

Abstract of the 1997 Annual Town Meeting

1997 ANNUAL TOWN MEETING
APRIL 7, 1997

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ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 7, 1997 WITH
ADJOURNED SESSIONS HELD APRIL 8, APRIL 9, AND APRIL 10, 1997

OF REGISTERED VOTERS ATTENDING TOWN MEETING

| | | |
|-----------|----------|-----|
| MONDAY | APRIL 7 | 530 |
| TUESDAY | APRIL 8 | 686 |
| WEDNESDAY | APRIL 9 | 662 |
| THURSDAY | APRIL 10 | 349 |

The Moderator called the meeting to order on Monday, April 7, 1997 at 7:30 p.m. After welcoming the attendees to the Annual Town Meeting, Mr. MacKenzie introduced Rev. Mary Weber Saylor, Clergywoman at the Acton Congregational Church. Rev. Saylor gave the invocation. Mr. MacKenzie noted that this was the 262nd Annual Town Meeting and the first time that a woman gave the invocation at the Town Meeting.

The Moderator then introduced Nancy Tavernier, Chairman of the Board of Selectmen. Mrs. Tavernier introduced the Town Clerk, Town Counsel, Town Manager, the other members of the Board of Selectmen, the Town Accountant, Andy Nikolaev, Intern for the Town Manager and the Assistant Town Manager. The Moderator then introduced David Steinhilper, Chairman of the Finance Committee. Mr. Steinhilper introduced the members of the Finance Committee.

Mr. MacKenzie gave a brief review of Town Meeting rules and regulations and explained that he would read the Consent Calendar. He informed the members of Town Meeting that any articles read on the Consent Calendar could be "HELD" if two or more voters called for them to be "HELD" for discussion when he got to that article.

MOTION: MRS. TAVERNIER moves that the Town take up the 18 articles in the Consent Calendar on Pages 21 and 22 of the Warrant except that the dollar amount in Article 5 shall be amended to read \$183, 650.00, and the dollar amount in Article 7 shall be amended to read \$27,758.00.

The Moderator called the individual articles as follows:

ARTICLE TITLE

3* Council on Aging Enterprise Budget: Move that the Town raise and appropriate \$36,916 for the purpose of providing van service, and to raise such amount \$46,916 be transferred from the Council on Aging Enterprise Fund.

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5* Septage Disposal Enterprise Budget: Move that the Town raise and appropriate \$187,150 for the purpose of septage disposal, and to raise such amount \$187,150 be transferred from the Septage Disposal Enterprise Fund.

7* Merriam School Offset Receipts Budget: Move that the Town raise and appropriate \$24,758 for the purpose of maintaining the Merriam School Building, and to raise such amount \$24,758 be transferred from the Merriam School Offset Receipts Budget.

34* Accessory Uses: Move in the words of the article.

35* Special Permit Exemption: Move in the words of the article.

38* Corrections, Clarifications: Move in the words of the article.

48* Chapter 90 Highway Reimbursement Program: Move the Selectmen are authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

49* Emergency/Disaster Aid Appropriations: Move in the words of the article.

50* Relocate Ledge Rock: Move in the words of the article.

51* Sales of Town Land: Move in the words of the article.

52* Abandon Easement: Move in the words of the article.

53* Street Acceptances: Move that the Town accept as a public way the streets listed in the Article, as laid out by the Board of Selectmen according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout. **"HELD"**

54 * Charter Road Easement: Move in the words of the article.

55* School St. Easements: Move in the words of the article.

56* School Street Easement - Hancock: Move in the words of the article. **"HELD"**

57* Accept Gift - Marshall Crossing: Move in the words of the article. **"HELD"**

58* Accept Gift - New View: Move in the words of the article.

59* Accept Gift - Dentino: Move in the words of the article.

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Motion carries unanimously except for article 53, 56, and 57 which were **“HELD”**.

MONDAY, APRIL 7, 1997

ARTICLE 1

The Moderator called the meeting to order at 7:30 p.m. on April 7, 1997.

CONSENT CALENDAR:

MOTION: MS. TAVERNIER moves that the Town take up the 18 Articles as listed in the Consent Calendar on pages 21 and 22 of the Warrant except that the dollar amount in Article 5 shall be amended to read \$183,650 and the dollar amount in Article 7 shall be amended to read \$27,758.

Moderator calls individual Articles:

- Article 3* Council on Aging Van Enterprise Budget
- Article 5* Septage Disposal Enterprise Budget
- Article 7* Merriam School Offset Receipts Budget
- Article 34* Accessory Uses
- Article 35* Special Permit Exemption
- Article 38* Corrections, Clarifications
- Article 48* Chapter 90 Highway Reimbursement Program
- Article 49* Emergency/Disaster Aid Appropriations
- Article 50* Relocate Ledge Rock
- Article 51* Sale of Town Land
- Article 52* Abandon Easement
- Article 53* Street Acceptances **“HELD”**
- Article 54* Charter Road Easement
- Article 55* School Street Easement
- Article 56* School Street Easement - Hancock **“HELD”**
- Article 57* Accept Gift - Marshall Crossing **“HELD”**
- Article 58* Accept Gift - New View

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Article 59* Accept Gift - Dentino

Moderator asks that the Consent Calendar, absent those Articles put on hold, now be passed.

MOTION CARRIES UNANIMOUSLY.
ARTICLE 1 CHOOSE TOWN OFFICERS
(Majority Vote Required)

To choose all necessary Town Officers and Committees and to fix the salaries and compensation of all the elective officers of the Town as follows:

| | |
|--------------------|----------------------------------|
| Moderator | \$20.00 per Town Meeting session |
| Board of Selectmen | Chairman \$750.00 per year |
| | Member \$650.00 per year |

MOTION CARRIES UNANIMOUSLY.

MOTIONS:

MS. TAVERNIER moves that the Town fix the compensation for elected officers as shown in the warrant.

MALCOLM S. MACGREGOR nominates **EDWARD BENNETT** as a Trustee of the West Acton Fireman's Relief Fund, term to expire in 2000.

WILLIAM KLAUER nominates **ALLEN NELSON** as a Trustee of Acton's Fireman's Relief Fund, term to expire in 2000.

SHIRLEY TOWLE nominates **MABEL GREKULA** as a Trustee of the Charlotte Goodnow Fund, term to expire in 2000.

JOHN POWERS nominates **EDWIN H. MILLER** as a Trustee of the Elizabeth White Fund, term to expire in 2000.

ROBERT LOOMIS nominates **MADELEINE KADUBOSKI** as a Trustee of the Citizen's Library Association of West Acton, term to expire in 2000.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 2 HEAR AND ACCEPT REPORTS
(Majority Vote Required)

To see if the Town will accept reports and hear and act upon the report of any committee chosen at any previous Town Meeting that has not already reported, or take any other action relative thereto.

MOTION:

MS. TAVERNIER moves that the Town accept the reports of the various Town Officers and Boards as set forth in the 1996 Town Report and that the Moderator calls for any other reports.

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**MR. CROSWELL READ A REPORT ON KELLY'S CORNER CIRCULATION PLAN.
MRS. HUBER READ A REPORT ON THE TRUSTESS OF THE MEMORIAL LIBRARY.
MOTION TO ACCEPT ALL REPORTS CARRIES.**

ARTICLE 3* COUNCIL ON AGING ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$46,916, or any other sum, to operate the Senior Van Service, in accordance with Mass General Laws Chapter 44, Section 53 F1/2, Enterprise Fund Law, or take any other action relative thereto.

MOTION: [Consent]

MR. KABAKOFF moves that the Town raise and appropriate \$46,916.00 for the purpose of providing a van service, and to raise such amount, \$46,916.00 be transferred from the Council on Aging Enterprise Fund.

CONSENT MOTION CARRIES

ARTICLE 4. NURSING ENTERPRISE BUDGET
(Majority Voted Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$587,682.00 or any other sum, to provide Public Health and Visiting Nurse Services, in accordance with Mass. General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

MOTION:

MR. FRIEDRICHS moves that the Town raise and appropriate \$587,682.00 for the purpose of providing Public Health Nursing Services, and to raise such amount, \$587,682.00 be transferred from the Nursing Enterprise Fund.

MOTION CARRIES UNANIMOUSLY.

CONSENT ARTICLE 5* SEPTAGE DISPOSAL ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$183,650, or any other sum, for the purpose of septage disposal, in accordance with Mass General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

MOTION: [Consent]

MR. MULLIN moves that the Town raise and appropriate \$183,650.00 for the purpose of Septage Disposal and to raise such amount, \$183,650.00 be transferred from the Septage Disposal Enterprise Fund.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 6 NESWC ENTERPRISE BUDGET

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$1,473,014, or any other sum, for the purpose of solid waste disposal, in accordance with Mass General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

MOTION:

MR. MULLIN moves that the Town raise and appropriate \$1,473,014.00 for the purpose of Solid Waste Disposal, and to raise such amount, \$806,014 be transferred from the NEWSOC Enterprise Fund and \$667,000.00 be raised and appropriated.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 7* MERRIAM SCHOOL OFFSET RECEIPTS BUDGET

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$27,758, or any other sum, for the purpose of maintaining and operating the Merriam School, in accordance with Mass General Laws, Chapter 44, Section 53E, Offset Receipts Law, or take any other action relative thereto.

MOTION: [Consent]

MS. HARTING-BARRAT moves that the Town raise and appropriate \$27,758.00 for the purpose of maintaining the Merriam School, and that the receipts from the rental of the Merriam School be set aside as a separate fund under M.G.L., Chapter 44, Section 53E to, meet this appropriation.

CONSENT MOTION CARRIES UNANIMOUSLY.

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ARTICLE 8 TOWN OPERATING BUDGET
(Majority Vote Required)

To see what sums of money the Town will raise and appropriate, or appropriate from available funds, to defray the necessary expenses of the several departments, offices and boards of the Town, exclusive of the school budgets, or take any other action relative thereto.

MOTION:

MS. TAVERNIER moves that the Town Budget for the period July 1, 1997 to June 30, 1998 in the amount of \$12,572,438.00 be raised and appropriated in its entirety, except that \$69,435.00 be transferred from the Cemetery Trust Fund for Cemetery use, and further that the Town Manager be authorized to sell, trade or dispose of vehicles being replaced and to expend any proceeds received for such new vehicles.

MOTION CARRIES UNANIMOUSLY.

Mr. MacKenzie reads the names of the Volunteers of the Board and Committees for the Town of Acton.

GET INFORMATION FROM THE VOLUNTEER COORDINATING COMMITTEE.

ARTICLE 9# ACCEPT SECTION 108L OF CHAPTER 41 (QUINN BILL)

(Majority Vote Required)

To see if the town will vote to accept Section 108L of Chapter 41 of the Massachusetts General Laws, relating to a Police Career Incentive Pay Program, or act in any other manner in relation thereto. (This legislation is known as the QUINN BILL)

MOTION:

MR. HAASE moves that the Town accept Section 108L of Chapter 41 of the Massachusetts General Laws, relating to a Police Career Incentive Pay Program as set forth in the Article.

MOTION LOST.

**ARTICLE 10# APPROPRIATE FUNDS IN CONJUNCTION WITH 108L OF CHAPTER 41
(QUINN BILL)**

(Majority Vote Required)

To see if the Town will raise and appropriate or appropriate from existing funds the sum of \$66,134.00 or any other sum in accordance with Mass. General Law Chapter 41 Section 108L know as the "Quinn Bill" (the police career incentive pay program), or take any other action relative thereto.

MOTION:

MS. TAVERNIER moves to take no action.

MOTION CARRIES.

MR. GRAESSER MOVES TO ADJOURN THIS SESSION OF TOWN MEETING UNTIL 7:30 P.M. ON APRIL 8, 1997 AT THE ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM.

MOTION CARRIES.

APRIL 8, 1997 - THE MODERATOR CALLED THE MEETING TO ORDER AT 7:30 P.M.

