shall be at least 9 feet x 18 feet in size, and all parking areas must have adequate access and maneuvering areas. The Zoning Board of Appeals (SP) or the Planning Board (SPR) may allow, upon application, small car parking spaces (8 feet x 16 feet) to be substituted for up to fifty percent of the standard parking spaces. Compact parking spaces shall be designated by clearly visible signs.

***In all parking areas of five (5) or more parking spaces, individual spaces shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces.***

Curb radii, driveway width, and other such dimensions shall comply with the "Street and Site Work Construction Standards", adopted by the Select Board, as such standards may be amended, unless otherwise specified in Section 7.1, Design Standards and Landscape Standards.

Ramps between parking areas of different elevations shall not exceed 12 percent slope, with a maximum 5 percent transition slope for a minimum length of 20 feet at the upper and lower end of the ramp slope. All parking plans involving ramps shall be accompanied by profiles showing the ramp, ramp transitions, and overhead and wall clearances.

- 7.105** Lighting: adequate lighting shall be provided for all parking areas of 10 or more spaces or more if these areas are to be used at night. ~~Any illumination, including security lighting, shall be arranged so as to reflect away from adjoining properties and rights of way. Residential projects containing eight or fewer dwelling units are exempt from 7.103. All exterior site lighting associated with parking areas 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.~~

*Adjacent properties shall be protected from light intrusion through the use of cut-off luminaries, light shields, lowered height of light poles, screening or similar solutions. All exterior site lighting shall be kept extinguished outside of normal hours of use, except for lighting necessary for site security and the safety of employees and visitors, which lighting shall be activated and controlled through motion sensors or similar technology.*

- 7.106** Entrance and exit driveways: ~~for parking areas containing fewer than 5 spaces, the minimum width of entrance and exit drives shall be 10 feet wide for one-way use and 18 feet wide for two-way use. For facilities containing five or more spaces, such drives shall be a minimum of 10 feet wide for one way use and 18 feet wide for two way use.~~ The minimum curb radius shall be 15 feet. The maximum width of such driveways at the property line shall be 24 feet. The permit granting board may modify these width and radius limitations to facilitate traffic flow and safety.

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 Permit Granting Board.

## 7.11 Landscape Standards

- 7.110 Parking areas of 10 or more spaces shall provide a minimum of 10 percent of the total parking area as landscaped open space (this may be included in the calculation of open space area under Table 3: Dimensional Regulation: Maximum Lot Coverage).
- 7.111 Parking areas of 25 or more spaces shall provide landscaped islands of a minimum width of four feet, with raised curbs, throughout the parking area for the purposes of: a) defining parking lot entrances, b) defining the ends of a portion of the parking aisles, c) defining the location and pattern of primary internal access drives, d) separating parking spaces within long rows of spaces, and e) separating some of the rows of parking spaces from other rows.
- 7.112 Screening: parking areas with 5 or more spaces shall provide effective screening of the parking area from adjacent streets or properties. Such screening may be accomplished by: depressions in grade 3 feet or more; a hedge or wall; or any type of appropriate natural or artificial permanent division. Any required screening barrier shall not be less than 3 feet high. Screening shall not be located to obstruct driver visions so as to impair safety at intersections or driveway entrances or exits.

Action taken on 5/16/12.

A motion was made to hear Article 27. Motion was defeated.

At 10:04 p.m. on May 16, 2012, the meeting voted to adjourn to Monday, May 21, 2012 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 161 town meeting members were checked in.

There were 247 town meeting members; 124 town meeting members constitute a quorum. The Constable reported a quorum at 7:45 p.m. and the May 21, 2012 session of the April 30, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 7:50 p.m.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of Marilyn Gonter who passed away on May 20, and Donald Pitkin who passed away on May 11.

**ARTICLE 27. Local Historic District (Historic Commission)**

**VOTED** by a declared two-thirds vote to amend the General Bylaws of the Town by adding a Local Historic District Bylaw as printed in the April 2012 Historical Commission Report to Town Meeting, and creating the Dickinson Local Historic District as shown on the plan labeled “Local Historic District Study Area”, dated 02/17/2012, all as pursuant to MGL Chapter 40C.

