

*Town of Acton
Annual Town Meeting
Warrant*



For April 4, 1994

Will be convened at 7:30 P.M.

In the Acton - Boxborough High School Auditorium

1994 ANNUAL TOWN MEETING WARRANT ARTICLE INDEX

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***Consent**

#Inserted by Citizen Petition

BOARD OF SELECTMEN'S MESSAGE

Differing Warrant Format & Size

The format of this Warrant is different, and there are more Warrant Articles this year. This is in large part due to the municipal financing changes brought about by the Legislature's enactment and the Governor's approval of the Education Reform Act of 1993. In addition to the dictates of the Reform Act, which actually pull in the opposite direction, the Selectmen also have this year considered the expressed wish of Town Meeting to be given a larger part in making spending decisions.

The Education Reform act of 1993 Reduces Role of Town Meeting

Although the comprehensive Reform Act addressed many educational matters, it also has an enormously negative impact on municipal finance. The State government decided to meet the Commonwealth's responsibility to adequately fund education, by taking discretion out of the hands of Town Meeting members as to how the local property tax revenues will be spent, and itself mandating the local appropriation of a large part of the locally raised money. As a condition for the transfer of some of the citizens' own tax dollars back from the state in the form of aid to education, restoring that aid level to about what it was in fiscal year 1989, the legislature and governor have imposed mandatory school formula **spending** requirements on municipalities. While undoubtedly benefiting the schools, the effect on the Town is that a progressively smaller share of the tax monies raised by the municipality will be available to provide non-education municipal services like police, fire, highway, library, health, zoning, etc.

Services are delivered more directly to the citizens by local government than other levels of government. Our Town Meeting form of self government, while some times inefficient, has been an outstanding vehicle for the involvement of a large number of citizens as governmental decision makers, determining for themselves what use would be made of the local portion of their tax dollars. Unfortunately the Education Reform Act of 1993 has taken a large part of local decision making discretion away from Town Meeting in the process of making the most radical change in municipal finance since the referendum enactment of Proposition 2 1/2 in 1981.

During the prosperity of the 1980's state aid to towns was markedly increased, and that combined with the tax limitations of Proposition 2 1/2, helped to shift some of the overall tax burden away from the local property tax levy. At the same time school enrollments were declining, so the municipal services to which the taxpayers were accustomed were maintainable. In 1989 the "Massachusetts Miracle" collapsed, and state financing fell into chaos. During the next few years the state government put its financial house in order, in large part by drastically cutting back on local aid. During that period in Acton we continued to increase the overall monies spent on education, actually a state responsibility, and other municipal services, in part through overrides of Proposition 2 1/2 - by raising local taxes. But we were also forced to make cuts and reductions in some services. Those cuts and reductions were distributed relatively equally across the full range of municipal services. They fell on both the schools and Town sides. During the same period that state aid was so markedly reduced the size of the state budget increased by about 30%.

After approving a series of prior Proposition 2 1/2 overrides which were largely necessitated by cutbacks in state aid, the Acton voters in 1993 twice declined to approve Proposition 2 1/2 general override proposals. The information presented to the citizens prior to those votes indicated that the impact of the negative votes would fall relatively equally on both the schools and the Town sides of municipal government. But in 1993 when the state government acted to return the local aid to about the 1989 level, it essentially earmarked it all for education. The state government then intruded into the Town Meeting process to dictate to the Meeting how it must make its financial decisions in appropriating local revenues, if the community is to receive that aid.

The Reform Act Formula

Acton has historically been one of the top communities in the Commonwealth in regard to the proportion of municipal revenues devoted to education, and co-relatively one of the lowest in proportion of revenues available for municipal government, but the application of the Reform Act formula to Acton requires that additional monies be retroactively provided by the Town to its school system during Fiscal Year 1994, the current budget year, over and above what Town Meeting appropriated in April 1993. Therefore Articles Nos. 10, 11 and 12 are proposed to provide a vehicle whereby monies can be immediately transferred to the schools from free cash to spend as the school administration might choose. These retroactive levies are entirely separate and distinct from the so-called school Choice monies which flow to the schools without appropriation and are spent entirely at the discretion of the School Committees. The motions offered under Article Nos. 10, 11 and 12 will represent the final amounts of the retroactive levies dictated by the state Departments of Education and Revenue which the Board of Selectmen and Town Manager have intensively negotiated to reduce since the requirement was first imposed in the Summer of 1993.

Although the retroactive financial impact of the Education Reform Act on the Town for fiscal year 1994 can be resolved by the required appropriations from free cash, the situation for fiscal year 1995 and future years is an entirely different matter. The Reform Act formula now determines the size of the schools' "B" Budget, i.e. the schools' non Proposition 2 1/2 override budgets. However, Proposition 2 1/2 still remains in effect and continues to limit the total property taxes which can be levied by the Town. Absent any overrides of that tax limitation, the Town is left in the position of funding municipal programs out of those funds which are left over after the Reform Act guaranteed amounts have been appropriated to the schools. Since the Reform Act requires school spending to increase annually by some incremental sum in excess of 2 1/2% of the prior year's expenditures, incremental tax levy funding for municipal programs will therefore progressively decrease, year by year, unless the situation is altered through the passage of overrides. It is this declining municipal funding aspect of the Reform Act's formula that results in the significantly smaller annual percentage increase in the total non-Proposition 2 1/2 funds available to the Town [1.9%, or about \$204,000], as compared with the Acton Boxborough Regional School District's mandatory increase of about 6.86% above what was appropriated to it for FY 1994 last April and the Acton Public School's "B" Budget mandatory increase of about 4.48% above its original FY 1994 appropriation. [The Acton Public School's "A" or override Budget is currently projected at about 8.81% or \$397,000 above the original FY 1994 spending level.] In prior years the percentage increment for all three entities was approximately the same.

School Financial Proposals for Town Meeting

The administration of the Acton Public Schools, because of increasing elementary enrollment, finds it necessary to recommend an "A" Budget incorporating a general override of Proposition 2 1/2 to the voters. That override request will seek an increase in the Acton Public Schools' operating funds for fiscal year 1995, and would increase its revenue base for subsequent years under the Reform Act formula calculations. This request will be initially voted on by Town Meeting and, if approved, will then go on a Special Election ballot for consideration by the electorate at large.