ARTICLE 11 ACTON PUBLIC SCHOOLS BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$12,971,018, or any other sum, to defray the necessary expenses of the Local Schools, or take any other action relative thereto.

MOTION:

MS. HARTING-BARRAT moves that the Town raise and appropriate \$12,971,018.00 for the Acton Local Schools for the period July 1, 1997 to June 30, 1998, and to raise such amount, \$144,000.00 be transferred from Free Cash and \$12,827,018.00 be raised and appropriated.

MOTION CARRIES.

ARTICLE 12 BUDGET TRANSFER
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, an amount of money to be used in conjunction with funds appropriated under the current fiscal year's budgets to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary, or take any other action relative thereto.

MOTION:

MS. HARTING-BARRAT moves that the Town appropriate \$53,000.00 to be used in conjunction with the funds appropriated to the Acton Local Schools Budget for the current fiscal year, and to raise such amount, \$53,000.00 be transferred from Free Cash.

MOTION CARRIES.

ARTICLE 13 ACTON-BOXBOROUGH REGIONAL SCHOOL ASSESSMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$10,705,049, or any other sum, to defray the necessary expenses of the Acton-Boxborough Regional School, or take any other action relative thereto.

MOTION:

MS. STUNTZ moves that the Acton Boxborough Regional School Assessment for the period July 1, 1997 to June 30, 1998, in the amount of \$10,705,049.00 be raised and appropriated in its entirety, and to raise such amount, \$70,000.00 be transferred from Free Cash and \$10,635,049.00 be raised and appropriated.

MOTION CARRIES.

ARTICLE 14 MINUTEMAN REGIONAL SCHOOL ASSESSMENT

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(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$326,278, or any other sum, to defray the necessary expenses of the Minuteman Science and Technology High School, or take any other action relative thereto.

MOTION:

MR. WILTSE moves that the Minuteman Science and Technology High School Assessment for the period July 1, 1997 to June 30, 1998, in the amount of \$326,278.00, be raised and appropriated in its entirety.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 15 MINUTEMAN TECH REALLOCATE BUDGET ACCORDING TO REGIONAL AGREEMENT

(Majority Vote Required)

To see if the Town will vote to reallocate its required share of the Minuteman Regional Vocational Technical School District budget in accordance with the regional agreement as permitted by Section 16B of Chapter 71 of the General Laws, or take any other action relative thereto.

MOTION:

MR. WILTSE moves that the Town reallocate its required share of the Minuteman Science and Technology High School District Budget in accordance with the Regional Agreement as permitted by Section 16B of Chapter 71 of the General Laws.

MOTION CARRIES.

ARTICLE 16 CAPITAL ARTICLE - ACTON PUBLIC SCHOOLS

(2/3 Vote Required)

To see if the Town will raise and appropriate, appropriate from available funds, or borrow the sum of \$665,000, or any other sum, which shall be contingent upon the passage of a Proposition 2 1/2 Debt Exclusion Override, for the purpose of remodeling, reconstructing and making extraordinary repairs to the Conant, Douglas, Gates, Merriam and McCarthy-Towne Schools and to the Blanchard Auditorium and for the purchase of equipment, including any architects' and engineering fees and other costs incidental thereto and determine whether such appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

MOTION:

MS. HARTING-BARRAT moves that the Town appropriate \$665,000.00 to be expended by the Acton Public Schools for the purpose of remodeling, reconstructing and making extraordinary repairs to the Conant, Douglas, Gates, Merriam and McCarthy-Towne Schools and to the Blanchard Auditorium, including the purchase of equipment, architects' and engineers' fees, and that to raise such amount, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$665,000.00 under G.L. c.44, s.7(3A) & (9); and that the Town raise and appropriate \$49,875.00 for the payment of interest and underwriting costs on such borrowing in Fiscal Year 1998; provided, however, that this vote shall

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not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L., c.59, s21C (Proposition 2 1/2) amounts required to pay the principal and interest on the borrowing authorized by this vote.

MOTION CARRIES UNANIMOUSLY

ARTICLE 17 CAPITAL ARTICLE - ACTON BOXBOROUGH REGIONAL SCHOOLS

(Majority Vote Required)

To see if the Town will vote to approve the amount of \$950,000 debt authorized by vote of the Acton-Boxborough Regional District School Committee for the purpose of remodeling and making extraordinary repairs to the Regional High School and for the purchase of equipment, including any architects' fees and other costs incidental thereto, or take any other action relative thereto.

MOTION:

MS. STUNTZ moves that the Town approve the amount of \$900,000.00 debt authorized by vote of the Acton-Boxborough Regional School Committee on March 27, 1997, for the purpose of remodeling and make extraordinary repairs to Regional High School buildings, including any architects' fees, and for the purchase of equipment, and other costs incidental thereto.

MR. ADELMAN moves to amend the original motion by adding at the end of the motion the words "provided, however, that this approval shall not be effective unless the Town votes to exempt from the limitation on total taxes imposed by G.L., c.59, s21C (Proposition 2 1/2) amounts required to pay the principal and interest on the borrowing approved by this vote."

MR. ADELMAN'S MOTION IS LOST.

ORIGINAL MOTION CARRIES UNANIMOUSLY.

MS. TAVERNIER MOVES TO ADJOURN THIS SESSION OF TOWN MEETING AT 10:50 P.M. UNTIL WEDNESDAY, APRIL 9, 1997 AT THE ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM.

MOTION CARRIES.

APRIL 9, 1997 MODERATOR CALLED THE MEETING TO ORDER AT 7:30 P.M.

MS. TAVERNIER moves to take up Article 19 before Article 18.

MOTION CARRIES.

ARTICLE 19 AMEND TOWN BYLAWS- SEWER USER FEES
(Majority Vote Required)

To see if the Town will amend Chapter D10(b) of the Town Bylaws by changing the percentage contribution of the town; or take any other action relative thereto:

MOTION:

MS. TAVERNIER moves to amend Chapter D10(b) of the Town Bylaws to read as follows:

“The entire cost of laying out, constructing and operating the sewage collection, treatment and disposal facilities in the town shall be paid by a combination of sewer assessments on the land served by such facilities, including municipal and other public land, and by user charges.”

MOTION CARRIES UNANIMOUSLY.

ARTICLE 18 MIDDLE FORT POND BROOK SEWER DISTRICT
(2/3 Vote Required)

To see if the Town will raise and appropriate, appropriate from available funds, or borrow the sum of \$11,500,000, or any other sum, which shall be contingent upon the passage of a Proposition 2 1/2 Debt Exclusion Override, to be expended by the Town Manager for the purpose of financing the planning, design, and construction of sewers and wastewater treatment plant, or any portion thereof, for the Middle Fort Pond Brook Sewer District including, without limitation, all costs and any related expenses thereof as defined in Section 1 of Chapter 29C of the General Laws; or take any other action relative thereto.

MOTION:

MR. HUNTER moves that \$11,500,000.00 is appropriated for the purpose of financing the planning, designing, and construction of sewers and wastewater treatment plant facilities for the Middle Fort Pond Brook Sewer District, including without limitation, all costs therefor as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$11,500,000.00 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Town Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 20 SUPPLEMENTAL SITE IDENTIFICATION STUDY
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$60,000, or any other sum, to be expended by the Town Manager to fund work by Town Employees or engage the services of a consultant or consultants to conduct a Site Identification Study in regard to the wastewater disposal needs of the entire Town; and to further authorize the Town Manager to apply for, accept and expend Federal and State grants available for these purposes, or take any other action relative thereto

MOTION:

MR. HUNTER moves that the Town appropriate the sum of \$60,000.00 to be expended by the Town Manager for engineering and related services to identify sites to serve the wastewater disposal needs of the entire town and that to raise such amount, the remaining balance of \$21,403.20 be transferred from the proceeds of Article 47 of the 1986 Annual Town Meeting and the remaining balance of \$24,344.13 be transferred from the proceeds of Article 48 of the 1986 Annual Town Meeting and \$14,252.67 be raised and appropriated; and that the Town Manager is authorized to apply for, accept and expend any Federal and State Grants available for these purposes.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 21 SEPTIC SYSTEM LOAN PROGRAM
(2/3 Vote Required)

To see if the Town will vote to appropriate a sum of money to be expended by the Town Manager for the purpose of financing the following water pollution abatement facility projects: Repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust, or otherwise; or take any other action relative thereto.

MOTION:

MRS. TAVERNIER moves that \$200,000 is appropriated for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$200,000 and issue bonds or notes therefor under G.L. c.111, Section 127B1/2 and/or Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town; that the Treasurer with the approval of the Board of Selectmen is

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authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; and that the Town Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects.

MOTION CARRIES UNANIMOUSLY.

The moderator then moves directly to Article 25 after receiving a note from the School Committee that this presentation is very long and they would like to take up Articles 22, 23, and 24, at the next session of Town Meeting.

ARTICLE 25 PLOWING OF PRIVATE WAYS

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$10,000, or any other sum, to be expended by the Town Manager for the cost associated with the plowing of private ways open to public use as designated by the Board of Selectmen, or take any other action relative thereto.

MOTION:

MR. FRIEDRICHS moves that the Town raise and appropriate \$10,000.00 to be expended by the Town Manager for the plowing of private ways open to public use as designated by the Board of Selectmen.

MOTION CARRIES.

ARTICLE 26 MORRISON LAND

(2/3 Vote Required)

To see if the Town will raise and appropriate, appropriate from available funds or borrow the sum of \$1,300,000, or any other sum, which shall be contingent upon the passage of a proposition 2½ Debt Exclusion Override, to be expended by the Town Manager for the purpose of acquiring by purchase, eminent domain or otherwise the 32.56 acre Morrison Property located on Concord Road, Acton Town Atlas Map F-4 Parcel 34, or take any other action relative thereto.

MOTION:

MR. MULLIN moves that the Town raise and appropriate \$1,300,000.00 to be expended by the Town Manager for the acquisition by purchase, eminent domain, or otherwise of a parcel of land known as the Morrison Property for general municipal purposes; said land consisting of 32.56 acres, more or less, and being located on the northerly side of Concord Road and bordered on its westerly side by Woodlawn Cemetery and on its easterly side by Ice House Pond, as shown on Acton Town Atlas Map F-4, Parcel 34; and that to raise such amount, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$1,300,000.00 under G.L. c.44, s.7(3); and that the Town raise and appropriate \$162,500.00 for the payment of interest and underwriting costs on such borrowing in Fiscal Year 1998; and that the Town Manager is authorized to apply for, accept

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and expend any Federal and State Grants available for these purposes provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L., c.59, s21C (Proposition 2 1/2) amounts required to pay the principal and interest on the borrowing authorized by this vote.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 27 HALLOWEEN RESOLUTION
(Majority Vote Required)

To see if the Town will vote to adopt the following Resolution on the Celebration of Halloween, or take any other action relative thereto.

A RESOLUTION ON THE CELEBRATION OF HALLOWEEN

BE IT RESOLVED that the good citizens of Acton at the duly constituted Town Meeting convened on April 7, 1997 hereby establish rules of behavior for the observance of and activities related to Halloween, an annual celebration that takes place on October 31.

WHEREAS the normal custom is for children to dress up in costumes and go door-to-door in their neighborhoods seeking treats from any neighbor who wishes to participate.

WHEREAS the activities of Halloween should be safe and enjoyable for all, the Town of Acton establishes the following rules of behavior:

1. The hours for door-to-door visiting on October 31 should be limited to 5:00 P.M. to 8:00 P.M.
2. Residents should signal their willingness to participate in these customs by illuminating an outdoor light at 5:00 P.M. and by turning it off no later than 8:00 P.M.
3. All children and adults must respect the rights of residents who choose not to participate in the Halloween custom.
4. All children who wish to visit door-to-door should be 13 years of age or under.
5. All children who wish to visit door-to-door should be accompanied by an adult.
6. All children should stay in their immediate neighborhood.