Action taken on 5/21/12.

**ARTICLE 28. Petition Article – Reversing Citizens United v. Federal Elections Commission  
(Swift et al)**

**VOTED unanimously** to accept the following resolution:

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations;

WHEREAS, Corporations are not people but instead are entities created by the law of states and nations;

WHEREAS, this corporate takeover of the First Amendment has reached its extreme conclusion in the United States Supreme Court's ruling in Citizens United v. Federal Election Commission;

WHEREAS, the United States Supreme Court's ruling in Citizens United v. Federal Election Commission overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections;

WHEREAS, the United States Supreme Court's ruling in Citizens United v. Federal Election Commission has unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;

WHEREAS, the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government;

Now be it resolved that the Town of Amherst, Massachusetts, hereby calls upon the United States Congress to pass and send to the states for ratification a constitutional amendment to reverse Citizens United v. Federal Election Commission and to restore constitutional rights and fair elections to the people.

And be it further resolved that the Massachusetts Legislature be urged to call upon the United States Congress to pass and send to the states for ratification a constitutional amendment to reverse Citizens United v. Federal Election Commission and to restore constitutional rights and fair elections to the people.

Now be it further resolved that the Town Clerk be directed to send a copy of this resolution to Sen. John F. Kerry and Sen. Scott P. Brown, Congressman John W. Olver, Massachusetts State Senator Stanley Rosenberg, and Massachusetts State Representative Ellen Story.

Action taken on 5/7/12.

**ARTICLE 29. Petition Article – Bylaw Regarding Sharing of Information with Federal Agencies  
(Hooke et al)**

**VOTED** to accept the following resolution:

WHEREAS the Town of Amherst has been enriched and built by generations of immigrants; and,

WHEREAS the program called “Secure Communities” (SComm), run by federal Immigration and Customs Enforcement, harms our communities by mandating the sharing of local law enforcement reporting with the Department of Homeland Security on individuals they detain or arrest, thus involving local law enforcement in federal immigration policy; and,

WHEREAS SComm is an unfunded mandate, meaning that the burden of incarceration, detention, and care for detained people falls upon the budget of local law enforcement and upon the Town of Amherst; and,

WHEREAS SComm rejects a community policing model, which is based upon trust between law enforcement and the population it is meant to protect and serve, and has already been shown to increase distrust and fear of local authorities, making many immigrants afraid to be witnesses and report crimes against themselves and others; and,

WHEREAS SComm violates the Town of Amherst Bylaws, including the Human Rights Bylaw (STM-November 8, 1999, Art. 16), as SComm explicitly promotes discrimination on the basis of nation of origin and implicitly promotes discrimination on the basis of race, color, and socio-economic status; and,

WHEREAS the Code of Federal Regulations, 28 C.F.R. §20.21(c)(3), provides that “[s]tates and local governments will determine the purposes for which dissemination of criminal history record information is authorized by State law, executive order, local ordinance, court rule, decision or order”; then

NOW, THEREFORE, BE IT RESOLVED that the Town of Amherst and its officials and employees, to the extent permissible by law, shall not participate in federal law enforcement programs relating to immigration enforcement, including but not limited to, Secure Communities, and cooperative agreements with the federal government under which town personnel participate in the enforcement of immigration laws, such as those authorized by Section 287(g) of the Immigration and Nationality Act. Should the Commonwealth of Massachusetts enter into an agreement or Memorandum of Agreement regarding Secure Communities, the Town of Amherst shall opt out if legally and practically permissible. To the extent permissible by law, immigration detainer requests will not be honored by the Amherst Police Department. Municipal employees of the Town of Amherst, including law enforcement employees, shall not monitor, stop, detain, question, interrogate, or search a person for the purpose of determining that individual’s immigration status. Officers shall not inquire about the immigration status of any crime victim, witness, or suspect, unless such information is directly relevant to the investigation, nor shall they refer such information to federal immigration enforcement authorities unless that information developed is directly relevant. The use of a criminal investigation or arrest shall not be used as a basis to ascertain information about an individual’s immigration status unless directly relevant to the offenses charged.”

Action taken 5/21/12.

