

**TOWN OF ACTON
SPECIAL TOWN MEETING
January 8, 2001**

AT 7:00 P.M. AT THE ACTON BOXBOROUGH HIGH SCHOOL AUDITORIUM

The Moderator, Donald MacKenzie, called the meeting to order at 7:05 p. m. He introduced F. Dore Hunter, Chairman of the Board of Selectmen. Mr. Hunter introduced the member of the Board of Selectmen, the Town Manager, Town Council, Town Clerk, Assistant Town Manager and the Finance Director. Mr. MacKenzie then introduced the Chairman of the Finance Committee, Sidney Johnston. Mr. Johnston introduced the members of the Finance Committee.

After presentations by several boards, Mr. MacKenzie read Article 1.

**ARTICLE 1 GOLF COURSE IN RESIDENTIAL DISTRICTS,
REVISED (2/3 vote required)**

To see if the Town will vote to amend the Acton zoning bylaw as follows: [Notes in italic print are not part of the Article but are *intended for explanation only.*]

- A. In section 3.3, insert at the end of sub-section c) the following phrase:
"; a golf course under section 3.5.17 of this bylaw"
- B. Delete section 3.5.17, including all its subsections 3.5.17.1 through 3.5.17.7, and replace them with the following:
 - 3.5.17 Golf Course in Residential Districts - In the R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts the Planning Board may approve by special permit a golf course with at least 18-holes that is designed and managed consistent with "Environmental Principals for Golf Courses in the United States" published by The Center for Resource Management; Salt Lake City, Utah; amended through 1996.
 - 3.5.17.1 The Planning Board may approve ACCESSORY USES and BUILDINGS that are customarily incidental to a golf course, such as but not limited to:
 - a) Clubhouse, pro-shop, locker rooms, administrative offices, restaurant, bar, snack bar, or on-course shelters.
 - b) Function rooms and banquet facilities for members and guests.
 - c) A practice area, tees, or greens.
 - d) Accessory recreational facilities such as tennis courts or a pool.
 - e) Maintenance and storage BUILDING.
 - f) Up to 10 guestrooms.
 - g) Up to two DWELLING UNITS solely for occupancy by the golf course staff.
 - 3.5.17.2 The combined NET FLOOR AREA of all BUILDINGS shall not exceed 60,000 square feet.
 - 3.5.17.3 The following setback standards shall apply to BUILDINGS, STRUCTURES, parking lots, and accessory recreation facilities:
 - a) Minimum front yard: 45 feet;

b) Minimum side and rear yard:

- 30 feet where the abutting land is in a Business, Office, or Industrial District;
- 100 feet where the abutting land is in a Residential District;
- The Planning Board may exempt fences and other screening and protection devices from the minimum side and rear yard requirement.

3.5.17.4 The Planning Board may require larger setbacks, and may require suitable buffers and screening to protect abutting residences and businesses.

3.5.17.5 Except as otherwise set forth in section 3.5.17.3, LOTS, BUILDINGS and STRUCTURES of a golf course shall comply with the applicable dimensional standards in the Table of Dimensional Regulations for the zoning district in which the portion of the golf course is located.

3.5.17.6 Parking spaces shall be provided in the quantity as required under section 6.3. Parking lot design and landscaping shall at a minimum comply with the standards of section 6.7 of this bylaw. The Planning Board may allow a portion of the required number of parking spaces to be set aside as reserve parking to be built at a later time if needed. In addition, it may require on-site overflow parking areas not in compliance with this bylaw to be used solely during special events or tournaments.

3.5.17.7 The Planning Board may require suitable setbacks, buffers, and screening for tees, greens, and fairways to protect abutting residences and businesses, including to block flying balls.

3.5.17.8 The Planning Board may require monitoring and subsequent retrofitting with additional landscaping, buffers, fencing, or netting to address repeated hazards from off-track golf balls.

3.5.17.9 Illumination of tees, greens, and fairways for night golfing shall not be allowed. The Planning Board may approve non-glare, low intensity, low level outdoor lights used to illuminate ways and paths within the course, BUILDINGS, parking lots, and accessory recreation facilities.