THEREFORE BE IT FURTHER RESOLVED THAT through the adoption of this resolution, the citizens of Acton define Halloween activities that are acceptable to the community as: those that do not harass, intimidate, physically harm, threaten or frighten others; and those that do not destroy, deface, or remove personal or public property.

MOTION:

MR. HUNTER moves that the Town support the Resolution as set forth in the Article.

MRS. LEEDS moves to amend this motion by deleting sections 4,5, and 6.

TOTAL VOTE 200 YES 92 NO 108 MOTION IS LOST.

RESOLUTION IS LOST.

MRS. TAVERNIER moves to adjourn this session of Town Meeting until Thursday, April 10, 1997 at 7:30 P.M. at the Acton-Boxborough Regional High School Auditorium.

MOTION CARRIES.

APRIL 10, 1997. MODERATOR CALLED THE MEETING TO ORDER AT 7:32 P.M.

WE THEN MOVE TO ARTICLES 22, 23, 24.

ARTICLE 22 ACTON PUBLIC SCHOOLS FEASIBILITY STUDY
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$120,000, or any other sum for the purpose of a school facilities feasibility study, including costs incidental and related thereto, or to take any other action relative thereto.

MOTION:

MS. HARTING-BARRAT moves that the Town raise and appropriate \$120,000.00 for the purpose of a school facilities feasibility study, including costs incidental thereto and that to raise such amount, \$120,000.00 be transferred from Free Cash; and that the Town Meeting authorize the School Committee to appoint a Local School Building Committee which will follow the guidelines established by the Commonwealth and the Town of Acton.

MOTION CARRIES.

ARTICLE 23 ACTON PUBLIC SCHOOLS MODULAR CLASSROOMS
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$300,000, or any other sum, for the purpose of acquiring and installing modular classrooms and to pay other costs incidental and related thereto, or take any other action relative thereto.

MOTION:

MS. HARTING-BARRAT moves that the Town raise and appropriate \$300,000.00 for the purpose of purchasing and installing modular classrooms for the Acton Public Schools and that to raise such amount, \$300,000.00 be transferred from Free Cash.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 24 ACTON BOXBOROUGH REGIONAL SCHOOL DISTRICT FEASIBILITY STUDY
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$28,500 or any other sum for the purpose of paying the town's apportioned share of the costs of a school facilities feasibility study, including costs incidental and related thereto, or to take any other action relative thereto.

MOTION:

MS. STUNTZ moves that the Town raise and appropriate \$28,500.00 for the purpose of funding the Town's share of a school facilities feasibility study, including costs incidental thereto, by the Acton Boxborough Regional School District; and that to raise such amount, \$28,500.00 be transferred from Free Cash.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 28 AMEND CHARTER - VARIOUS SECTION REVISIONS
(2/3 Vote Required)

To see if the Town will vote to amend the Charter as follows:

NOTE: (additions are underlined and deletions are [bracketed])

1. SECTION 4-1 Board of Selectmen, (b) Powers and duties:

"The selectmen...may make appointments to temporary posts and advisory committees they create for special purposes."

2. SECTION 4-2 Appointment Powers, Selectmen

| | NUMBERS OF MEMBERS | LENGTH OF TERM (YEARS) |
|---|-------------------------|------------------------|
| Add in alphabetical order: | | |
| <u>Acton Community Housing Corporation</u> | <u>5-7</u> | <u>3</u> |
| <u>Acton/Boxborough Cultural Council</u> | <u>7 Acton</u> | <u>1</u> |
| <u>Board of Assessors (Alternate Members)</u> | <u>1 or more</u> | <u>3</u> |
| <u>Hanscom Field Advisory Commission</u> | <u>1 (+1 alternate)</u> | <u>3</u> |
| <u>Historic District Commission</u> | <u>6</u> | <u>3</u> |
| <u>Historic District Commission (Alternate Members)</u> | <u>4</u> | <u>3</u> |

3. SECTION 5-3 Operating [Manual] Policies and Procedures:

Delete the existing section:

["The town manager shall be responsible for the development and publication of a Town of Acton Operating Manual. The manual shall be approved by the selectmen before its initial publication. The first issue of the manual shall be approved and published within one year of the adoption of this charter. The manual shall be updated by the town manager and approved by the selectmen.

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The manual shall include sections on town goals, policies, operating practices, procedures, and such other information as is deemed necessary."]

and replace with the following section:

"Subject to the approval of the selectmen, the town manager shall be responsible for the development and publication of operating policies and procedures. These shall include town goals, policies, operating practices, decision-making procedures, and such other information as is necessary."

4. SECTION 5-4 Organizational Planning:

"The annual report shall contain [a joint report] reports from the selectmen and town manager describing any yearly changes, the reasons for the changes, and noting organizational plans for the future."

5. SECTION 6-2 Budget Estimates:

"[By the first day of December] The town manager shall submit to the selectmen [a detailed budget estimate for the town for the next fiscal year (except for the school budget-estimate) containing the information and in the format directed by the selectmen] and the finance committee, not less than one hundred days prior to the start of the annual town meeting (as defined in Town of Acton Bylaws Chapter A, Section 2), an estimate of the expenditures and revenues of the town for the next fiscal year."

Revised Text to read:

"The town manager shall submit to the selectmen and the finance committee, not less than one hundred days prior to the start of the annual town meeting (as defined in Town of Acton Bylaws Chapter A, Section 2), an estimate of the expenditures and revenues of the town for the next fiscal year."

6. SECTION 6-3 Selectmen's Budget Recommendations:

"[On or before the twentieth day of December,] The selectmen shall transmit a copy of their budget together with their changes and recommendations to each member of the finance committee not less than sixty days prior to the start of the annual town meeting (as defined in Town of Acton Bylaws Chapter A, Section 2)."

Revised Text to read:

"The selectmen shall transmit a copy of their budget, together with their changes and recommendations, to each member of the finance committee not less than sixty days prior to the start of the annual town meeting (as defined in Town of Acton Bylaws Chapter A, Section A)."

7. SECTION 7-7 Record Keeping:

"All agencies shall keep records of meetings which must be filed with the Town Clerk and made available to the public for examination. Copies may be made at individual's expense."

or take any other action relative thereto.

MOTION:

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MS. TAVERNIER moves to adopt the amendments to the Charter as set forth in the Article, except that in Section 4-2 the length of term for the Acton-Boxborough Cultural Council shall be 3 years.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 29 AMEND TOWN BYLAWS - ANIMAL CONTROL
(Majority Vote Required)

To see if the Town will amend Chapter E, Section 24. of the Town Bylaws by deleting the words "at large to the injury or nuisance of others" at the end of the sentence and adding wording as indicated below:

NOTE: (additions are underlined, deletions are [bracketed])

Section E24. No person owning or keeping any animal in the Town of Acton shall permit the animal to go [at large to the injury or nuisance of others] outside the boundaries of the property of its owner or keeper and not under the complete and effective control of said owner or keeper, by means of a leash or otherwise.

or take any other action relative thereto.

MOTION:

MR. KABAKOFF moves that the Town amend Chapter E, Section 24, of the Town Bylaws as set forth in the Article.

MR. BIALES moves to amend Chapter E, Section 24, of the Town Bylaws to read as follows:

Section E24. No person owning or keeping any animal in the Town of Acton shall permit the animal to go at large to the injury or nuisance of others. In addition, a dog should not go outside the boundaries of the property of its owner or keeper unless under the complete and effective control of said owner or keeper by means of a leash or otherwise.

AMENDMENT CARRIES.

TOTAL VOTE 257 YES 162 NO 95

ARTICLE 30 FULL SERVICE RETIREMENT COMMUNITIES; AND MINOR CHANGES FOR NURSING HOMES
(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Zoning Bylaw as follows:

A. In section 3:

1. Delete first paragraph of section 3.3 and replace it with a new first paragraph as follows:

3.3 Residential USES - Not more than one BUILDING for dwelling purposes shall be located upon a LOT, except

- a) in the following Districts: Village Districts (EAV, NAV, SAV, WAV); Residence A District (R-A); Residence AA District (R-AA);
- b) for the following USES: Nursing Home; Full Service Retirement Community; Assisted Living Residence as defined in this Bylaw or in M.G.L. ch. 19D; and
- c) where a special permit has been granted for the following: a Planned Conservation Residential Community (PCRC) under section 9 of this Bylaw; a Planned Unit Development (PUD) under section 9A of this Bylaw; an AFFORDABLE Housing Development under section 4.4 of this Bylaw; a single FAMILY dwelling with one Apartment in a detached BUILDING under section 3.3.2.9.b) of this Bylaw.

2. In the Table of Principal Uses, delete section 3.4.8 - Full Service Retirement Community, and replace with a new section 3.4.8 as follows: *(SPS = the use may be allowed by special permit; N = the use is not allowed; R under Site Plan column = site plan special permit required)*

| | PRINCIPAL USES | RESIDENTIAL DISTRICTS | | | | VILLAGE DISTRICTS | | | | OFFICE DISTRICTS | |
|-------|-----------------------------------|--|---------|---------|---------|-------------------|---------|-----|---------|------------------|------|
| | | R-2 R-4 R-8 R-8/4 R-10 R-10/8 | R-A | R-AA | VR | SAV | WA V | NAV | EA V | OP-1 | OP-2 |
| 3.4.8 | Full Service Retirement Community | SPS | SP S | SP S | SP S | SPS | SPS | SPS | SP S | SPS | SPS |

| BUSINESS DISTRICTS | | | INDUSTRIAL DISTRICTS | | | | | SPECIAL DISTRICTS | | |
|--------------------|---------|---------|----------------------|---------|---------|---------|---------|-------------------|------------------|--------------|
| GB | LB | KC | LI | GI | LI-1 | IP | SM | ARC | PCRC & PUD | SITE PLAN |
| SP S | SP S | SP S | SP S | SP S | SP S | SP S | SP S | N | - | R |

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3. Delete section 3.4.8 and replace with a new section 3.4.8 as follows:

3.4.8 Full Service Retirement Community - A facility that is designed and operated to provide its elderly or impaired residents with a broad range of accommodations and services to meet their needs, including at least two of the following: independent living in single or multi-unit dwellings; assisted living in single or multi-unit dwellings; a Nursing Home. A Full Service Retirement Community shall provide a continuum of care by providing its residents varied levels of care and assistance in daily living on an as needed basis within the facility. A Full Service Retirement Community may include support services that are necessary to meet the needs of its residents such as but not limited to skilled nursing, medical and other health services, recreation and leisure facilities, a community center, a place of worship, or food services. In addition, a Full Service Retirement Community may include convenience services for its residents, such as a Retail Store, Financial, Restaurant, and Personal and General Services (*Note: Personal and General Services will be combined to Services if Article 33 is adopted*). A Nursing Home by itself, or an Assisted Living Facility by itself as defined in this Bylaw or in M.G.L. ch. 19D, or independent living accommodations by themselves such as single family residences or apartments shall not be considered a Full Service Retirement Community.

- B. In section 5:

1. Delete section 5.3.8 and replace with new section 5.3.8 as follows:

5.3.8 Nursing Homes in the Residential Districts

- 5.3.8.1 Nursing Homes in the R-2, R-4, R-8, R-8/4, R-10, R-10/8 and VR Districts shall be built according to the following dimensional standards:

| | | |
|---|---|------------------|
| minimum LOT area | - | 100,000 sq. feet |
| minimum LOT FRONTAGE | - | 200 feet; |
| minimum LOT width | - | 200 feet; |
| minimum front, side and rear yards | - | 60 feet; |
| minimum setback of pavement areas other than ACCESS driveways from the front LOT line | - | 45 feet; |
| minimum setback of pavement areas from the side and rear LOT lines | - | 60 feet; |
| minimum OPEN SPACE | - | 35 percent; |
| maximum FLOOR AREA RATIO | - | 0.20; |
| maximum height of STRUCTURES | - | 36 feet; |
| maximum number of stories above finished ground level | - | 2. |

- 5.3.8.2 Nursing Homes on LOTS in the R-A and R-AA Districts shall be built according to the standards set forth in the Table of Standard Dimensional Regulations and the maximum FLOOR AREA RATIO on such LOTS shall not exceed 0.20.