The Regional School District administration has determined that it can adequately operate that school system within the total funds that Town Meeting is now required by state government to appropriate to it for fiscal 1995, and its anticipated state aid, i.e. within its state mandated "B" Budget.

Town Financial Proposals for Town Meeting

The Reform Act's imposition of a formula driven minimum school property tax entitlement effectively ended the partnership approach that the schools and Town administrations had pursued for a number of years through the Coordinating Committee process. Part of that process involved pooling of various revenues, which effectively made a portion of the School Choice revenues available to the Town, but state regulations issued under the Reform Act now preclude that. The Town's spending must now be held to whatever, is left over after the state mandated school "B" Budget amounts have been subtracted from available Town revenues. The actual revenues which will be available for appropriation to Town purposes depend on many factors, some of which may not be ascertainable until after the Annual Town Meeting is concluded, so it is necessary to make projections based on the best information currently available. One effect of the Reform Act is to require that any later revenue shortfalls must be entirely offset by subtractions on the Town side, so the projections that have been made are conservative in nature. Since the Board of Selectmen feels that insufficient funds are available generally for municipal purposes, and the possibility exists that additional revenues might become available, a Stabilization Fund Article, No. 16, has been included. If additional, unanticipated, revenues become available the intention is to propose appropriations to that fund for use in reducing bond premiums in future years.

The Town leadership generally wishes to avoid proposing any tax increases above those allowable under Proposition 2 1/2 whenever possible, and, when overrides do seem called for, wishes to hold any proposed override amount to a minimum. The Board of Selectmen is at the same time aware that the Town is falling seriously behind in necessary equipment replacement and building and other capital maintenance. The cost of those items which seem to the Selectmen, based on the recommendations of the Town Manager and his staff, ought to be funded this year, combined with the Base B Budget, exceed the available Town funds. It was originally thought that it would therefore be prudent for the Board of Selectmen to recommend Proposition 2 1/2 debt exclusion overrides for various capital items. However, further and more detailed financial analysis, made possible by the presence of the new Finance Department personnel funded by the 1993 Annual Town Meeting, has suggested that the current needs can be satisfactorily met through a bonding program without the necessity for any Town override proposals.

Given all of these factors, this years proposed municipal spending plan is composed of three main parts, incorporating great flexibility. First there are a group of Articles, Nos. 3,4, 5 and 6, under which Selectmen will seek Town Meeting approval for the various Enterprise Fund Budgets, and propose some capital expenditures to be funded out of the Enterprise Budgets. The second part is the Article dealing with the largest part of the municipal budget, No. 13. That Article encompasses the salaries for the existing Town staff, restoration of some hurtful prior necessary staff cuts, and what the Selectmen consider to be the absolutely necessary expenses. It is referred to as the "Base B Budget". The Base B Budget is set forth in a "bottom line" format, continuing the policy of the last few years, to provide maximum management flexibility during the year to meet unexpected needs. The FY 1995 Base B Budget, as compared to the same items in the FY 1994 budget, represents a proposed increase of only 1.43%. The third part of the proposed

municipal spending plan consists of a series of Articles, Nos. 17 thru 26, which set out individual spending proposals for equipment replacement, highway paving, building repair and improvements, bridge repair, vehicle replacements, etc. Some of these Articles include defined increments which can be separately addressed. The motions offered under Articles Nos. 17 thru 26 will propose funding through issuance of bonds, and thus require 2/3rds votes. The Town's current outstanding bonded indebtedness is low. Except for FY 1996, when a relatively modest additional sum will be required, it is expected that the necessary principal and interest payments for this proposed large, and thus efficient, bonding package will not exceed current debt payment levels.

Post- Town Meeting Plans

It is the intent of the Board of Selectmen, should the Town Meeting approve that portion of the motion under Article 29 that seeks a contingent appropriation over and above the "B" Budget for the Acton Public Schools, to call a Special Election and place an override question on the ballot. Such a Special Election would allow the voters to decide whether or not to approve a general override of Proposition 2 1/2 for the Acton Public Schools. Thereafter, one way or the other, no further Special Town Meeting action would be required or is contemplated. It is currently anticipated that such a Special Election, if called, would be held on or about May 17, 1994.

Citizen Involvement

The Board of Selectmen encourages all citizens to attend the Preliminary Budget Hearing to be conducted by the Finance Committee in Town Hall on Wednesday, March 23, 1994 at 7:30 P.M. Please remember to vote in the Town Election on Tuesday March 29, 1994. The Annual Town Meeting, which will begin at 7:30 P.M. on Monday, April 4, 1994 in the High School auditorium, is open to all citizens.

F. Dore' Hunter, Chair
Anne Fanton, Vice Chair
William Mullin, Clerk
Nancy Tavernier
Norman Lake
ACTON BOARD OF SELECTMEN

