

# TOWN OF ACTON MASSACHUSETTS

## ABSTRACT OF THE SPECIAL TOWN MEETING HELD MONDAY, OCTOBER 18, 2004 7:00 P.M. Acton-Boxborough Regional High School Auditorium

Registered voters in attendance 406

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The Moderator, Mr. MacKenzie, called the meeting to order on Monday, October 18, 2004 at 7:04 PM.

Mr. MacKenzie introduced F. Dore' Hunter , Chairman of the Board of Selectmen. Mr. Hunter introduced the members of the Board of Selectmen, , Peter Ashton, Robert Johnson, William (Trey) Shupert and Walter Foster. Chairman Hunter than introduced the Town Manager, Don Johnson, Town Counsel, Steven Anderson, Town Clerk, Edward Ellis, Town Treasurer, John Murray and Mark Hald, IT Manager..

Mr. MacKenzie then introduced Mr. Jonathan Chinitz, Chairman of the Finance Committee. Mr. Chinitz introduced the members of the Finance Committee.

The Moderator recognizes a member of the League of Women Voters to address the meeting on a educational program for students about town meetings.

The Moderator than read article 1

**ARTICLE 1 REALLOCATION OF COMMUNITY PRESERVATION FUNDS**

(Majority vote)

To see if the Town will vote to reallocate \$25,000 from the 2004 Annual Town Meeting Community Preservation Fund appropriations from item J. of Warrant Article 18, 214 Central and 28 Willow Street Feasibility Study, to the Community Housing Fund, or take any other action relative thereto.

The Moderator recognizes Peter Berry of the Community Preservation Committee to give a presentation.

MOTION: **Mr. Johnson** moves in the words of the Article.

**MOTION CARRIES UNANIMOUSLY**

The Moderator recognizes Selectman Foster who will make the Selectmen’s presentation on article 2 thru 10.

Mr. Foster introduces Ms Yin Peet, Ms. Peet addresses the meeting members to provide background information and the planned or intentional use of the property in the proposed zoning articles amendments.

The moderator recognizes Finance Committee members, Mr. Chinitz and Ms. Roeber who will make a presentation for articles 2-10.

MOTION: **Mr. Foster** moves to reorder the articles starting with Article 10, 4, 5, 6, 7, 8, 9, 2, and 3.

**MOTION CARRIES**

**ARTICLE 10 LAND CONVEYANCE, ACQUISITION AND USE AGREEMENT**

(Majority vote)

To see if the Town will adopt a resolution ratifying the Agreement entered into between the Board of Selectmen and Yin and Creighton Peet, dated July 12, 2004 on file with the Town Clerk, concerning the acquisition and conveyance of the land and interests in real estate and water rights described in Articles 2 through 10, or take any other action relative thereto.

MOTION: **Mr. Foster** moves that the Town adopt a resolution ratifying the Agreement as set forth in the Article.

Vote: YES 156 NO 196

**MOTION FAILS**

MOTION: **Mr. Hunter** moves to pass over articles 4, 5, 6, 7, 8, 9, 2 and 3.

**MOTION CARRIES**

MOTION: **Mr. Eder** moves that the town adopt a non-binding resolution “That asks the Board of Selectmen to form a committee consisting of Town Board members and concerned citizens with the intent to discuss the answers to the questions raised at this meeting with the purpose of the potential to bring this back to the next annual town meeting.

**MOTION CARRIES**

**ARTICLE 2 AMEND ZONING BYLAW**

(Two-thirds vote) **REZONE PORTIONS OF PARCELS C5-3 AND B5-34 TO R-10/8**

To see if the Town will vote to amend the Zoning Map, and the Zoning Bylaw references in accordance therewith, so as to change the district designation from Agriculture/Recreation/Conservation (“ARC”) to Residence 10/8 (“R-10/8”) of the following land in the Town of Acton shown on a plan of land entitled “Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA,” Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, on file with the Acton Town Clerk (the “Plan”):

1. “Area A” shown on the Plan, being a portion of Parcel 3 on the Town Atlas Map C-5 last amended January 2004,
2. “Area B” shown on the Plan, being a portion of Parcel 3 on the Town Atlas Map C-5 last amended January 2004, and
3. “Area C” shown on the Plan, being a portion of Parcel 34 on the Town Atlas Map B-5 last amended January 2004,

or take any other action relative thereto.