2. Insert new section 5.3.11 as follows:

5.3.11 Full Service Retirement Communities:

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5.3.11.1 Full Service Retirement Communities in the R-2, R-4, R-8, R-8/4, R-10, R-10/8 and VR Districts shall be built according to the following dimensional standards:

| | | |
|--|---|---|
| minimum LOT area | - | 100,000 sq.ft.; |
| minimum LOT FRONTAGE | - | 200 feet; |
| minimum LOT width | - | 200 feet; |
| minimum front yard | - | 45 feet; |
| minimum side and rear yard for BUILDINGS containing one or two DWELLING UNITS | - | 20 feet; |
| minimum side and rear yard for all other BUILDINGS | - | 60 feet; |
| minimum setback of pavement areas other than ACCESS driveways and walk ways from the front LOT line | - | 45 feet; |
| minimum setback of pavement areas, other than walkways, from the side and rear LOT lines | - | 60 feet; |
| minimum separation of BUILDINGS within the LOT | - | 20 feet; |
| minimum OPEN SPACE | - | 35 percent; |
| maximum FLOOR AREA RATIO | - | 0.30; |
| maximum height of STRUCTURES | - | 36 feet. |
| Maximum total NET FLOOR AREA occupied by allowed Business USES such as Retail Store, Financial, Restaurant, and Personal and General Services (<i>Note: Personal and General Services will be combined to Services if Article 33 is adopted</i>) | - | the smaller of 10,000 square feet or 10% of the total NET FLOOR AREA in the full service retirement community |

5.3.11.2 Full Service Retirement Communities in all other Zoning Districts shall be built according to the dimensional standards set forth in Section 5 and the Table of Standard Dimensional Regulations except that the Minimum Side and Rear Yard for BUILDINGS containing one or two DWELLING UNITS shall be the lesser of 20 feet or the dimension required in the Table of Standard Dimensional Regulations; the Minimum OPEN SPACE shall be the lesser of 35% or the percentage set forth in the Table of Standard Dimensional Regulations; the Maximum FLOOR AREA RATIO shall be the greater of 0.30 or the FLOOR AREA RATIO set forth in the Table of Standard Dimensional Regulations; and the limit on the number of DWELLING UNITS in the R-A and R-AA Districts shall not apply.

C. Delete section 6.3.1.4 and replace with:

| | | |
|---------|---|---|
| 6.3.1.4 | Nursing Home or Full Service Retirement Community | Two spaces for each DWELLING UNIT that is designed for independent living; plus one space for each additional three beds. |
|---------|---|---|

D. In section 9A.7.1, add a new sub-section 3.4.8 as follows:

3.4.8 Full Service Retirement Community.

or take any other action relative thereto.

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MOTION:

MR. PAVAN moves that the zoning bylaw be amended as set forth in the article.

MOTION CARRIES.

TOTAL VOTE 73 YES 60 NO 13

ARTICLE 31 ASSISTED LIVING RESIDENCES

(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Zoning Bylaw as follows:

- A. In section 3, Table of PRINCIPAL USES, insert a new section 3.4.9 as follows (*SPS = the use may be allowed by special permit; N = the use is not allowed; R under Site Plan column = site plan special permit required*):

| | PRINCIPAL USES | RESIDENTIAL DISTRICTS | | | | VILLAGE DISTRICTS | | | | OFFICE DISTRICTS | |
|-------|--------------------------------|--|---------|---------|---------|-------------------|-----|-----|---------|------------------|------|
| | | R-2 R-4 R-8 R-8/4 R-10 R-10/8 | R-A | R-AA | VR | SAV | WAV | NAV | EA V | OP-1 | OP-2 |
| 3.4.9 | Assisted Living Residence (10) | SPS | SP S | SP S | SP S | SPS | SPS | SPS | SP S | N | N |

| BUSINESS DISTRICTS | | | INDUSTRIAL DISTRICTS | | | | | SPECIAL DISTRICTS | | |
|--------------------|---------|---------|----------------------|----|------|----|----|-------------------|------------------|--------------|
| GB | LB | KC | LI | GI | LI-1 | IP | SM | ARC | PCRC & PUD | SITE PLAN |
| SP S | SP S | SP S | N | N | N | N | N | N | - | R |

and add a new footnote (10) as follows:

- (10) Assisted Living Residences with 10 or less residents shall not require a Special Permit or Site Plan Special Permit.

- B. Insert a new section 3.4.9 as follows:

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- 3.4.9 Assisted Living Residence - Any entity, however organized, which meets all of the following three criteria: Provides room and board to residents who do not require 24-hour skilled nursing care; provides assistance with activities of daily living; and collects payments for the provision of these services; all as further defined in M.G.L. ch. 19D, s. 1, as amended from time to time. A unit as defined in M.G.L. ch. 19D, s. 1 shall be a DWELLING UNIT under this Bylaw.

C. Insert a new section 5.3.12 as follows:

- 5.3.12 Assisted Living Residences in Residential Districts - In Residential Districts Assisted Living Residences with more than 10 residents shall be subject to the same dimensional standards as Nursing Homes in Residential Districts.

D. In section 6:

1. Delete section 6.3.1.4 and replace with:

| | | |
|---------|---|---|
| 6.3.1.4 | Nursing Home, Assisted Living Residence, or Full Service Retirement Community | Two spaces for each DWELLING UNIT that is designed for independent living; plus one space for each additional three beds. |
|---------|---|---|

2. Delete the second sentence of the introductory paragraph to section 6.7 and replace it with the following new sentence:

“In addition, the following standards shall not apply to parking lots serving a single or two FAMILY residential USE, an Assisted Living Residence with 10 or less residents, a religious USE, and to parking lots with up to 15 parking spaces serving a Conservation USE”.

3. Delete the introductory sentence to section 6.9.2.6 and replace it with the following new sentence:

“Off-STREET parking spaces, except parking spaces serving a single or two FAMILY residential USE or an Assisted Living Residence with 10 or less residents, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements”.

or take any other action relative thereto.

MOTION:

MR. PAVAN moves that the zoning bylaw be amended as set forth in the article.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 32 GROUNDWATER PROTECTION DISTRICT AMENDMENTS
(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Zoning Bylaw and Zoning Map as follows:

- A. Amend the Zoning Map, Map Number 3A and Map Number 3B, to replace the present ZONE 2 boundary for the Conant I and II well fields with a new boundary as shown on the map prepared by Dufresne-Henry, Inc. on December 18, 1996, which is based on the ZONE 2

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delineation prepared by Dufresne-Henry, Inc. for the Acton Water District in the "Report on Conant II Pumping Test" , dated January 1993.

B. Amend the Zoning Bylaw as follows:

1. In the third paragraph of section 2.2 insert after the words "January 1989", the following new words

" , last amended in 1996."

2. Delete section 4.3.2.2 and replace it with a new section 4.3.2.2 as follows:

4.3.2.2 ZONE 2 - The Recharge Protection Area - The area within which GROUNDWATER will move toward a pumping municipal well at the end of a 180 day period of no surficial recharge and full design capacity pumping of the well (the Massachusetts Department of Environmental Protection ZONE 2 boundary standard), as established in the "Groundwater Protection District Map of the Town of Acton, January 1989", and amended in 1996. Except for the Conant I and II well fields, the Zone 2 delineation was prepared by Goldberg, Zoino and Associates (GZA) in the "Final Report - Aquifer Protection Zones, Town of Acton, Massachusetts, January 1989". For the Conant I and II well fields the ZONE 2 delineation was prepared by Dufresne-Henry, Inc. for the Acton Water District in the "Report on Conant II Pumping Test" , dated January 1993, and has been approved by the Massachusetts Department of Environmental Protection (DEP) as the State approved Zone 2.

3. Delete section 4.3.2.5 and replace it with a new section 4.3.2.5 as follows:

4.3.2.5 Boundary Determination - The locations of the various ZONES are shown on the "Groundwater Protection District Map of the Town of Acton, January 1989", as amended, consisting of Map Number 3A showing all ZONES at a scale of 1"=1200', and of Map Number 3B. Map Number 3B consists of sheets 3B-1 through 3B-18 showing ZONE 1 and ZONE 2 at a scale of 1"=200'. The sheets 3B-1 through 3B-18 correspond to the matching town atlas pages, which are also indicated on these sheets, and the ZONE delineations are either traced on these corresponding town atlas pages or on matching overlays to these pages. The "Groundwater Protection District Map of the Town of Acton, January 1989", as amended, is available at the office of the Town Clerk and the Engineering and Planning Departments. Actual site locations of the ZONE 1 and ZONE 2 boundary lines shall be determined by scaling from the Map Number 3B. Actual site location of the boundary line between ZONE 3 and ZONE 4 shall be located by the Building Commissioner, or in the case of a Special Permit under Section 4.3.8, by the Planning Board, based on information from Map Number 3A. Locating the boundary between ZONE 3 and ZONE 4 may be assisted through field investigations conducted by a soil scientist who is certified under qualification class A (advanced qualifications) by the Society of Soil Scientist of Southern New England or by a Professional Engineer versed in soil identification and classification.

4. In section 4.3.3.3, replace "Massachusetts Department of Environmental Quality Engineering" with "Massachusetts Department of Environmental Protection".

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- C. Amend the Zoning Bylaw by deleting the third sentence (second paragraph) in section 4.3.6.5, which begins with “The following sentence ...” and ends with “... May 31, 1994 inclusive.”.
- D. Amend the Zoning Bylaw as follows:
1. In section 4.3.7.2, delete the phrase at the end of the first paragraph that begins with “, and “SP” indicates that ...” and ends with “... from the Planning Board.”
 2. In section 4.3.7.2, Table 4.3.7.2, forth column headed “ZONE 3 Aquifer Protection Area”, delete all “SP” and replace them with a “Y”.
 3. Delete sections 4.3.8 through 4.3.11 and replace them with new sections as follows:
 - 4.3.8 Special Permit for the change or extension of nonconforming USES in the Groundwater Protection District.
 - 4.3.8.1 The Planning Board may grant a Special Permit for any change or substantial extension of any PRINCIPAL or ACCESSORY USE designated with “N” in Table 4.3.7.2 that is in existence as of April 7, 1997. Change or substantial extension as referred to herein shall include but not be limited to: Any change or increase in HAZARDOUS MATERIALS OR WASTE produced, used or stored; any change or increase in the outdoor STORAGE of fertilizers, animal manure, soil conditioners, pesticides, herbicides or deicing chemicals; any increase in wastewater effluent flow other than TERTIARY TREATED EFFLUENT; any change in the grade of the land or the drainage system for the LOT, which affects the flow of GROUNDWATER or SURFACE WATER; any expansion in ground area by 500 square feet or more of impervious material or any area devoted to the conduct of the PRINCIPAL or ACCESSORY USE.
 - 4.3.8.2 Action by the Planning Board, Criteria for Special Permit - After notice and public hearing, and after due consideration of all reports and recommendations submitted to the Planning Board regarding the Special Permit application, the Planning Board may grant such a Special Permit provided that it shall make the following findings:
 - a) Maintain GROUNDWATER Quality - That the change or extension of the USE will not cause the GROUNDWATER quality at the down-gradient property boundary to fall below the drinking water standards established by the Acton Water District, or where no such standards exist, below standards established in 314 C.M.R. 6.00, Massachusetts Drinking Water Standards, or by the Acton Board of Health. Where existing GROUNDWATER quality is already below those standards, the Planning Board may grant such Special Permit upon determination that the change or expansion of the USE will not result in further degradation of the GROUNDWATER quality, and will not impede its improvement over time.
 - b) Protection of Overall WATER SUPPLY - That the change or extension of the USE will not, during construction or thereafter, have an adverse effect on the GROUNDWATER, SURFACE WATER and overall WATER SUPPLY of the Town of Acton and the resulting USE after the change or extension will be in

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harmony with the specific purpose and intent of this Section to protect the GROUNDWATER, SURFACE WATER and overall WATER SUPPLY of the Town of Acton.