Town of Acton
Proposed 1995 Budget

| DEPARTMENT | 1994 | 1995 | 94/95 % | NOTE | 1994 | 1995 | 94/95 % | NOTE | 1994 | FY1994 | 1995 | 94/95 % |
|--------------------------|--------------------|--------------------|--------------|------|--------------------|--------------------|---------------|------|---------------------|--------------------|---------------------|--------------|
| | SALARIES | SALARIES | CHANGE | | EXPENSES | EXPENSES | CHANGE | | TOTAL | Y.T.D.3/8/94 | TOTAL | CHANGE |
| | | | (1) | | | | | | | (32) | | |
| ACCOUNTANT | \$187,030 | \$188,869 | 0.98% | (2) | \$2,264 | \$6,400 | 182.69% | (10) | \$189,294 | \$46,856 | \$195,269 | 3.16% |
| ASSESSOR | \$96,688 | \$95,219 | -1.52% | (2) | \$3,190 | \$53,905 | 1589.81% | (11) | \$99,878 | \$65,777 | \$149,124 | 49.31% |
| BUILDING | \$120,684 | \$127,186 | 5.39% | | \$2,700 | \$2,700 | 0.00% | | \$123,384 | \$59,028 | \$129,886 | 5.27% |
| CEMETERIES | \$129,796 | \$134,197 | 3.39% | | \$4,425 | \$4,999 | 12.97% | (12) | \$134,221 | \$83,602 | \$139,196 | 3.71% |
| CIVIL DEFENSE | | | | | \$4,217 | \$4,300 | 1.97% | | \$4,217 | \$1,252 | \$4,300 | 1.97% |
| COUNCIL ON AGING | \$45,871 | \$48,934 | 6.68% | | \$5,765 | \$7,365 | 27.75% | (13) | \$51,636 | \$35,632 | \$56,299 | 9.03% |
| COLLECTOR | \$118,338 | \$120,521 | 1.84% | (2) | \$32,078 | \$49,100 | 53.06% | (14) | \$150,416 | \$71,651 | \$169,621 | 12.77% |
| CONSERVATION | \$35,100 | \$37,834 | 7.79% | (3) | \$3,750 | \$3,000 | -20.00% | (15) | \$38,850 | \$26,047 | \$40,834 | 5.11% |
| DEBT | | | | | \$978,000 | \$653,838 | -33.15% | (16) | \$978,000 | \$631,953 | \$653,838 | -33.15% |
| COMMISSION ON DISABILITY | | | | | \$1,500 | \$1,500 | 0.00% | | \$1,500 | \$312 | \$1,500 | 0.00% |
| DOG OFFICER | | \$4,486 | 0.00% | (4) | \$10,511 | \$525 | -95.01% | (17) | \$10,511 | \$2,675 | \$5,011 | -52.33% |
| ELECTIONS | \$4,650 | \$14,900 | 220.43% | (5) | \$7,585 | \$8,635 | 13.84% | (18) | \$12,235 | \$4,106 | \$23,535 | 92.36% |
| ENGINEERING | \$115,349 | \$121,484 | 5.32% | (6) | \$28,931 | \$12,431 | -57.03% | (19) | \$144,280 | \$75,000 | \$133,915 | -7.18% |
| FINANCE | \$87,306 | \$89,926 | 3.00% | (2) | \$135,139 | \$146,138 | 8.14% | (20) | \$222,445 | \$154,170 | \$236,064 | 6.12% |
| FIRE | \$1,717,704 | \$1,772,680 | 3.20% | | \$56,275 | \$65,900 | 17.10% | (21) | \$1,773,979 | \$1,151,314 | \$1,838,580 | 3.64% |
| GAS & DIESEL | | | | | \$92,480 | \$94,000 | 1.64% | | \$92,480 | \$104,563 | \$94,000 | 1.64% |
| HEALTH | \$107,424 | \$86,755 | -19.24% | (7) | \$17,640 | \$17,490 | -0.85% | | \$125,064 | \$70,711 | \$104,245 | -16.65% |
| HIGHWAY | \$458,625 | \$474,979 | 3.57% | | \$283,280 | \$303,800 | 7.24% | (22) | \$741,905 | \$410,889 | \$778,779 | 4.97% |
| HISTORICAL COMM. | | | | | \$545 | \$545 | 0.00% | | \$545 | \$0 | \$545 | 0.00% |
| INSURANCE, EMP. BENEFIT | | | | | \$1,499,475 | \$1,497,344 | -0.14% | (23) | \$1,499,475 | \$931,559 | \$1,497,344 | -0.14% |
| INSURANCE, OTHER | | | | | \$230,000 | \$232,000 | 0.87% | | \$230,000 | \$104,925 | \$232,000 | 0.87% |
| LEGAL | | | | | \$200,000 | \$220,000 | 10.00% | (24) | \$200,000 | \$158,829 | \$220,000 | 10.00% |
| MANAGER | \$206,420 | \$214,216 | 3.78% | | \$59,250 | \$61,750 | 4.22% | | \$265,670 | \$163,583 | \$275,966 | 3.88% |
| LIBRARY, MEMORIAL | \$275,612 | \$344,787 | 25.10% | (8) | \$67,410 | \$102,111 | 51.48% | (25) | \$343,022 | \$234,565 | \$446,898 | 30.28% |
| MODERATOR | \$200 | \$200 | 0.00% | | \$20 | \$20 | 0.00% | | \$220 | \$0 | \$220 | 0.00% |
| MUNICIPAL PROPERTIES | \$231,203 | \$247,265 | 6.95% | | \$86,867 | \$72,225 | -16.86% | (26) | \$318,070 | \$196,976 | \$319,490 | 0.45% |
| PENSION | | | | | \$980,650 | \$1,001,046 | 2.08% | | \$980,650 | \$974,751 | \$1,001,046 | 2.08% |
| PLANNING | \$69,146 | \$93,607 | 35.38% | (9) | \$8,096 | \$11,525 | 42.35% | (27) | \$77,242 | \$53,006 | \$105,132 | 36.11% |
| POLICE | \$1,480,336 | \$1,539,701 | 4.01% | | \$72,059 | \$103,959 | 44.27% | (28) | \$1,552,395 | \$947,693 | \$1,643,660 | 5.88% |
| PUBLIC CEREMONIES | | | | | \$2,520 | \$2,520 | 0.00% | | \$2,520 | \$795 | \$2,520 | 0.00% |
| RESERVE FUND | | | | | \$33,000 | \$33,000 | 0.00% | | \$33,000 | \$0 | \$33,000 | 0.00% |
| SENIOR CENTER (C.O.A) | \$23,057 | \$24,325 | 5.50% | | \$3,976 | \$10,500 | 164.08% | (29) | \$27,033 | \$6,692 | \$34,825 | 28.82% |
| SNOW REMOVAL (HIGHWAY) | \$42,000 | \$43,270 | 3.02% | | \$124,000 | \$128,100 | 3.31% | | \$166,000 | \$277,915 | \$171,370 | 3.23% |
| TOWN CLERK | \$87,635 | \$83,013 | -5.27% | (2) | \$3,195 | \$1,335 | -58.22% | (30) | \$90,830 | \$58,088 | \$84,348 | -7.14% |
| UTILITIES | | | | | \$250,000 | \$267,802 | 7.12% | | \$250,000 | \$173,585 | \$267,802 | 7.12% |
| VETERAN'S SERVICES | \$2,040 | \$2,060 | 0.98% | | \$10,403 | \$10,400 | -0.03% | | \$12,443 | \$4,292 | \$12,460 | 0.14% |
| LIBRARY, WEST ACTON | \$18,103 | \$18,131 | 0.15% | | \$6,425 | \$3,732 | -41.91% | (31) | \$24,528 | \$14,177 | \$21,863 | -10.87% |
| ZONING BD. OF APPEALS | | | | | \$1,000 | \$1,000 | 0.00% | | \$1,000 | \$354 | \$1,000 | 0.00% |
| TOTAL | \$5,660,317 | \$5,928,545 | 4.74% | | \$5,308,621 | \$5,196,940 | -2.10% | | \$10,968,938 | \$7,297,323 | \$11,125,485 | 1.43% |