3.5.17.10 The primary ACCESS to the golf course shall be over its own FRONTAGE. The primary ACCESS shall be from an ARTERIAL STREET as defined in the Acton Subdivision Rules and Regulations, unless the Planning Board finds that:

- a) residential neighborhoods are not materially affected; or
- b) overall and peak hour traffic volumes resulting from the golf course are not substantially different from volumes generated by potential residential development on the same land.

3.5.17.11 The Planning Board may require public access to or over the golf course land for pedestrian and bicycle trails, and access to and connection with adjoining or nearby public lands.

3.5.17.12 An application for a golf course special permit shall contain a site development plan, prepared and certified by a professional practicing member of the American Society of Golf Course Architects. It shall show the details and information as further specified in rules and regulations adopted by the Planning Board. The information submitted with the application shall include, but not be limited to: A staking or routing plan; plans for drainage, erosion control, and storm water

management; a planting and landscaping plan; a turf management and irrigation plan; a business plan including special events and services to the community at large; an environmental impact report detailing project related impacts on wetlands and other natural resource areas, water supply, surface water and groundwater resources, historic resources, transportation and access, adjacent land, neighborhoods, and businesses; and assessment of impacts on Town finances and services.

3.5.17.13 The Planning Board may impose reasonable conditions on the proposed golf course layout and design; regulate turf management practices; limit irrigation and water consumption; limit the hours of operation; restrict the size of BUILDINGS and other facilities; limit the number and size of special events; and impose any other limitations and requirements it deems necessary to protect the natural, water, historic and other resources of the Town, minimize adverse impacts on abutting properties, provide general benefits to the Town and its residents, and prevent traffic congestion.

3.5.17.14 The Planning Board may require ongoing monitoring of turf management practices, groundwater resources, surface and groundwater quality, and general business development, and may impose additional conditions in the special permit to prevent unanticipated environmental damage resulting from the operation of the golf course.

3.5.17.15 A golf course located in part within the R-2, R-4, R-8/4, R-8, R-10/8, or R-10 Districts and in part in other zoning districts where Commercial Recreation is allowed as defined in section 3.5.15 shall comply with the requirements for golf courses in residential districts. However, the dimensional requirements of the other zoning districts may be applied to the portion of the golf course located there. In such cases, the Special Permit Granting Authority shall be the Planning Board and no special permit for Commercial Recreation and no Site Plan Special Permit shall be required.

3.5.17.16 If a special permit is sought for a golf course partially located in a residential district in Acton and partially in an adjacent town, the requirements for a golf course in residential districts shall apply to the portion in Acton including the requirement for a special permit. In such cases, the Planning Board may waive the requirement that the golf course shall have at least 18 holes.

3.5.17.17 Where the requirements of this section 3.5.17 are in direct conflict with the standard requirements of the underlying zoning district, this section shall prevail for any golf course approved hereunder.

(Note - section 3.5.17 currently reads as follows:

3.5.17 Golf Course in *Residential* Districts - In the R-2, R-4, R-8, R-814, R-10/8, and R10 Districts a commercial 18-hole golf course of at least 5,500 linear yards and at least 75 acres with customary and *incidental ACCESSORY USES including* vehicular parking, a *clubhouse*, a pro shop for sale of golf related items only, an administrative office, and a restaurant. The total *NET FLOOR AREA* for such *ACCESSORY USES* shall not exceed 2, 500 square feet unless entirely within a *STRUCTURE* in existence at the time of adoption of this Bylaw, but in *no* case shall the total *NET FLOOR AREA* devoted to such *ACCESSORY USES* exceed 5, 000 square feet. *In* addition, one *DWELLING UNIT* may be located on the premises of the golf course. Such *USE* shall comply with the following requirements:

- 3.5.17.1 No tee, green, fairway, new BUILDING including improvements to existing BUILDINGS for golf related activities, and new parking area shall be within fifty feet of any property line.
- 3.5.17.2 New BUILDINGS and improvements to existing BUILDINGS for golf-related activities and new parking areas shall be screened year round from adjacent property by evergreens and other vegetative growth of mixed variety.
- 3.5.17.3 Except for irrigation, the operation of the course, including ACCESSORY USES, shall be limited to the hours between one-half hour before sunrise and one-half hour after sunset.
- 3.5.17.4 A contiguous area of at least forty- percent of the parcel(s) devoted to the golf course and ACCESSORY USES shall be placed under a conservation restriction enforceable by the Town of Acton. Such restriction shall be for a period of not less than thirty years in duration, shall be renewable by the Town of Acton, and shall be evidenced by a deed in proper form and duly recorded with the Middlesex South District Registry of Deeds or Land Court. The area placed under a conservation restriction shall not contain a greater percentage of wetlands, as defined in MGL Ch. 131, Section 40, than the percentage of wetlands found in the overall tract of land on which the golf course is to be located. 3.5.17.5 A State licensed person shall be responsible for applying pesticides and herbicides on the golf course site. Results from an approved laboratory of surface and GROUNDWATER samples shall be periodically provided to the Board of Health, the locations and frequency of testing to be determined by the Board of Health.
- 3.5.17.6 If a golf course is proposed on contiguous land within a residential district and a nonresidential district, only fairways and greens shall be located within the residential district. In such instance, the minimum tract of land size, length of golf course, and number of holes shall not apply, but the forty percent set-aside of land under conservation restriction as set forth in 3.5.17.4 shall apply to the residential district portion of the golf course. For administrative and permitting purposes, such a golf course shall be considered as Commercial Recreation and require a special permit and site plan special permit from the Board of Selectmen.
- 3.5.17.7 If a special permit is sought for a golf course in a residential district that abuts a golf course in an adjacent town, the minimum tract of land size, length of golf course and number of holes shall not apply. In such instance, only tees, fairways, and greens may be located within the Town of Acton, and the special permit granting authority shall be the Planning Board.]

B. Insert anew section 6.3.1.17 as follows:

Golf Courses	10 spaces per hole, plus one space per employee on the largest shift, plus one space per 3 persons of the capacity of all other accessory indoor and outdoor facilities as determined by the Special Permit Granting Authority.
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or take any other action relative thereto.

MOTION:

Mr. Foster moves to adopt the amendments set forth in the article.

MOTION CARRIES

TOTAL VOTE	269	YES 218	NO 51
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ARTICLE 2 WEST ACTON VILLAGE AMENDMENTS (213 vote required)

To see if the Town will vote to amend the Acton zoning map and bylaw as follows: *(Notes in italic print are not part of the Article but are intended for explanation only.)*

A. Zoning map: Rezone to West Acton Village (WAV) the following parcels of land identified by their 2000 Town Atlas map and parcel number. [Street addresses *and* present *zoning designations* are shown for reference purposes only.]

Map	parcel	present <i>zoning</i>	street address
VR			531 <i>Massachusetts Avenue</i>

VR	525 <i>Massachusetts Avenue</i>	R-2	<u>519 <i>Massachusetts Avenue</i></u>	537 <i>Massachusetts Avenue</i>
F-2A 103	F-2A 104	F-2A 105	F-2A 114	VR

B. Insert after the Table in section 5.5.2 the following new sentence:

"In the WAV District, the Board of Selectmen may grant a special permit allowing individual business or industrial establishments to exceed the maximum NET FLOOR AREA set forth herein, provided it can find that the granting of such a special permit will preserve or enhance the character of West Acton Village and will be neutral or beneficial to its business diversity."

MOTION:

Mr. Pearson moves to adopt the amendments set forth in the article. MOTION LOST

TOTAL VOTE	254	YES 169	NO 85	ARTICLE 3
WIRELESS COMMUNICATION FACILITIES (2/3 vote required)				

To see if the Town will vote to amend the Acton zoning bylaw as follows: [Notes in italic print are not part of the Article but are *intended* for explanation only.]

A. Amend section 3.10 as follows:

1. Delete the first sentence of section 3.10.3 -Applicability, and replace it with:

"This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996."

(Note - this *sentence* currently *reads*: This section 3.10 shall apply only to reception and *transmission* facilities for the purpose of personal wireless communication services.)

2. In section 3.10.5 -Categorical Exemptions, add anew subsection 3.10.5.1.c) as *follows*:

c) In addition, any new equipment owned by a personal wireless communication service provider may be mounted on a previously approved Wireless Communication Facility without a special permit, if there is no increase in height.

3. Delete section 3.10.6.4 and replace it with:

3.10.6.4 The Wireless Communication Facility shall be separated from any existing residential BUILDING by a horizontal distance that is at least twice the height of the facility, unless the residential BUILDING and the facility are located on the same LOT.