- c) Compliance - That the changed or extended USE is in harmony with the purpose and intent of this Section and complies with the standards of Section 10.3.5 of this Bylaw. In making such determinations, the Planning Board shall give consideration to the proposed USE, the demonstrated reliability and feasibility of the proposed pollution control measures associated with the USE, and the degree of pollution threat to the GROUNDWATER which would result if the control measures perform at less than design specifications. The Planning Board may impose such conditions, safeguards, and limitations as it deems appropriate to protect the GROUNDWATER and SURFACE WATER resources of the Town of Acton.

4.3.8.3 Filing Requirements - The Planning Board shall promulgate and adopt rules and regulations governing this Special Permit pursuant to Section 10.3.1 of this Bylaw. Such rules and regulations shall set forth the application filing requirements to ensure that the application, including any plans and accompanying text, provides sufficient information for a full evaluation of resulting impacts on the GROUNDWATER resources, and to allow the Planning Board an evaluation of the application under the criteria set forth in section 4.3.8.2 above.

4.3.8.4 Submittal of "As Built" Plan - Upon completion of any work authorized through a Special Permit under this Section, an "as built" plan prepared by a Registered Professional Engineer, showing all improvements authorized or required, shall be submitted to the Building Commissioner for approval prior to the issuance of an Occupancy Permit.

or take any other action relative thereto.

MOTION:

MR. NIEMYSKI moves that the zoning bylaw be amended as set forth in the article.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 33 SERVICES AND RECREATION

(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Zoning Bylaw as follows:

- A. In the Table of Principal Uses delete sections 3.5.11 and 3.5.12 and replace them with a new section 3.5.11 as follows (*Y = the use is allowed; N = the use is not allowed; R under Site Plan column = site plan special permit required*):

| | PRINCIPAL USES | RESIDENTIAL DISTRICTS | VILLAGE DISTRICTS | OFFICE DISTRICTS |
|--|----------------|-----------------------|-------------------|------------------|
| | | R-2 R-4 R-8 | | |

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| | | | | | | | | | | | |
|--------|----------|-------------------------|---------|------|------|-----|---------|---------|-----|------|------|
| | | R-8/4 R-10 R-10/8 | R- A | R-AA | VR | SAV | WA V | NA V | EAV | OP-1 | OP-2 |
| 3.5.11 | Services | | N | N | Y(8) | Y | Y | Y | Y | N(5) | N(5) |

| BUSINESS DISTRICTS | | | INDUSTRIAL DISTRICTS | | | | | SPECIAL DISTRICTS | | |
|--------------------|----|----|----------------------|----|------|----|----|-------------------|------------------|--------------|
| GB | LB | KC | LI | GI | LI-1 | IP | SM | ARC | PCRC & PUD | SITE PLAN |
| Y | Y | Y | N | N | N | N | N | N | - | R |

and renumber sections 3.5.13 through 3.5.24 to become 3.5.12 through 3.5.23 respectively.

B. Delete sections 3.5.11 and 3.5.12 and replace them with a new section 3.5.11 as follows:

3.5.11 Services - Establishments providing services such as a barber shop, laundry or dry-cleaning, diaper service, shoe repair, tailor, weight loss clinic, clothing rental shop, equipment rental and leasing, BUILDING cleaning, photocopying, telephone answering, word processing, secretarial services, computer service bureau, music instruction, appliance and office equipment repair, bicycle repair, repair of lawn mowers and similar small equipment, and food catering.

and renumber sections 3.5.13 through 3.5.24 to become 3.5.12 through 3.5.23 respectively.

C. Amend the Zoning Bylaw as follows:

1. In the Table of PRINCIPAL USES, section 3.5.15 (*section 3.5.15 is renumbered to 3.5.14 in part B of this article*), add a footnote (11) in each column designated with SPS, and insert a new footnote (11) as follows:

(11) No special permit shall be required for Commercial Recreation facilities with a NET FLOOR AREA of less than 2,000 square feet.

2. Delete section 3.5.15 and replace it with a new section 3.5.15 as follows (*section 3.5.15 is renumbered to 3.5.14 in part B of this article*):

3.5.15 Commercial Recreation - A facility operated as a business, open to the public for a per-visit or membership fee, and designed and equipped for the conduct and instruction of sports and recreation such as ice skating, roller skating, racquet ball, swimming, body building, fitness training, steam baths, sauna, aerobics, yoga, dancing, martial arts, bowling, horseback riding, skiing, ball games, golf, miniature golf, or other customary and usual sports and recreational activities.

D. Amend the Zoning Bylaw as follows:

1. In section 3.8.2.1, replace section references as follows: Replace 3.5.18 with 3.5.17; replace 3.5.12 with 3.5.11; and replace 3.5.20 with 3.5.19; and delete the word 'General'.

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2. Amend the table of section 5.5.2 as follows: Rename 3.5.11 Personal Services to 3.5.11 Services; delete line numbered 3.5.12; renumber lines 3.5.13, 3.5.14, 3.5.15 and 3.5.17 to become 3.5.12, 3.5.13, 3.5.14 and 3.5.16 respectively.
3. Amend the table under section 9A.7.1 as follows: Rename 3.5.11 Personal Services to 3.5.11 Services; delete line numbered 3.5.12; renumber 3.5.13, 3.5.15, 3.5.16 and 3.5.21 to become 3.5.12, 3.5.14, 3.5.15 and 3.5.20 respectively.

or take any other action relative thereto.

MOTION:

MR. CROSWELL moves that the zoning bylaw be amended as set forth in the article, with the addition of letter "N" under the column designating the R-2 through R-10/8 districts

MOTION CARRIES UNANIMOUSLY..

ARTICLE 34* ACCESSORY USES

(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Zoning Bylaw by inserting a new section 3.8.4 as follows:

3.8.4 ACCESSORY USES allowed in the Office and Industrial Districts:

3.8.4.1 An employee food service area established exclusively to serve employees of the PRINCIPAL USE.

3.8.4.2 The following ACCESSORY USES, provided that their combined NET FLOOR AREA does not exceed 5% of the total NET FLOOR AREA that is occupied by the PRINCIPAL USE, and that they are conducted primarily as a service for employees, customers and clients of the PRINCIPAL USE:

- a) The retail sale of goods and merchandise.
- b) Financial Services.
- c) The sale of food and beverages, other than an employee food service area under section 3.8.4.1.

and re-numbering current section 3.8.4 to become Section 3.8.5.

or take any other action relative thereto.

MOTION: [Consent]

MR. CHERNIN moves that the zoning bylaw be amended as set forth in the article.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 35* SPECIAL PERMIT EXEMPTION FOR ENVIRONMENTAL REMEDIATION PROJECTS

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(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Zoning Bylaw as follows:

A. Insert new sections 4.1.5.3 and 4.1.7.6 as follows:

4.1.5.3 Any activity, construction or installation conducted solely for the purpose of environmental clean-up or remediation, and required or approved by the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection.

4.1.7.6 Any activity, construction or installation conducted solely for the purpose of environmental clean-up or remediation, and required or approved by the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection.

B. Insert a new section 24. in Table 4.3.7.2 - USE Regulations within the GROUNDWATER Protection District as follows:

| | ZONE 1 | ZONE 2 | ZONE 2 |
|--|--------|--------|--------|
| 24. Any activity, construction or installation conducted solely for the purpose of environmental clean-up or remediation, and required or approved by the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection. | Y | Y | Y |

C. Insert a new section 10.4.1.3 as follows:

10.4.1.3 Any activity, construction or installation conducted solely for the purpose of environmental clean-up or remediation, and required or approved by the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection shall not require a Site Plan Special Permit.

or take any other action relative thereto.

MOTION: [Consent]

MR. CHERNIN moves that the zoning bylaw be amended as set forth in the article.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 36 SITE PLAN AMENDMENTS TO COMPLY WITH CURRENT DESIGN STANDARDS

(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Zoning Bylaw by inserting a new section 10.4.6 as follows:

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10.4.6 When granting a Site Plan Special Permit or when approving an amendment thereto, the Board of Selectmen shall require, and in reviewing an application for a building permit, the Building Commissioner shall require that any repair, replacement, or reconstruction of improvements to the site, including but not limited to, drainage, exterior lighting, landscaping, pedestrian and vehicular circulation or parking facilities, required or approved by the Site Plan Special Permit, shall, to the extent practicable, comply with the currently applicable standards of this Bylaw, whether or not such repair, replacement or reconstruction requires a new Site Plan Special Permit. When evaluating an application for such repair, replacement, or reconstruction of existing facilities, the Board of Selectmen or the Building Commissioner shall consider the practicability of compliance with currently applicable standards in light of the existing site configuration, and the cost of compliance compared to the increase in public safety or convenience achieved thereby.

or take any other action relative thereto.

MOTION:

MR. HILL moves that the zoning bylaw be amended as set forth in the article.

MOTION CARRIES.

TOTAL VOTE 78 YES 60 NO 18

ARTICLE 37 WIRELESS COMMUNICATION FACILITIES

(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

A. Insert a new section 3.4.10 as follows:

3.4.10 Wireless Communication Facility - A facility for the reception and transmission of personal wireless communication signals operated by a public utility or commercial entity licensed by the Federal Communications Commission. A Wireless Communication Facility shall include reception and transmission equipment and fixtures, such as antennae and satellite dishes, and associated electronic and mechanical equipment, any tower or other STRUCTURE designed or used primarily to support or elevate such fixtures, and any accessory STRUCTURE or BUILDING necessary to shelter the equipment.

B. In the Table of Principal Uses add a new section 3.4.10, Wireless Communication Facility, as follows (*SPP = the use may be allowed by special permit; N = the use is not allowed; NR under Site Plan column = site plan special permit not required*):

| | PRINCIPAL USES | RESIDENTIAL DISTRICTS | | | | VILLAGE DISTRICTS | | | | OFFICE DISTRICTS | |
|--------|--------------------------------------|--|-----|------|----|-------------------|---------|-----|-----|------------------|------|
| | | R-2 R-4 R-8 R-8/4 R-10 R-10/8 | R-A | R-AA | VR | SAV | WA V | NAV | EAV | OP-1 | OP-2 |
| 3.4.10 | Wireless Communication Facility (12) | SPP | SPP | N | N | N | N | N | N | SPP | SPP |

| BUSINESS DISTRICTS | | | INDUSTRIAL DISTRICTS | | | | | SPECIAL DISTRICTS | | SITE PLAN |
|--------------------|---------|----|----------------------|---------|---------|---------|---------|-------------------|------------|-----------|
| GB | LB | KC | LI | GI | LI-1 | IP | SM | ARC | PCRC & PUD | |
| SP P | SP P | N | SP P | SP P | SP P | SP P | SP P | SPP | - | NR |

and add a new footnote (12) as follows:

(12) Refer to Section 3.10 for specific standards for Wireless Communication Facilities and for certain categorical exemptions from the requirements set forth in the Table of PRINCIPAL USES.