(33)

NOTES

- (1) All Salary accounts reflect a uniform Cost of Living Adjustment (COLA), and any Step increases that may be appropriately earned in FY95.
- (2) Change reflects departmental reorganization and/or new personnel at lower starting salaries.
- (3) This account was insufficiently funded in FY94.
- (4) This is a contracted service.
- (5) FY94 Salaries were budgeted for 1 election. FY95 budget anticipates 4 elections.
- (6) Restore part time labor for seasonal work.
- (7) Appropriate salaries have been moved to the Septage Enterprise Fund to further reflect full cost accounting for this service. These salaries will be paid by the fees collected for the service.
- (8) Restore 1 Full Time Equivalent (FTE) cut from FY94 budget and restore Friday public hours.
- (9) Restore .5 Planning Assistant.
- (10) Expenses include supplies for reorganized department and reallocation of expenses from Finance Division.
- (11) Increase includes \$15,000 for professional appraisals and consultation on Appellate Tax Board cases plus \$35,000 for assistance to complete in-house Revaluation Program in FY95.
- (12) The change consists totally of nominal increases in various parts and supplies.
- (13) Increase reflects restoration of newsletter printing and postage cuts made in FY94.

(14) Expense request includes reallocation of expenses from Finance Division, increased use of lockbox for excise tax collections and additional costs associated with tax title and foreclosure actions.

(15) Friends of the Acton Arboretum will finance projects at the Arboretum in FY95.

(16) A portion of the Town's outstanding debt will be retired in FY94.

(17) Adjustment more accurately reflects current expenses.

(18) Service contracts must be added for voting machines that have previously been covered by warranty.

(19) \$20,000 for design of a bridge replacement was carried in the FY94 Budget. These monies are not needed in FY95. Also, Hydrology Software will be purchased to assist with in-house design of drainage projects and review of subdivisions and site plans.

(20) Lease costs for Accounting software and Police Computer upgrade are included in this budget. A portion of the expenses of the Finance Department has been reallocated to the Accountant and Collector Divisions.

(21) Includes nominal increases in cost of supplies plus replacement of 10 year old copy machine and replacement of numerous 20-25 year old tone alert paging radios that are failing.

(22) Restore sidewalk construction program cut from FY94 budget and increase repair costs for aging fleet.

(23) Cost of 7.5% Blue Cross Health Insurance increase is offset by favorable court decision for which \$100,000 had previously been reserved as worst case liability to Town.

(24) Improved economy and increased development activity is expected to generate additional legal defense requirements for Boards and Committees.

(25) \$16,000 is being added to Expenses to restore cuts made in FY94. \$9,161 is being added to help meet the State requirement that libraries spend 15% of their total appropriation on materials. \$1,200 has been added for two additional public access ports into the Minuteman Network database. \$9,000 has been added for replacement of the Circulation Desk.

(26) FY94 budget included projects for renovation of Memorial Library restrooms and exterior mortar repair. The cost of these projects was not offset by any comparable projects in the FY95 budget. FY95 Expenses include restoration of \$4,000 for removal of dead or dangerous street trees. These monies were cut from the FY94 budget.

(27) Replace failing printer, purchase laptop computer, upgrade software and add \$1,000 for printing of Zoning Bylaws.

(28) Police cruisers are replaced on a 3-year rotating basis. Two cruisers are replaced in each of the first two years of the cycle. Four cruisers are replaced in the third year. FY95 will be the third year in the current cycle; therefore, the Expense budget reflects the cost of two additional cruisers over the FY94 budget.

(29) Expense increases reflect "best guesses" for utilities and start-up costs for first full year of operation of this new facility. FY94 was a partial budget in anticipation of delayed occupancy and limited usage for the year.

(30) A large inventory of census forms was purchased in FY94. This inventory will cover the FY95 needs of the department. An appropriate reduction has been made in this account.

(31) The full cost of operations of this department was funded from Free Cash in FY94. The FY95 Expenses have been revised to reflect proper allocation of some of these costs back to the Municipal Properties department.