[Note - section 3.10.6.4 currently reads: 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.]

4. Delete section 3.10.6.5 and replace it with:

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 feasible number of users.

a) The Planning Board may require the employment of all available technologies and antenna arrangements to minimize vertical space consumption, and require sufficient room and structural capacity for all necessary cables and antenna arrays.

b) The Planning Board may require the owner of such facility to permit other wireless communication service providers to locate equipment on such facility upon payment of a reasonable charge, which shall be determined by the Planning Board if the parties cannot agree.

- c) The Planning Board may require that the equipment of all users of a Wireless Communications Facility shall be subject to rearrangement on the facility if so directed by the Planning Board at a later time in its effort to maximize co-location of wireless service antennae. This may result in different vertical antennae locations, reduced vertical separation of antennae, and changes of antenna arrangements.
- d) The Planning Board may require that the equipment of all users of a Wireless Communications Facility shall be subject to relocation to another nearby facility if so directed by the Planning Board at a later time in its effort to maximize co-location of wireless service antennae. It may then order the removal of a facility after the relocation is completed.

[Note - section 3.10.6.5 presently reads: 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.]

5. Insert anew section 3.10.6.8 as follows:

3.10.6.8 No Wireless Communication Facility approved hereunder shall be used for the transmission of signals other than for personal wireless communication services, except that the Planning Board may approve

or require the installation of other transmission devices owned, operated, or used by the Town of Acton or any of its agencies.

and renumber section 3.10.6.8 to section 3.10.6.9.

6. In section 3.10.6.8, Mandatory Special Permit Findings, (renumbered above to 3.10.6.9) delete subsections f), g) and h), and replace them with:

- 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;
- g) is designed to accommodate the maximum number of users technologically feasible;
- h) is necessary because there is no other Wireless Communications Facility with available space or capacity, or within the targeted coverage area;

Note - these subsections currently read as follows: 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 tireless Communication Facility will not permit the applicant to place an additional Wireless Communication Facility in the same location;]

- B. In section 9A.7.1 add to 3.4.10 -'Wireless Communication Facility' the following phrase: " in accordance with the criteria and standards set forth in section 3.4.10 of this bylaw."

MOTION:

Mr. Millett moves to adopt the amendments set forth in the article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 4 HOUSEKEEPING - CORRECTIONS, CLARIFICATIONS, MINOR MODIFICATIONS
(213 vote required)

To see if the Town will vote to amend the Acton zoning bylaw and map as follows: *(Notes in italic print are not part of the Article but are intended for explanation only.)*

- A. Zoning map: Rezone to R-2 the following parcels of land identified by their 2000 Town Atlas map and parcel number. *[Street addresses and present zoning designations are shown for reference purposes only.]*

map	parcel	present zoning	street address
G-3	11	OP-2	342 Massachusetts Ave
G-3	12	OP-2	336 Massachusetts Ave
G-3	65-1	OP-2	13 Farmstead Way
G-3	65-2	OP-2	11 Farmstead Way
G-3	65-3	OP-2	14 Farmstead Way
G-3	65-4	OP-2	9 Farmstead Way
G-3	65-5	OP-2	12 Farmstead Way
G-3	65-6	OP-2	7 Farmstead Way
G-3	65-7	OP-2	10 Farmstead Way
G-3	65-8	OP-2	5 Farmstead Way
G-3	65-9	OP-2	3 Anders Way
G-3	65-10	OP-2	1 Anders Way
G-3	65-11	OP-2	5 Anders Way
G-3	65-12	OP-2	6 Farmstead Way
G-3	65-13	OP-2	6 Anders Way
G-3	65-14	OP-2	4 Anders Way
G-3	65-15	OP--2	4 Farmstead Way
G-3	65-16	OP-2	2 Farmstead Way, behind
G-3	65-17	OP-2	13 Farmstead Way, behind
G-3	69-1	OP-2	2 Farmstead Way
G-3	69-2	OP-2	2 Farmstead Way, behind
G-3	69-3	OP-2	2 Farmstead Way

B. Zoning bylaw: In the Table of Principal Uses, line 3.6.2 - Distribution Plant, column TD, change N to SPS.

C. Zoning bylaw: In the Table of Principal Uses, line 3.5.15 - Commercial Recreation, column ARC, change SPS to N.

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D. Zoning bylaw: In section 3.3.c), correct the section reference from 3.3.2.2.10 to 3.3.2.10. [Note: The newest *edition* of the zoning bylaw is already corrected as set forth herein]