#### **ARTICLE 30. Petition Article – Bylaw Regarding Measures Relative to Banking of Town Funds (O’Connor et al)**

[To see if the Town will vote to enact the following measures relative to banking the town’s governmental funds:

1a. Resolved, that the Amherst Representative Town Meeting vote to amend the Town’s general bylaws in accordance with rules previously adopted by adding the following:

All taxes, fees, fines, penalties and other monies collected or received by the Town of Amherst, its enterprise funds, and the Amherst Elementary Schools shall be deposited in accordance with the laws and regulations of the Commonwealth as they apply to municipal governments, only in banks, credit unions, and other financial institutions operating solely within the Commonwealth of Massachusetts.

1b. Resolved, that the town vote to request that our representatives to the Great and General Court, State Senator Stanley Rosenberg and State Representative Ellen Story; to sponsor, support and vote for special legislation for the Town of Amherst exempting said Town of Amherst from any and all Massachusetts laws and regulations requiring the town to deposit its governmental monies in banking institutions not operating solely within the boundaries of the Commonwealth.

And, Further Be It Resolved, that upon the taking effect of the above vote, the Town Clerk shall, within ten working days, transmit a certified copy of this request and vote thereon to the town’s representatives to the Great and General Court.

2. Resolved, that the town vote to request that our representatives to the Great and General Court, State Senator Stanley Rosenberg and State Representative Ellen Story, sponsor, support and vote for legislation establishing The Bank of Massachusetts - into which all governmental monies of the Commonwealth and every institutional and political subdivision thereof shall be deposited and whose investments and loans shall be confirmed to governmental securities of the United States, the Commonwealth of Massachusetts and its institutional and political subdivisions, loans to undergraduate and graduate college students who are residents of Massachusetts or who attend Massachusetts institutions of higher learning, non-resalable Massachusetts home mortgages for individuals and families whose incomes are 120% or less than the median income for their region, loans for energy conservation and renewable energy generation to governmental institutions and businesses whose physical facilities lie wholly within the Commonwealth, and for such other purposes as the General Court shall prescribe. .

And, Further Be It Resolved, that upon the taking effect of the above vote, the Town Clerk shall, within ten working days, transmit a certified copy of this request and vote thereon to the town’s representatives to the Great and General Court.]

**1a.**

**VOTED Yes 106, No 43** to refer back to Finance Committee.

Action taken on 5/21/12.

(Vincent O'Connor made the following motion under Section 1a of Article 30:

That the Town vote to amend the Town's general bylaws in accordance with rules previously adopted by adding the following:

All taxes, fees, fines, penalties and other monies collected or received by the Town of Amherst, its enterprise funds, and the Amherst Elementary Schools shall, with the exception of funds used to maintain the Town's operational bank account, be deposited in accordance with the laws and regulations of the Commonwealth as they apply to municipal governments, only in banks, credit unions, and other qualified financial institutions operating solely within the Commonwealth of Massachusetts.

Andrew Steinberg, Chair of the Finance Committee offered a motion to refer Section 1a back to the Finance Committee.)

**1b.**

No motion made under this section.

**2.**

**VOTED Yes 92, No 52** to refer back to Finance Committee

Action taken on 5/21/12.

(Vincent O'Connor made the following motion under Section 2 of Article 30:

Resolved, that the Town vote to request our representatives to the Great and General Court, State Senator Stanley Rosenberg and State Representative Ellen Story, sponsor, support and vote for legislation establishing The Bank of Massachusetts into which all governmental monies of the Commonwealth and every institutional subdivision thereof shall be deposited and whose investments and loans shall be for such purposes within the Commonwealth as the General Court shall, after public hearings, prescribe.

And, Further Be It Resolved, that upon the taking effect of the above vote, the Town Clerk shall, within ten working days, transmit a certified copy of this request and vote thereon to the Town's representatives to the Great and General Court.

Andrew Steinberg, Chair of the Finance Committee offered a motion to refer Section 2 back to the Finance Committee.)

The business of the warrant having been completed, the meeting voted to dissolve at 9:55 p.m. on May 21, 2012. 172 town meeting members were checked in.

Attest:

Sandra J. Burgess

Town Clerk