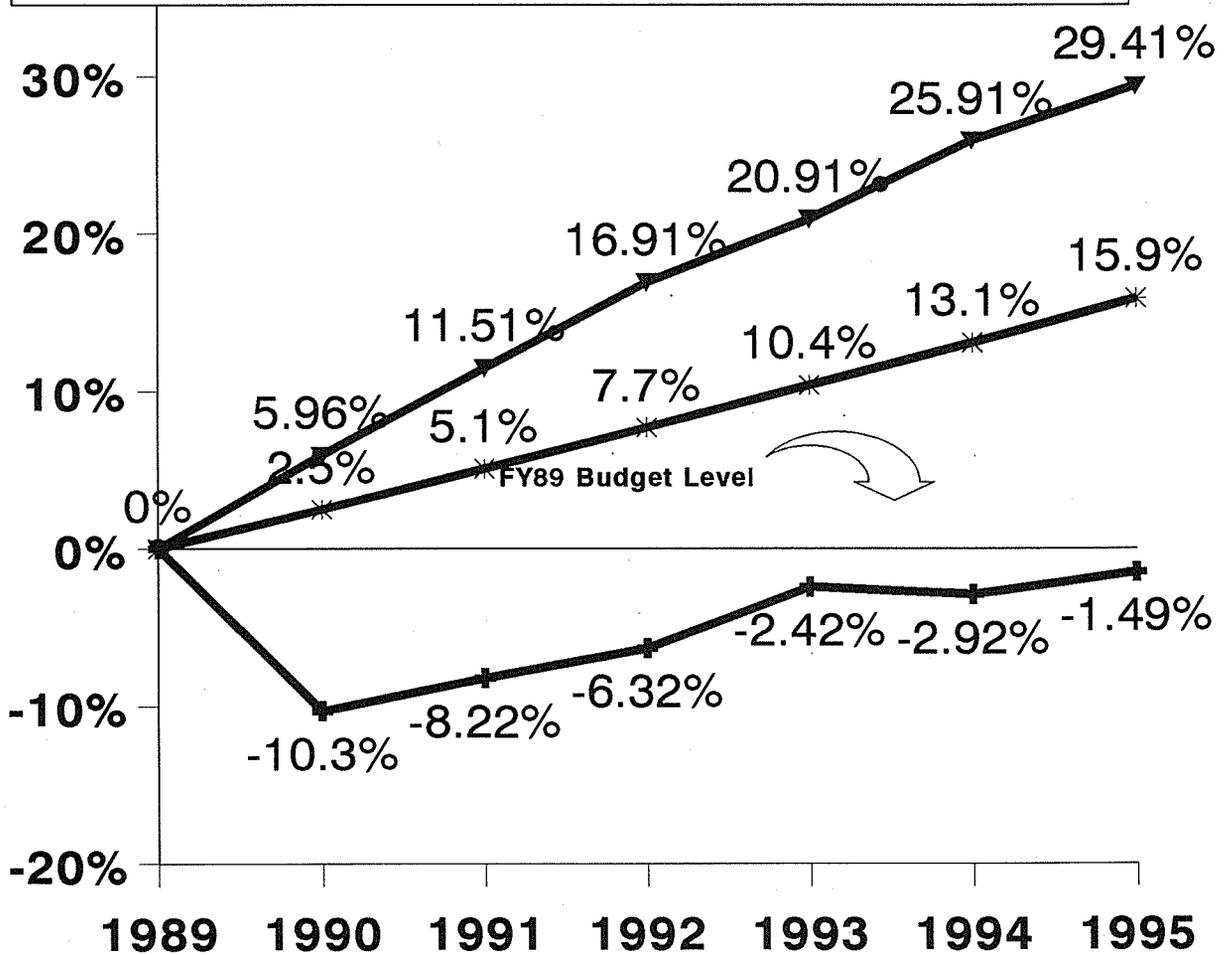
(32) Year to Date expenditures in several accounts reflect a hiring, shift coverage, overtime and capital freeze that was instituted throughout the Municipal organization for the first half of FY94. This was implemented as a partial hedge against the unknown impacts of the Education Reform Law. The final Ed Reform impacts are substantially less than originally projected, consequently, a portion of the monies conserved by this action may now be used to offset other emergency expenditures incurred throughout the year. Year to Date expenditures may be used to draw some very broad conclusions but should not be considered as absolute indicators since many expenditures are seasonal or cyclical.

(33) FY95 Municipal Base B Budget restores numerous cuts from previous budgets within a total increase of only 1.43%

CUMULATIVE PERCENT CHANGE FROM FY89 MUNICIPAL SERVICES ONLY

This graph describes changes in the Municipal Budget over recent years and provides comparisons to inflation and the implied increases allowed under Proposition 2 1/2. FY89 is taken as the starting point for the graph for several reasons:

1. This was the year in which the "Massachusetts Miracle" collapsed.
2. In FY89 the State abandoned the partnership that had existed between state and local governments and began to systematically withdraw financial support from the communities of the Commonwealth.
3. FY89 was the first year in which the Municipal Budget was reduced below the funding level of the previous year. (This phenomenon occurred again, to a lesser degree, in FY94.)