C. Insert a new section 3.10 as follows:

3.10 Special Requirements for Wireless Communication Facilities.

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- 3.10.1 Purpose - The purpose of this section is as follows:
- 3.10.1.1 to minimize adverse impacts of wireless communication facilities, satellite dishes and antennae on adjacent properties, local historic districts and residential neighborhoods;
 - 3.10.1.2 to limit the overall number and height of such facilities to what is essential to serve the public convenience and necessity; and
 - 3.10.1.3 to promote shared USE of facilities to reduce the need for new facilities.
- 3.10.2 No Wireless Communication Facility shall be erected or installed except in compliance with the provisions of this Section 3.10.
- 3.10.3 Applicability - This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services. Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of wireless communication signals at home or business locations, and nothing in this Bylaw shall be construed to regulate or prohibit an antenna installed solely for use by a federally licensed amateur radio operator, provided that the height of such antenna does not exceed applicable height limitations and, if freestanding, that it is set back from all LOT lines at least the distance equal to its height, but not less than the otherwise applicable minimum yard requirement.
- 3.10.4 General Requirements.
- 3.10.4.1 Lattice style towers and similar facilities requiring more than one leg or guy wires for support are prohibited, provided, however, additional equipment may be added to an existing lattice tower, and such a tower may be extended in height, by a special permit from the Planning Board under section 3.10.6, if the facility otherwise complies with that section and, in addition, the Planning Board finds that such addition or extension better serves the purposes of section 3.10 than a new facility.
 - 3.10.4.2 All STRUCTURES associated with wireless communication facilities shall be removed within one year of cessation of USE.
 - 3.10.4.3 Night lighting of Wireless Communication Facilities is prohibited except for low intensity security lights installed at or near ground level.
 - 3.10.4.4 Section 6 of the Acton Zoning Bylaw shall not apply to Wireless Communication Facilities.
 - 3.10.4.5 At least one sign shall be installed in a visible location at the base of, or otherwise near, every Wireless Communication Facility that provides the telephone number where the operator in charge can be reached on a 24-hour basis.
 - 3.10.4.6 Nothing in this Bylaw shall be construed to regulate or prohibit a wireless communication facility on the basis of the environmental effects of radio frequency radiation (RFR) emissions, provided the facility complies with regulations of the Federal Communications Commission concerning such emissions.
- 3.10.5 Categorical Exemptions:

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- 3.10.5.1 In all zoning districts, a Wireless Communication Facility shall be allowed and no special permit shall be required,
- a) if the Wireless Communication Facility does not exceed 3 feet in diameter and 12 feet in height and is otherwise in compliance with applicable dimensional requirements of this Bylaw, or
 - b) if the Wireless Communication Facility is located entirely, except for necessary wiring, within a BUILDING or STRUCTURE that is occupied or used primarily for other purposes.
- 3.10.5.2 In the Office Districts (OP-1, OP-2), the Industrial Districts (LI, GI, LI-1, IP, SM), the General Business District (GB), and the Limited Business District (LB), a Wireless Communication Facility shall be allowed and no special permit shall be required, if its height does not exceed applicable height limitations and, if freestanding, it is set back from all LOT lines at least the distance equal to the height of the facility, but not less than the otherwise applicable minimum yard requirement.
- 3.10.6 In all other cases, any new Wireless Communication Facility, and any increase in height or size, or reconstruction or replacement of an existing Wireless Communication Facility shall not be allowed without a special permit from the Planning Board in accordance with M.G.L. ch. 40A, s.9, subject to the following regulations, conditions and limitations:
- 3.10.6.1 The Wireless Communication Facility shall not exceed a height of 175 feet from ground level, or to a height that requires it to be illuminated at night under Federal Aviation Administration or Massachusetts Aeronautics Commission regulations, whichever is less.
 - 3.10.6.2 In all Residential Districts, the Wireless Communication Facility shall be set back from all LOT lines at least the distance equal to the height of the facility, but not less than the otherwise applicable minimum yard requirement.
 - 3.10.6.3 The Wireless Communication Facility shall be located a minimum of 500 feet away from a Local Historic District boundary.
 - 3.10.6.4 The Wireless Communication Facility shall be located a minimum distance from any existing residential BUILDING that is at least twice the height of the Facility, unless the residential BUILDING and the facility are located on the same LOT.
 - 3.10.6.5 Any Wireless Communication Facility that is not located in or on a BUILDING or STRUCTURE occupied or used for some other PRINCIPAL USE shall be designed to accommodate the maximum number of users technologically practical but not less than three. The Planning Board may require the owner of such Facility to permit other users to use such Facility upon payment of a reasonable charge, which shall be determined by the Planning Board if the parties cannot agree.
 - 3.10.6.6 Fencing shall be provided to control unauthorized entry to the Wireless Communication Facility.
 - 3.10.6.7 The Special Permit application for a Wireless Communication Facility shall be accompanied by a plan showing the location of such Facility in relation to lot lines

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and all BUILDINGS within 500 feet, and plans for the installation or construction of the facility adequate to show compliance with the provisions of this section, and such supplemental information as may be required by the Planning Board in the Rules and Regulations for a Special Permit for Wireless Communication Facilities.

3.10.6.8 Mandatory Findings - The Planning Board shall not issue a special permit for a Wireless Communication Facility unless it finds that the Wireless Communication Facility:

- a) is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, s.11;
- b) cannot for technical or physical reasons be located on an existing Wireless Communication Facility that provides similar coverage;
- c) cannot be located at any other practicably available site that is less visible to the general public due to technical requirements, topography or other unique circumstances. The applicant shall have the burden of showing what alternative sites it considered and why such sites are not practicably available;
- d) is not designed and constructed any larger or higher than the minimum height and size necessary to accommodate its anticipated future USE and cannot be further reduced in height due to technical requirements, topography or other unique circumstances;
- e) is sited in such a manner that it is suitably screened and, to the extent possible, not visible from residential BUILDINGS or public STREETS within 500 feet;
- f) is colored so that it will, as much as possible, blend in with its surroundings when viewed from residential BUILDINGS or public STREETS within 500 feet; using, if necessary, different colors to blend in the facility as invisibly as possible with the landscape or buildings on the ground and the sky above the tree or BUILDING line;
- g) is designed to accommodate the maximum number of users technologically practical but not less than three;
- h) is necessary because the owner of an existing Wireless Communication Facility will not permit the applicant to place an additional Wireless Communication Facility in the same location;
- i) is in compliance with applicable Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission, and the Massachusetts Department of Public Health regulations;
- j) complies with all applicable requirements of this Bylaw, including section 10.3.

or take any other action relative thereto.

MOTION:

MR. TOLLEY moves that the zoning bylaw be amended as set forth in the article.

MR. MILLER moves to amend the zoning bylaw by adding the following sentence after Section 3.10.6.7:

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The application shall also include maps showing areas where the proposed top of the wireless communication facility will be visible when there is vegetation and when there is not.

AMENDED MOTION CARRIES.

TOTAL VOTE 42 YES 40 NO 2

ARTICLE 38* CORRECTIONS, CLARIFICATIONS AND MINOR MODIFICATIONS
(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Zoning Bylaw and Zoning Map as follows:

A. Amend the Zoning Map (Map No. 1) as follows:

1. Rezone from General Industrial (GI) to Residence 10 (R-10) a parcel of land shown on the 1996 Town Atlas as situated between parcel B-6/9, the Acton town boundary to Carlisle, and the Penn Central Railroad Co.
2. Rezone from Residence 8 (R-8) to Residence 10/8 (R-10/8) a parcel of land shown on the 1996 Town Atlas as situated between parcel D-6/3, the Acton town boundary to Carlisle, and the Acton town boundary to Concord.
3. Rezone from Residence 2 (R-2) to Residence 8/4 (R-8/4) the following parcels of land:
 - 1) A parcel of land shown on the 1996 Town Atlas as situated between parcels I-2/3, I-2/31, I-2/32, I-2/57, I-2/82 and I-2/83, and the Acton Town boundary to Maynard.
 - 2) A parcel of land shown on the 1996 Town Atlas as parcel I-2/83.
 - 3) A parcel of land shown on the 1996 Town Atlas as parcel I-2/84.

B. Amend the Zoning Map (Map No. 1) as follows:

Zone to North Acton Village (NAV) Parcels V, W, X, Y, and Z, all as shown on a plan entitled Rex Lane Definitive Subdivision, Acton, Mass., prepared for the Town of Acton by Stamski and McNary, Inc., dated November 15, 1996.

C. In section 3, Table of Principal Uses, under Special Districts, delete the column headed "PCRC & PUD", delete footnote (1), and re-number footnotes (2) through (12) (*footnotes 10 through 12 stem from previous articles in this warrant if adopted*) to become footnotes (1) through (11) respectively.

D. Amend section 3.3.2.9.b) of the Zoning Bylaw by replacing in the second sentence the words "in existence prior to 1950" with the new words as follows:

"continuously in existence since prior to 1950".

E. Delete section 3.5.14 (*section 3.5.14 has been changed to section 3.5.13 if Article 33 of this Warrant was adopted*) and replace it with a new section 3.5.14 (3.5.13) as follows:

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3.5.14(3.5.13) Building Trade Shop - An establishment for use by the practitioner of a building trade such as a carpenter, welder, plumber, electrician, builder, mason, landscaping contractor, lawn care service, or similar occupation.

F. Delete section 3.5.20 (*section 3.5.20 has been changed to section 3.5.19 if Article 33 of this Warrant was adopted*) and replace it with a new section 3.5.20 (3.5.19) as follows:

3.5.20 (3.5.19) Light Vehicular and Equipment Sales or Leasing - Salesroom and related facilities, including but not limited to open air display, for the sale and long term lease of automobiles, light trucks with a maximum of two axles, motorcycles, one axle trailers, recreational vehicles, and similar vehicles; boats; or light industrial or farm equipment.

G. Delete the last sentence of section 3.5.24 (*section 3.5.24 has been changed to section 3.5.23 if Article 33 of this Warrant was adopted*).

H. Insert a new third sentence in the lead paragraph of section 3.8.1.5 as follows:

“Common Drives shall not serve more than 12 LOTS.”

I. Delete section 3.8.2.1 and replace with a new section 3.8.2.1 as follows:

3.8.2.1 The rental of automobiles, light trucks or trailers, and similar light motor vehicles provided that such rental is secondary to the operation of 1) a Motor Vehicle Service Station allowed under section 3.5.18 (*3.5.17 if Article 33 is adopted*), 2) a USE permitted under section 3.5.12 - General Services (*3.5.11 - Services if Article 33 is adopted*), or 3) Light Vehicular and Equipment Sales or Leasing allowed under section 3.5.20 (*3.5.19 if Article 33 is adopted*).

J. Delete section 4.1.3.1 and replacing it with new section 4.1.3.1 as follows:

4.1.3.1 The Base Flood elevations for AE-Zones shall be the regulatory elevations from Table 3 and the cross section locations from the Flood Profiles contained in the “Flood Insurance Study, Town of Acton, January 6, 1988” published by the Federal Emergency Management Agency (FEMA).

K. Delete section 7.8.6.1 and replace it with a new section 7.8.6.1 as follows:

7.8.6.1 One FREESTANDING SIGN may be ERECTED on a LOT provided that no BUILDING on the LOT is located within 30 feet of the sideline of the STREET nearest which the FREESTANDING SIGN is ERECTED.

or take any other action relative thereto.

MOTION: [Consent]

MR. HALM moves that the zoning bylaw be amended as set forth in the article.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 39 LONG-RANGE PLANNING AND TRAFFIC MANAGEMENT

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(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$135,000, or any other sum, to be expended by the Town Manager for professional assistance to conduct a Master Plan Update and a limited Route 27 Corridor Study as listed below,:

| | |
|------------------------------------|-----------------|
| A. Master Plan Update | \$70,000 |
| B. Route 27 Corridor Traffic Study | <u>\$65,000</u> |
| Total | \$135,000 |

or take any other action relative thereto.

MOTION:

MR. KABAKOFF moves that the Town raise and appropriate \$135,000.00 to be expended by the Town Manager for professional services to conduct a Master Plan Update and a limited Route 27 Corridor Study as listed in this Article.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 40 AMEND TOWN BYLAWS - GROUND WATER CLEANUP STANDARDS
(Majority Vote Required)

To see if the Town will vote to amend the Town Bylaws by adding the following section, or take any other action relative thereto:

Town of Acton Ground Water Cleanup Standards Bylaw

1. Authority

This Bylaw is adopted by the Town of Acton under its Home Rule Authority pursuant to Article 89, Section 6 of the Amendments to the Massachusetts Constitution (the Home Rule Amendment), its police powers to protect the public health, safety, welfare, and its authorization under Massachusetts General Laws Chapter 40, Section 21, and its authority to plan for the prevention, control and abatement of water pollution under M.G.L. c. 21, § 27 (1).