E. Zoning bylaw: In section 4.3.7.2, Table 4.3.7.2 delete note (***) and replace it with:

(**) For the purpose of this table, buildable LOT shall mean a LOT as defined in this bylaw which meets or exceeds the dimensional requirements for a buildable LOT in the zoning district in which the land is located, or an area of Common Land which the Planning Board determines may be used for the disposal of wastewater effluent under sections 4.2, 4.4, 9, and 9B of this bylaw.

(Note (") currently states., (")For the purpose of this table buildable LOT shall mean a LOT that qualifies as a BUILDING LOT in the underlying zoning district in which it is located and Common Land as provided for in Sections 4.2, 4.4 and 9 of this Bylaw.]

F. Zoning bylaw: In section 5, Table of Standard Dimensional Regulations, delete footnotes (5) and (6), and replace them with:

(5) The minimum front yard to the sideline of STREETS other than Great Road shall be 30 feet. On LOTS with FRONTAGE on Great Road and in existence on or before February 15, 1990, where the 75-foot minimum front yard to the sideline of Great Road would exceed 30% of the LOT depth, the front yard may be reduced to 30% of that LOT depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the Great Road sideline.

(Note - footnote (5) presently reads: (5) For *LOTS* in existence as of February 15, 1990, the minimum front yard shall be the lesser of 30% of the maximum *LOT depth* or 75 feet, but in no instance shall it be less than 30 feet.]

(6) If the *LOT* abuts a residential zoning district the minimum side and rear yard shall be 50 feet. On *LOTS* in existence on or before February 15, 1990 where the 50foot minimum side or rear yard exceeds 20% of the *LOT depth*, the side or rear

yard may be reduced to 20% of that *LOT depth*, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the applicable side or rear *LOT line*.

[Note - footnote (6) currently reads: (6) If the *LOT* abuts a residential zoning district the minimum side and rear yard shall be 50 feet except that for *LOTS* in existence as of February 15, 1990 the minimum rear yard shall be the lesser of 20% of the maximum *LOT depth* or 50 feet but in no instance shall it be less than 30 feet.]

G. Zoning bylaw: In section 7.4.3.4.a) change the section reference 7.12.1.7 to 7.13.1.6.

H. Zoning bylaw: Delete section 7.12.1 and renumber sections 7.12.2 and 7.12.3 to become sections 7.12.1 and 7.12.2 respectively.

[Note - section 7.12.1 currently reads: *Notwithstanding* Section 7.2.5, the repainting of a non-conforming *SIGN* in different colors shall not constitute the *ERECTING* of a *SIGN* if such repainting brings the *SIGN* in compliance with Sections 7.4.1.2 and/or 7.4.1.3, as applicable.]

I. Zoning bylaw: In section 7.13.5 change the section references 7.12 to 7.13, and 7.12.1 to 7.13.1.

MOTION:

Ms Rosenzweig moves to adopt the amendments set forth in the article.

MOTION CARRIES UNANIMOUSLY

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ARTICLE 5 INTEGRATED PEST MANAGEMENT PROGRAM (Majority Vote Required)

To see if the Town will vote to become a member in the Central Massachusetts Mosquito Control Project, pursuant to Massachusetts General Laws Chapter 252, Section 5A and other applicable sections of said law; and to authorize such annual assessments made pursuant to Chapter 252, Section 5A be deducted from the Cherry Sheets, or to take any other action relative thereto.

MOTION:

Mr Benedict moves that the Town become a member of the Central Massachusetts Mosquito Control Project and authorize assessments for the expenses of such Project to be deducted from the amounts due to the Town from the Commonwealth, as set forth in the Cherry Sheets.

MOTION CARRIES

TOTAL VOTE 239 YES 124 NO 115

Mr. Hunter moves to dissolve this Special Town Meeting at 11:25 P. M.

Motion Carries unanimously.

Tellers at this meeting:

William Cady

Ann Chang

Brewster Conant

Carolyn Gray

Cornelia Huber
Ed Richter

Charles Husbands Charles Kadlec
Gail Sawyer Ann Kadlec

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