+ BUDGET CHANGE ▼ INFLATION * PROP. 2 1/2

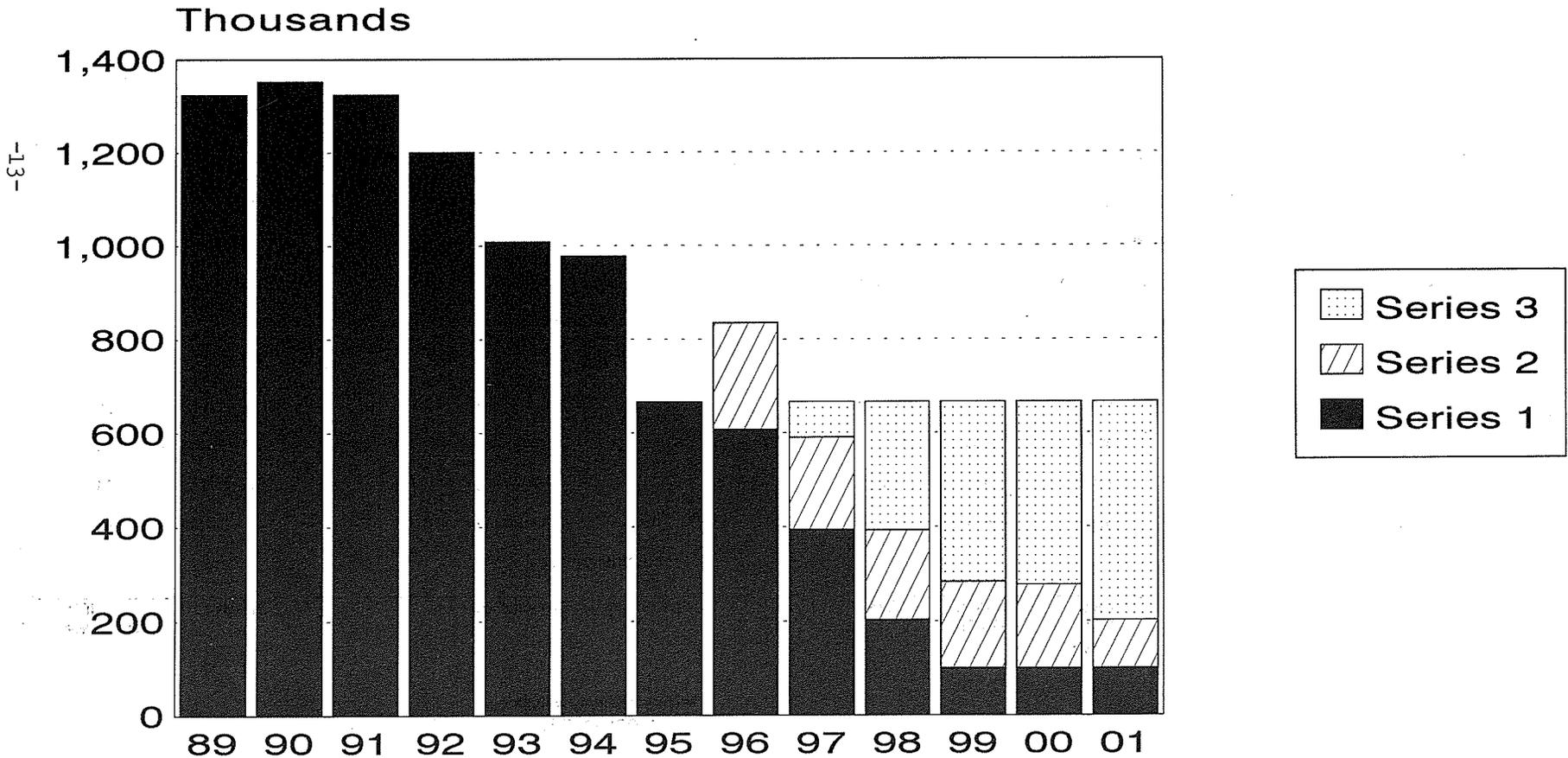
CPI for State & Local Gov'ts (Boston)

Source: U.S. Dept. of Commerce

Town of Acton
Funding for Warrant Articles

| WARRANT NUMBER | DEPARTMENT | PROGRAM/CAPITAL REQUESTS | TOTAL VALUE | BOND DURATION | 1ST YEAR COST (P&I) |
|------------------------|----------------------|--|--------------------|---------------|---------------------|
| Funded Articles | | | | | |
| 14 | FIRE | Command Vehicle 4wd Addition | \$15,000 | N/A | N/A |
| 15 | PLANNING | Impact Fee Bylaw | \$10,000 | N/A | N/A |
| 16 | MANAGER | Stablization Fund | \$0 | N/A | N/A |
| 35 | CEMETERIES | New Section, Phase 2 | \$10,000 | N/A | N/A |
| Total | | | <u>\$35,000</u> | | |
| Bonded Articles | | | | | |
| 17 | FIRE | Ladder Truck Replacement | \$450,000 | 15 | \$56,400 |
| 18 | HIGHWAY | Paving Program | \$331,800 | 10 | \$52,425 |
| 19 | LOCAL SCHOOL | Blanchard Aud. | \$25,000 | 10 | \$3,950 |
| 20 | POLICE | E-911 Dispatch Center | \$60,000 | 5 | \$15,360 |
| 20 | POLICE | Mobile Data Terminals, 8 | \$32,000 | 5 | \$8,192 |
| 21 | ENGINEERING | Bridge, Concord Rd. | \$40,000 | 10 | \$6,320 |
| 21 | ENGINEERING | Bridge, Wetherbee St. | \$20,000 | 5 | \$5,120 |
| 22 | MUNICIPAL PROPERTIES | Memorial Library Mortar Repair | \$20,000 | 10 | \$3,160 |
| 22 | FIRE | Fire Dept. Bldg. Exhaust Systems | \$10,000 | 10 | \$1,568 |
| 22 | MUNICIPAL PROPERTIES | Memorial Library HVAC Upgrade | \$10,000 | 5 | \$2,560 |
| 22 | MUNICIPAL PROPERTIES | Police Station Garage Roof Repairs | \$10,000 | 10 | \$1,580 |
| 22 | FIRE | Fire Alarm Equipment | \$15,000 | 5 | \$3,840 |
| 23 | HIGHWAY | Engineering Van Replacement | \$18,000 | 5 | \$4,608 |
| 23 | MUNICIPAL PROPERTIES | F-700 Dump Truck Replacement | \$35,000 | 5 | \$8,960 |
| 23 | HIGHWAY | Front End Loader Replacement | \$95,000 | 5 | \$24,320 |
| 23 | HIGHWAY | 4x4 GWV 3/4 Pick-up Replacement | \$18,000 | 5 | \$4,608 |
| 23 | HIGHWAY | 4x4 GWV One Ton Dump Truck Replacement | \$25,000 | 5 | \$6,400 |
| 24 | ENGINEERING | Traffic Signal @ High & 62 | \$48,000 | 10 | \$7,584 |
| 25 | PLANNING | Kelly's Corner Plan | \$10,000 | 5 | \$2,560 |
| 25 | LIBRARY, MEMORIAL | Expansion Study | \$15,000 | 5 | \$3,840 |
| 26 | MUNICIPAL PROPERTIES | Ice House Pond Excavation | \$30,000 | 10 | \$4,740 |
| Total | | | <u>\$1,317,800</u> | | <u>\$228,095</u> |

Series 1 on the graph shown below represents debt payments that have been previously authorized by Town Meeting. The Board of Selectmen is recommending that this Town Meeting approve an intergrated package of bonding articles. The total amount of additional debt payments proposed by this package is depicted by Series 2. Series 3 represents unused debt capacity, if the Town should choose to maintain a level debt schedule at the FY95 amount.