2. Purpose

The purpose of this Bylaw is to protect, preserve, improve and maintain the Town of Acton's existing and potential public drinking water sources and to assure public health and safety through the application of stringent environmental ground water quality clean up standards which assure restoration of any contaminated water resources area covered by this Bylaw to a fully useable condition.

3. Recitations

3.1 The Town of Acton relies exclusively on groundwater sources within the Town as its sole source of public drinking water for residents, businesses and industries in the Town.

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- 3.2 There have been a number of documented releases and threats of release within the Town of "oil" and "hazardous material" as those terms are defined under Massachusetts General Laws Chapter 21E and the Massachusetts Contingency Plan, 310 CMR 40.0000 et.seq. (the "MCP").
- 3.3 Groundwater that serves as Acton's public water supply has been contaminated or threatened by various releases and threats of release within the Town of "oil" and "hazardous material".
- 3.4 Multiple contaminants in groundwater and/or multiple pathways of exposure to such contaminants has presented and continues to present extraordinary risks to Acton's present and future public drinking water supply sources.

4. Definitions

The following terms shall have the following meanings in this Bylaw:

- 4.1 "Contaminant" means any physical, chemical, biological or radiological substance or matter in water. See 42 U.S.C. § 300f(6). The term "Contaminant" includes, without limitation, any material or substance defined as "oil" or "hazardous material" under Massachusetts General Laws Chapter 21E or the Massachusetts Contingency Plan, 310 CMR 40.0000 et seq. (the "MCP").
- 4.2 "DEP" means the Department of Environmental Protection, its predecessors and/or its successors.
- 4.3 "Zone 1" shall be that area defined as "Zone 1 - The Wellhead Protection Area" by Section 4.3.2.1 of the Acton Zoning Bylaw's Groundwater Protection District Regulations.
- 4.4 "DEP Approved Wellhead Protection Area" means the protective radius around a public water supply well or wellhead which has been approved by DEP as show on a DEP Bureau of Waste Site Cleanup Map of the Town of Acton dated October 25, 1996 produced by Mass. GIS and on file with the Town Clerk of the Town of Acton. In the event of a conflict between Section 4.3 and Section 4.4 hereof, the broader shall control.
- 4.5 "Zone 2" means that area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). See 310 CMR 22.02. Zone 2 shall include (a) all areas in the Town of Acton defined as "Zone 2 - The Recharge Protection Area" by Section 4.3.2.2 of the Acton Zoning Bylaw's Groundwater Protection District regulations, and (b) all areas in the Town of Acton depicted as Zone 2 as shown on a DEP Bureau of Waste Site Cleanup Map of the Town of Acton dated October 25, 1996 produced by Mass. GIS and on file with the Town Clerk of the Town of Acton. In the event of a conflict between Section 4.5(a), Section 4.5(b) and/or Section 4.6 hereof, the broader shall control.
- 4.6 "IWPA" means the Interim Wellhead Protection Area, an area extending to a one-half mile radius from a public water supply wellhead with an approved pumping rate of 100,000 gallons per day or greater, that is intended to protect the wellhead

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pending the delineation of its Zone 2, as shown on a DEP Bureau of Waste Site Cleanup Map of the Town of Acton dated October 25, 1996 produced by Mass. GIS and on file with the Town Clerk of the Town of Acton. See 310 CMR 22.02.

- 4.7 “Fully useable condition” means that, with respect to any Resource Area covered by this Bylaw, Contaminant levels meet or surpass in cleanness on a permanent basis Groundwater Cleanup Standards established by this Bylaw throughout the Resource Area for each and every Contaminant.
- 4.8 “Potentially productive aquifer(s)” means all aquifers within Acton delineated by the U.S. Geological Survey as a high or medium yield aquifer, as shown on a DEP Bureau of Waste Site Cleanup Map of the Town of Acton dated October 25, 1996 produced by Mass. GIS and on file with the Town Clerk of the Town of Acton. See 310 CMR 40.0006.
- 4.9 “Cleanup” means any response action, removal action or remedial action undertaken pursuant to any federal or state environmental law, rule, regulation, order or decree involving the clean up or removal of any contaminant from the environment, including, without limitation, from land, waters and/or groundwaters.
- 4.10 “Ground Water Cleanup Standards” means the groundwater quality standards adopted by the Town of Acton pursuant to this Bylaw and are as follows: (1) Maximum Contaminant Level Goals (“MCLGs”) established under the Safe Drinking Water Act for each Contaminant for which an MCLG has been established, see 40 CFR § § 141.50 - 141.52. and (2) where an MCLG for a specific Contaminant is zero, or where an MCLG for a specific Contaminant has not been promulgated, 1 part per billion ("ppb") for any such volatile organic compound ("VOC") and 5ppb total for all such VOC's.
- 4.11 “Resource Area” means and includes each and all of the following areas in the Town of Acton:
- a. Zone 1 of all public water supply wells,
 - b. All DEP Approved Wellhead Protection Areas,
 - c. Zone 2 of all public water supply wells,
 - d. ALL IWPA's for a Public Water Supply, and
 - e. All Potentially Productive Aquifers.

5. Scope

Any Cleanup performed in the Town of Acton by a person potentially liable under Section 5(a) of General Laws Chapter 21E on, in, at, of or affecting any Resource Area(s) shall on a permanent basis meet or surpass in cleanness the Ground Water Clean Up Standards established by this Bylaw throughout the Resource Area for each and every Contaminant for which the Cleanup is or has been undertaken.

6. Application of Ground Water Cleanup Standards

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All sampled locations throughout the Resource Area shall meet the Ground Water Clean Up Standards established by this Bylaw. No averaging of samples may be used to determine compliance with the Ground Water Cleanup Standards for any particular sampling point, Resource Area or any combination of Resource Areas. All Resource Areas which undergo a Cleanup must be restored to a fully useable condition.

7. Enforcement

The Board of Selectmen is authorized and empowered to enforce the provisions of this Bylaw. Pursuant to G.L. Chapter 40, Section 21, breach of this Bylaw shall be punishable by a penalty of three hundred dollars (\$300.00) for each offense. Each day during which a breach of this Bylaw continues shall constitute a separate offense. Without limitation, it shall constitute a breach of this Bylaw to discontinue for more than thirty (30) days or to abandon a Cleanup of a Resource Area without meeting the Groundwater Cleanup Standards of this Bylaw. Any breach of this Bylaw shall be deemed to cause irreparable harm to the Town of Acton and its citizens, residents, and persons employed in the Town, entitling the Town of Acton to all appropriate injunctive relief in addition to all other available remedies provided by law.

8. Variance From Groundwater Cleanup Standards

The Board of Selectmen shall have the power, after public hearing for which notice has been given by publication and posting, by mailing to the applicant, all abutters, and the Acton Water District Commissioners, to grant upon petition with respect to a particular Cleanup a variance from the Groundwater Cleanup Standards of this Bylaw where the Board of Selectmen specifically finds that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw. In determining whether to grant such a variance, the Board of Selectmen should consider the following:

- (i) the ability of the applicant to demonstrate that its contribution to a discharge, release, or disposal of the Contaminants at issue can be distinguished from the contribution of other parties;
- (ii) the amount and concentration of the contaminants involved;
- (iii) the degree of toxicity and the fate and transport of the contaminants involved;
- (iv) the degree of involvement by the applicant in the generation, transportation, treatment, storage, or disposal of the contaminants involved;
- (v) the degree of care exercised by the applicant with respect to the contaminants concerned, taking into account the characteristics of such contaminants;
- (vi) the degree of cooperation by the applicant with the Federal, State or local officials to prevent any harm to the public health, safety, welfare, or environment;
- (vii) alternatives proposed by the applicant to protect the public health, safety, welfare and the environment including, without limitation, any prospective contribution by

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the applicant to costs of treatment of the affected groundwater before its distribution within Acton's public water supply; and

- (viii) whether achievement of the Ground Water Cleanup Standards is technologically infeasible or not cost-effective based on the limits of best available technology, the marginal costs, the marginal benefits, and the risks to the public health, safety, welfare and the environment.

The Board of Selectmen may impose conditions, safeguards and limitations in such a variance to protect the public health, safety, welfare and the environment and to effectuate the purposes of this Bylaw.

9. Applicability

This Bylaw shall apply to any existing, ongoing or proposed Cleanup to the maximum extent permitted by law.

10. Severability

If any part of this Bylaw is adjudicated invalid, the remaining parts shall remain in full force and effect. If this Bylaw is adjudicated invalid or inapplicable in any area or zone, it shall remain valid and applicable to the maximum geographical extent possible.

MOTION:

MR. KABAKOFF moves that the Town amend the Town Bylaws by adding a new Chapter R "Ground Water Cleanup Standards" as set forth in the article, except that various Sections shall be amended as set forth in the handout distributed to the Town Meeting.

MOTION CARRIES.

ARTICLE 41 SECTION 53E1/2 SELF-FUNDING PROGRAMS

(Majority Vote Required)

To see if the Town will vote pursuant to Section 53E1/2 of Chapter 44 of the Massachusetts General Law to continue revolving funds for the Local School system, Historic District Commission, the Building Department, Sealer of Weights and Measures, Health Inspectional Services, and Fire Department Fire Alarm Network, or take any other action relative thereto.

| | <u>FUND BALANCE</u> | <u>REVENUE</u> | <u>EXPENSE</u> |
|-------------------------------|---------------------|----------------|----------------|
| | <u>6/30/96</u> | | |
| School Department | | | |
| Douglas At Dawn | \$ 938 | \$ 1,000 | \$ 1,000 |
| Merriam Afternoons/Summer | \$5,381 | \$30,000 | \$30,000 |
| Gates Amazing Mornings | \$1,575 | \$20,000 | \$20,000 |
| Historic District Fees | \$ 520 | \$ 400 | \$ 300 |

Building Department

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| | | | |
|---|----------|----------|----------|
| (Micro Film Fees, Electrical, Plumbing and Gas Permits, Sign Licenses and Periodic Inspection Fees) | \$45,865 | \$88,000 | \$87,348 |
| Sealer of Weights and Measure | \$1,261 | \$ 7,700 | \$ 7,670 |
| Health Department | | | |
| Food Service Inspections | \$2,243 | \$24,000 | \$23,860 |
| Hazardous Materials Inspection Fees | \$9,302 | \$16,500 | \$15,770 |
| Fire Department | | | |
| Fire Alarm Network | 0 | \$30,000 | \$30,000 |

MOTION:

MR. KABAKOFF moves that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department and Fire Department be established for FY 1998 in the amounts and for the purposes as set forth in the article.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 42. TOWN BOARD SUPPORT - SPECIAL PROJECTS

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, \$10,000, or any other sum, to be expended by the Town Manager for the on-going expenses of the Acton Boxborough Cultural Council and the Land Stewardship Sub-Committee of the Conservation Commission as listed below:

| | |
|-----------------------------------|----------------|
| A.. Cultural Council | \$5,000 |
| B. Land Stewardship Sub-Committee | <u>\$5,000</u> |
| Total | \$10,000 |

or take any other action relative thereto.

MOTION:

MS. TAVERNIER moves that the Town raise and appropriate \$10,000.00 to be expended by the Town Manager for the on-going expenses of the Acton Boxborough Cultural Council and the Land Stewardship Sub-Committee of the Conservation Commission as listed in the Article.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 43 CAPITAL IMPROVEMENTS, INFRASTRUCTURE- SIDEWALKS

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$73,000, or any other sum, to be expended by the Town Manager for the development of sidewalks, or take any other action relative thereto.

MOTION:

MR. MULLIN moves that the Town raise and appropriate \$73,000.00 to be expended by the Town Manager for the purpose of constructing sidewalks and that to raise such amount, \$73,000.00 be transferred from Free Cash.

MOTION CARRIES UNANIMOUSLY.