**MOTION: TO PASSOVER CARRIES**

**ARTICLE 3 AMEND ZONING BYLAW**

(Two-thirds vote) **REZONE PORTIONS OF PARCEL C5-11 TO ARC**

To see if the Town will vote to amend the Zoning Map, and the Zoning Bylaw references in accordance therewith, so as to change the district designation from Residence 10/8 (“R-10/8”) to Agriculture/Recreation/Conservation (“ARC”) of the following land in the Town of Acton shown on a plan of land entitled “Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA,” Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, on file with the Acton Town Clerk (the “Plan”):

1. “Area 1” shown on the Plan, being a portion of Parcel 11 on the Town Atlas Map C-5 last amended January 2004; and,
2. “Area 3” shown on the Plan, being a portion of Parcel 11 on the Town Atlas Map C-5 last amended January 2004,

Or take any other action relative thereto.

**MOTION: TO PASSOVER CARRIES**

**ARTICLE 4 TRANSFER CUSTODY OF LAND FOR THE PURPOSE OF CONVEYANCE**

(Two-thirds vote) **“AREAS A & B”**

To see if the Town will vote to transfer the following land in the Town of Acton shown on a plan of land entitled "Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA," Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, and on file with the Acton Town Clerk (the "Plan"), which land is currently held for general municipal purposes or for other specific municipal purposes for which it has heretofore been devoted, from the Board of Selectmen to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey such land on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine:

1. "Area A" shown on the Plan, being a portion of Parcel 3 on the Town Atlas Map C-5 last amended January 2004, and
2. "Area B" shown on the Plan, being a portion of Parcel 3 on the Town Atlas Map C-5 last amended January 2004,

Or take any other action relative thereto.

**MOTION: TO PASS OVER CARRIES**

**ARTICLE 5           TRANSFER CUSTODY OF LAND FOR THE PURPOSE OF CONVEYANCE**  
(Two-thirds vote)   **"AREA C"**

To see if the Town will vote to transfer the following land in the Town of Acton shown on a plan of land entitled "Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA," Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, and on file with the Acton Town Clerk (the "Plan"), which land is currently held for general municipal purposes or for other specific municipal purposes for which it has heretofore been devoted, from the Board of Selectmen to the Board of Selectmen for the purpose of conveyance of an access/egress easement therein and to authorize the Board of Selectmen to convey an access/egress easement therein, on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine:

"Area C" shown on the Plan, being a portion of Parcel 34 on the Town Atlas Map B-5 last amended January 2004,

Or take any other action relative thereto.

**MOTION: TO PASSOVER CARRIES**

**ARTICLE 6           LAND ACQUISITION – "AREA 1"**  
(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of a fee simple interest, on such terms and conditions as the Selectmen may determine, in the following land in the Town of Acton shown on a plan of land entitled "Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA," Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, on file with the Acton Town Clerk (the "Plan"):

"Area 1" shown on the Plan, being a portion of Parcel 11 on the Town Atlas Map C-5 last amended January 2004,

and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

**MOTION: TO PASSOVER CARRIES**

**ARTICLE 7 LAND ACQUISITION – “AREA 2”**

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of an easement interest and water rights, on such terms and conditions as the Selectmen may determine, in the following land and water in the Town of Acton shown on a plan of land entitled “Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA,” Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, on file with the Acton Town Clerk (the “Plan”):

“Area 2” shown on the Plan, being a portion of Parcel 11 on the Town Atlas Map C-5 last amended January 2004,

and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

**MOTION: TO PASSOVER CARRIES**

**ARTICLE 8 LAND ACQUISITION – “AREA 3”**

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain or otherwise and to accept the deed of a fee simple interest, subject to a non-exclusive easement reserved by the grantor for access and art display on such terms and conditions as the Selectmen may determine, the following land in the Town of Acton shown on a plan of land entitled “Proposed Site Plan, Yin Peet Studio & Residence, Quarry Road, Acton, MA,” Drawing No. A-1, dated 12-28-2003, prepared by Norman C. Wang, Architect, on file with the Acton Town Clerk (the “Plan”):

- “Area 3” shown on the Plan, being a portion of Parcel 11 on the Town Atlas Map C-5 last amended January 2004,

and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

**MOTION: TO PASSOVER CARRIES**

**ARTICLE 9 HOME RULE PETITION – LAND CONVEYANCE AND ACQUISITION**

(Majority vote)

To see if the Town will authorize the Board of Selectmen to petition the General Court to adopt special legislation authorizing the Town to convey and acquire the land and interests in real estate and water rights described under Articles 2 through 10 notwithstanding the requirements of General Laws Chapter 30B and any other general or special law to the contrary, and if and to the extent necessary, to authorize a change in use of said real estate pursuant to Article 97 of the Amendments to the Massachusetts Constitution, or take any other action relative thereto.

**MOTION: TO PASSOVER CARRIES**

**MOTION: Mr. Hunter** moves to dissolve the Special Town Meeting at 10:35 P.M.

**MOTION CARRIES**

Tellers

William Cady Head Teller

Carolyn Gray

Charles Kadlec

Jack Whittier

Ann Chang

Anne Kadlec

Robert Ferrara

Gail Sawyer