CONSENT CALENDAR

In an effort to streamline Town Meeting, the Board of Selectmen has decided to continue the concept of a Consent Calendar. The use of this Calendar speeds the passage of articles which the Selectmen feel, in consultation with Town Counsel and the Finance Committee, should generate no controversy and can be properly voted without debate. The purpose of the Consent Calendar is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

THE CONSENT CALENDAR WILL BE TAKEN UP AS THE FIRST ORDER OF BUSINESS AT THE COMMENCEMENT OF THE TOWN MEETING ON MONDAY, APRIL 4, 1994

Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to call the official listed in the article summaries or the Town Manager's Office, 264-9612 before Town Meeting.

At the call of the Consent Calendar, the Moderator will call out the numbers of the articles, one by one. If two or more voters object to any particular Article being included in the Consent Calendar, they should say the word "hold" in a loud voice when the number is called. The article is then removed automatically from the Consent Calendar and restored to its original place in the Warrant, to be brought up, debated and voted on in the usual manner. After the calling of the individual items in the Consent Calendar, the Moderator will ask that all items remaining be passed AS A UNIT by the voters.

Please review the list of articles and motions proposed for the Consent Calendar which follows. Complete summaries are found under each article printed in this warrant. Please review them carefully.

ARTICLE

MOTION

- | | |
|---|---|
| 3 | Council on Aging Van Enterprise Fund: Move that the Town raise and appropriate \$32,846.00 for the purpose of providing a van service, and to raise such amount \$32,846.00 be transferred from the Council on Aging Van Enterprise Fund. |
| 4 | Nursing Enterprise Fund: Move that the Town raise and appropriate \$460,178.00 for the purpose of providing public health nursing services, and to raise such amount \$460,178.00 be transferred from the Nursing Enterprise Fund. |
| 5 | Septage Enterprise Fund: Move that the Town raise and appropriate \$200,000.00 for the purpose of septage disposal, and to raise such amount \$200,000.00 be transferred from the Septage Disposal Enterprise Fund. |
| 6 | NESWC Enterprise Fund: Move that the Town appropriate \$1,507,100.00 for the purpose of solid waste disposal, and to raise such amount \$1,507,100.00 be transferred from the Solid Waste Disposal Fund. |
| 7 | NESWC Stabilization Fund: Move that the Town appropriate \$476,000.00 for the purpose of replenishing the NESWC Stabilization Fund, and to raise such amount \$476,000.00 be transferred from the NESWC Fund Balance. |

- 8 Merriam School Enterprise Budget: Move that the Town appropriate \$73,709 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.
- 30 Self Funding Programs: Move that revolving funds for the Historic District Commission, Building Department and the Sealer of Weights and Measures be established for FY 95 in the amounts and for the purposes set forth in the summary of this article.
- 32 Emergency/Disaster Aid Appropriation - Move in the words of the article.
- 35 Cemetery Land Fund Transfer - Move that the Town appropriate \$10,000.00 to be expended by the Town Manager for the design, development, landscaping, roadways, and drainage of new sections of Woodlawn Cemetery and Mount Hope Cemetery, and to raise such amount \$10,000.00 be transferred from the Cemetery Land Fund.
- 36 Chapter 90 Highway Reimbursement: Move the Selectmen are authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.
- 37 Acceptance of Gift of Land - Move in the words of the article.
- 38 Acceptance of Gift of Land - Move in the words of the article.
- 39 Street Acceptances: Move that the Town accept as a public way the street listed in the Article, as laid out by the Board of Selectmen according to the plan 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.
- 40 Charter Road Sidewalk Easements: Move in the words of the article.
- 41 Main Street Easement - Move in the words of the article.
- 46 Tract of Land Required for Certain Developments - Move that the Zoning Bylaw be amended as set forth in the Article.
- 47 Maximum Limits for Residential Component in Planned Unit Developments - Move that the Zoning Bylaw be amended as set forth in the Article.
- 48 Corrections, Clarification of Zoning Bylaw: Move that the Zoning Bylaw be amended as set forth in the Article.
- 49 Accommodation of Handicapped and van Accessible Parking- Move that the Zoning Bylaw be amended as set forth in the article.
- 50 Change Special Permit Requirement for Common Drives - Move that the Zoning Bylaw be amended as set forth in the article.
- 51 Eliminate Special Permit Regulations for Certain Accessory Uses - Move that the Zoning Bylaw be amended as set forth in the article.

- 52 Eliminate Prohibition Against and Special Permit Requirements for Tertiary Wastewater Treatment Facilities - Move that the Zoning Bylaw be amended as set forth in the article.
- 53 Elimination of Special Permit Requirements for Certain Dimensional Provisions - Move that the Zoning Bylaw be amended as set forth in the article.
- 58 Accept MGL Chapter 140 Section 147A, Dog Fund: Move that MGL Chapter 140, Section 147A be accepted.
- 59 Amendment to Town Bylaw - Chapter E - Move that the Town Bylaws be amended as set forth in the Article.
- 61 Remove Police Chief Position from Civil Service - Move in the words of the article.

Donald MacKenzie
TOWN MODERATOR

**TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX, SS.**

To either of the Constables of the Town of Acton, in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified in their respective precincts to wit:

Precinct 1 - Conant School
Precinct 2 - Conant School
Precinct 3 - Blanchard Auditorium
Precinct 4 - Blanchard Auditorium
Precinct 5 - Blanchard Auditorium

at 7 o'clock A.M. Tuesday, the twenty-ninth day of March, 1994, by posting a copy of this warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the twenty-ninth day of March.

To bring their votes on one ballot for the following officers and question:

Moderator for one year, one Selectman for three years, two members of the School Committee for three years, one Trustee of the Memorial Library for three years.

QUESTION 1.

Shall Section 4-2 of the Acton Town Charter be amended by increasing the membership of the Commission on Disabilities from 7 to 9 members?

Summary: The 1993 Annual Town Meeting voted unanimously to increase the number of Commission on Disabilities members from 7 to 9 and to amend the Acton Town Charter accordingly. Section 8-3 of the Acton Town Charter requires charter changes which have been acted upon favorably at town meetings to be submitted to the voters for approval on the ballot at the next annual election.