**ARTICLE 44 CAPITAL IMPROVEMENTS, FACILITIES AND EQUIPMENT-
REPAIR AND RENOVATIONS**

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds the sum of \$97,500, or any other sum, to be expended by the Town Manager for the various purposes listed below:

| | <u>Estimated Cost</u> |
|------------------------------|-----------------------|
| A. Town Hall Painting | \$40,000 |
| B. DPW Door Replacement | \$15,000 |
| C. Fire Station Roof Repairs | \$36,000 |
| D. Slice Seeder | <u>\$ 6,500</u> |

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Total \$97,500

or take any other action relative thereto.

MOTION:

MR. FRIEDRICHS moves that the Town raise and appropriate \$97,500.00 to be expended by the Town Manager for the purpose of purchasing equipment and making infrastructure repairs as listed in the Article and that to raise such amount, \$97,500.00 be transferred from Free Cash.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 45 CAPITAL IMPROVEMENTS - VEHICLE REPLACEMENTS
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$186,000, or any other sum, to be expended by the Town Manager for the various purposes listed below:

| | <u>Estimated Cost</u> |
|---------------------------------|-----------------------|
| A. Replace Five ton dump truck | \$67,000 |
| B. Replace 2 1/2 ton rack truck | \$46,000 |
| C. Replace 1/2 ton pick up | \$22,000 |
| D. Replace Crawler Loader | \$30,000 |
| E. Replace 3/4 ton pick-up | <u>\$21,000</u> |
| Total | \$186,000 |

or take any other action relative thereto.

MOTION:

MR. FRIEDRICHS moves that the Town raise and appropriate \$186,000.00 to be expended by the Town Manager for the purpose of replacing vehicles as listed in the Article and that to raise such amount, \$186,000.00 be transferred from Free Cash, and further, that the Town Manager be authorized to sell, trade or dispose of vehicles being replaced and to expend any proceeds received for such new vehicles.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 46 AMBULANCE REPLACEMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, \$130,000, or any other sum, to be expended by the Town Manager for the purchase and equipping of an ambulance, or take any other action relative thereto.

MOTION:

MR. FRIEDRICHS moves that the Town raise and appropriate \$130,000.00 to be expended by the Town Manager for the purpose of purchasing and equipping an ambulance and that to raise such amount, \$130,000.00 be transferred from Free Cash, and further, that the Town Manager be

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authorized to sell, trade or dispose of the ambulance being replaced and to expend any proceeds received for such new ambulance.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 47 USE OF FUNDS TO REDUCE THE TAX RATE - FREE CASH

(Majority Vote Required)

To see if the Town will determine an amount of free cash which shall be used for the purpose of reducing the tax rate for the fiscal year beginning July 1, 1997, or take any other action relative thereto.

MOTION:

MS. TAVERNIER moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY.

ARTICLE 48* CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM

(Majority Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds a sum of money for highway improvements under the authority of Chapter 90 of the Mass General Laws and any other applicable laws, or take any other action relative thereto.

MOTION: [Consent]

MR. KABAKOFF moves that the Selectmen are authorized to accept Highway Funds from all sources and such funds are hereby appropriated for highway purposes.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 49* EMERGENCY/DISASTER AID APPROPRIATIONS

(Majority Vote Required)

To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other unusual occurrences during Fiscal Year 1998; or take any other action relative thereto.

MOTION: [Consent]

MR. KABAKOFF moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 50* RELOCATION AND LAYOUT OF A PORTION OF LEDGE ROCK WAY
(Majority Vote Required)

To see if the Town will vote to accept as a Town way a portion of Ledge Rock Way from the end of the present cul-de-sac a distance of 211 feet, more or less, in a northwesterly direction to land of the Town of Acton, as relocated and laid out by the Board of Selectmen according to a plan on file with the Town Clerk; including acceptance of "Parcel U" as shown on said plan from Utica Realty Trust, James J. & Mary F. Redmond, Trustees, and the abandonment of the public way laid out and accepted by the Town in 1981 on Parcels T, V, W & X; said layout and relocation being more fully described in the Order of Street Layout and Relocation on file with the Town Clerk, or take any action relative thereto.

MOTION: [Consent]

MR. MULLIN moves that the Town accept as a public way a portion of Ledge Rock Way as described in the Article, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plan or described in the Order of Layout.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 51* SALE OF TOWN LAND
(2/3 Vote Required)

To see if the Town will vote to authorize the Board of Selectmen to sell and convey for a sum of not less than \$1.00, the fee in certain parcels of vacant land located on Ledge Rock Way and shown on a plan entitled "Rex Lane Subdivision, Acton, Mass. Lot Layout Plan" dated November 15, 1996, said parcels to be conveyed as follows:

- | | |
|--|---------------|
| To: Rex Lumber Company, Inc. | Parcel T |
| To: Utica Realty Trust; James J. & Mary F. Redmond, Trustees ... | Parcel V |
| To: Redledge Realty Trust; Cynthia Redmond, Trustee.... | Parcels W & X |

or take any other action relative thereto.

MOTION: [Consent]

MR. MULLIN moves that the Town authorize the Board of Selectmen to sell and convey, for a sum of not less than \$1.00, the fee in certain parcels of vacant land located on Ledge Rock Way and shown on a plan entitled "Rex Lane Subdivision, Acton, Mass. Lot Layout Plan" dated November 15, 1996; as described in this Article.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 52* ABANDONMENT OF EASEMENT

(2/3 Vote Required)

To see if the Town will vote to authorize the Board of Selectmen, for a sum of not less than \$1.00, to sell and convey to Rex Lumber Company, Inc. all right, title and interest the Town has in a right-of-way and utility easement at the end of Ledge Rock Way as shown on a plan entitled "Definitive Subdivision Plan in Acton, MA, Main Street Industrial Park, Owner-Developer: Joseph and Margaret Britt, Engineer, R.D. Nelson" dated October 17, 1970 (revised January 12, 1971) and recorded at the Middlesex South District Registry of Deeds, Cambridge, Massachusetts in Book 11977 Page 173 as Plan Number 278 of 1971; said easement being described as Easement #3 in an Order of Taking recorded with said deeds in Book 14277 Page 204, or take any other action relative thereto.

MOTION: [Consent]

MR. MULLIN moves that the Town authorize the Board of Selectmen, for a sum of not less than \$1.00, to sell and convey to Rex Lumber Company, Inc. all right, title and interest the Town has in a right-of-way and utility easement at the end of Ledge Rock Way as shown on a plan entitled "Definitive Subdivision Plan in Acton, MA., Main Street Industrial Park, Owner-Developer: Joseph and Margaret Britt, Engineer, R.D. Nelson" dated October 17, 1970 (revised January 12, 1971) and recorded at the Middlesex South District Registry of Deeds, Cambridge, Massachusetts in Book 11977 Page 173 as Plan Number 278 of 1971; said easement being described as Easement #3 in an Order of Taking recorded with said deeds in Book 14277 Page 204.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 53* STREET ACCEPTANCES

(2/3 Vote Required)

To see if the Town will accept as a public way the following streets or portions thereof, as laid out by the Board of Selectmen according to a plan on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said streets by eminent domain or otherwise, including parcels S.P. 1 and F, as well as easements for drainage, utility, or other purposes as shown on said plans or described in the Order of Layout:

In the MARSHALL CROSSING SUBDIVISION

MARSHALL PATH - from the southeasterly sideline of Carlisle Road a distance of 1,425 feet, more or less, in a southeasterly and southerly direction to the southerly sideline of a 75.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road

BLUEBERRY PATH - from the westerly sideline of Marshall Path a distance of 500 feet, more or less, in a southwesterly direction to the southerly boundary of land now or formerly of R.P. Realty Trust, this being the entire road

or take any other action relative thereto.

MOTION: [Consent]

"HELD"

MR. FRIEDRICH moves that the Town accept as a public way the streets listed in this Article, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plan or described in the Order of Layout.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 54* CHARTER ROAD SIDEWALK EASEMENTS
(Majority Vote Required)

To see if the Town will vote to accept as gifts the following easements for sidewalk purposes:

- A. From James W. & Susan C. Bricker of 76 Charter Road an easement along their frontage on Charter Road;
- B. From Christopher C. Hanna and Gerry F. Fulbrook-Hanna of 80 Charter Road an easement along their frontage on Charter Road;

or take any other action relative thereto.

MOTION: [Consent]

MR. KABAKOFF moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 55* SCHOOL STREET SIDEWALK EASEMENTS
(Majority Vote Required)

To see if the Town will vote to accept as gifts the following easements for sidewalk purposes:

- A. From Silvia Lichtensteiger of 178 School Street, an easement along a portion of her frontage on School Street;
- B. From Charles C. & Patricia Francisco of Moreland Hills, Ohio, an easement along a portion of their frontage at 182 School Street;
- C. From Stanley Albert and Helen Anne Marchocki of 186 School Street, an easement along a portion of their frontage on School Street;

or take any other action relative thereto.

MOTION: [Consent]

MR. KABAKOFF moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 56* SCHOOL STREET SIDEWALK EASEMENT
(2/3 Vote Required)

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To see if the Town will vote to purchase, take by eminent domain or otherwise acquire from James B. and Elsie E. Hancock of 13 Lilac Court a parcel of vacant land fronting on School Street and containing approximately 2000 square feet for sidewalk purposes, and authorize the Board of Selectmen and Town Manager to take all action necessary to effectuate such acquisition, or take any other action relative thereto.

MOTION: [Consent]

“HELD”

MR. KABAKOFF moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY.

ARTICLE 57* ACCEPTANCE OF GIFT OF LAND, MARSHALL CROSSING
(Majority Vote Required)

To see if the Town of Acton will vote to accept as a gift from Bowen Estate I Realty Trust u/d/t a parcel of vacant land consisting of 12.86 acres, more or less, located near Marshall Path in North Acton and shown on the Town Atlas as parcel 9 on Plate C-6, and as Parcel C on the Definitive Subdivision and Planned Conservation Residential Community Plan entitled “Marshall Crossing, Acton, Massachusetts” for purposes of conservation, recreation and other uses allowed on Common Lands pursuant to Section 9 of the Zoning Bylaw, or take any other action relative thereto.

MOTION: [Consent]

“HELD”

MR. MULLIN moves in the words of the Article.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 58* ACCEPTANCE OF EASEMENT, NEW VIEW
(Majority Vote Required)

To see if the Town of Acton will vote to accept as a gift from New View Condominium Trust u/d/t a Conditional Easement recorded in the Middlesex South District Registry of Deeds on October 30, 1996 as Document No. 120, along with slope, utility and construction easements on both sides as shown on the plan of New View Condominium recorded at the Middlesex South District Registry of Deeds as Plan No. 1192 of 1995, or take any other action relative thereto.

MOTION: [Consent]

MR. MULLIN moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY.

ARTICLE 59* ACCEPTANCE OF LAND GIFT

(Majority vote required)

To see if the Town will vote to accept as a gift a parcel of vacant land from Frank B. Dentino and Martin J. Maria, Trustees of Heather on the Hill Realty Trust and shown as Parcel A on a plan recorded in the Middlesex South District Registry of Deeds as Plan #221 of 1981, said parcel contains 17.9 acres of land and is identified on the Town Atlas as map G-1, parcel 308, for general municipal purposes; or take any other action relative thereto.

MOTION: [Consent]

MR. MULLIN moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY.

MRS. TAVERNIER MOVES TO DISSOLVE THIS TOWN MEETING AT 11.57 P.M.

MOTION CARRIES UNANIMOUSLY.

TELLERS

Midge Brown

Bill Cady

Ann Chang

Belle Choate

Brewster Conant

Ed Ellis

Jean Foley

Tom Geagan

Carolyn Gray

Connie Huber

Charles Husbands

Charles Kadlec

Andrea Miller

Ed Miller

Peter Robinson

Loretta Roscoe

Charlene Sotolongo

Maureen Steinman

Al Warner