Also, the Acton Water District will elect a Moderator for one year, a Commissioner for three years and a Clerk for one year.

You are also to notify the legal voters aforesaid to meet at the Acton Boxborough Regional High School on Monday, April 4, 1994 at 7:30 P.M. at which time and place the following articles are to be acted on:

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 |
| | Clerk \$650.00 |
| | Member \$650.00 |

or take any other action relative thereto.

SUMMARY

This article provides for the election of Trustees of the Elizabeth White Fund, Trustees of the West Acton Fireman's Relief Fund, Trustees of the Goodnow Fund, Trustees of the Citizen's Library Association of West Acton, and establishes the salaries of the Town's elected officials.

- (S) Recommended
- (F) No Recommendation

ARTICLE 2 HEAR AND ACCEPT REPORTS
(Majority Vote Required)

To see if the Town will accept reports, and to 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.

SUMMARY

This article provides for the acceptance of the Annual Town Report and any other reports which Town Boards and Committees may need to offer as well as acceptance if any, of reports of committees chosen at any previous Town Meeting.

- (S) Recommended
- (F) No Recommendation

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

To see if the Town will raise and appropriate, or appropriate from available funds, including Enterprise Funds, the sum of \$32,846.00, or any other sum, to operate the Senior Van Service, or take any other action relative thereto.

SUMMARY

This article requests an appropriation for the senior van service enterprise fund. This 40 hour a week senior van service is funded by the Federal Government, State Government and Local Government. Fifty percent of the service is paid by federal funds, twenty-five percent

of the service is paid by the Commonwealth, and the final twenty-five percent is absorbed by the Town of Acton. Fare revenues will be used to reduce the total service cost.

Direct inquiries to: Carol Lake, Director, Council on Aging, 264-9643
Selectman Assigned: Nancy Tavernier

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 4* NURSING ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, including Enterprise Funds, the sum of \$460,178.00, or any other sum, to provide Public Health Nursing Services, or take any other action relative thereto.

SUMMARY

This article requests an appropriation for the Nursing Services Enterprise Fund. An Enterprise Fund permits the Nursing Service to offset its costs with fees for service. These fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of running the Nursing Service. In addition to the normal operating costs of this service, the budget includes replacement of an automobile which is used for home visits by the nursing staff. This vehicle replacement will be funded from fees previously collected.

Direct inquiries to: Doug Halley, Dir. Public Health - 264-9634
Selectman Assigned: William Mullin

- (S) Recommended
- (F) Recommendation Deferred

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

To see if the Town will raise and appropriate or appropriate from available funds, including Enterprise Funds, the sum of \$200,000.00, or any other sum, for the purpose of septage disposal, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from septage haulers, licensing of septage haulers, licensing of septic system inspectors, licensing of septic installers, sewer treatment plant permit fees, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to the Upper Blackstone Water Pollution Abatement Facility and to maintain the Town of Acton septage waste disposal program. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of septage waste disposal. In addition to the normal operating costs of this service, the budget includes purchase of a computer and microfiche equipment to maintain the files for this service and replacement of two (2) inspectional vehicles that are used by Health Department personnel in their duties related to the provision of this service. All of this equipment will be funded from fees collected.

Direct inquiries to: Doug Halley, Dir. Public Health - 264-9634
Selectman Assigned: Anne Fanton

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 6* NESWC ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, including Enterprise Funds, the sum of \$1,507,100.00, or any other sum, for the purpose of solid waste disposal, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from the transfer station be used for the purpose of maintaining the trash disposal operation. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of solid waste disposal. In addition to the normal operating costs of this service, the budget includes replacement of a ten (10) Wheel Tractor that is used to haul trash from our transfer station to the NESWC facility in North Andover. Replacement of this truck will be funded from fees previously collected.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: Nancy Tavernier

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 7* NESWC STABILIZATION FUND
(Majority Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, including Enterprise Funds, the sum of \$476,000.00, or any other sum, for the purpose of replenishing the NESWC Stabilization Fund, said sum to be transferred from the NESWC Fund Balance, or take any other action relative thereto.

SUMMARY

The monthly disposal rate at the NESWC Solid Waste Facility fluctuates radically throughout the year. This variation is offset by a Stabilization Fund that is used to "smooth out" the peaks and valleys from month to month and, thereby, allow municipalities to more accurately anticipate their cash flow needs. For a while this account was also used to partially subsidize the rate. Over time, Acton's share of the NESWC Stabilization Fund was depleted and needs to be replenished. Until recently, the billing and accounting procedures employed by the operator of the plant made this replenishment complicated and difficult so Acton accumulated and maintained these monies locally, in the NESWC Enterprise Fund balance. The NESWC communities have now taken over the billing process and the new system is working more efficiently. This article seeks to make the necessary transfer from our Enterprise Fund Balance to NESWC. There will be no tax impact from this article.

Direct inquiries to: John Murray, Admin. Asst. - 264-9612
Selectman Assigned: William Mullin

- (S) Recommendation Deferred
- (F) Recommendation Deferred

ARTICLE 8* MERRIAM SCHOOL ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, including Enterprise Funds, the sum of \$73,709.00, or any other sum, for the purpose of maintaining the Merriam School, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from the rental of the Merriam School be used for the purpose of maintaining the building. The proposed budget for FY'95 will be entirely offset by rents.

Direct inquiries to: William Ryan, School Dept. - 264-4700
Selectman Assigned: Norman Lake

(S) Recommendation Deferred
(F) Recommended

ARTICLE 9 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 current fiscal year's budgets to be used during the current fiscal year, or make any other adjustments to the current fiscal year budget and appropriations that may be necessary, or take any other action relative thereto.

SUMMARY

The intent of this article is to allow Town Meeting to transfer funds and supplement monies to cover needed expenses in the current fiscal year.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: Norman Lake

(S) Recommended
(F) Recommended

**ARTICLE 10 MINUTEMAN REGIONAL SCHOOL,
EDUCATION REFORM FY94 LEVY
(Majority Vote Required)**

To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to be paid to the Minuteman Regional School District in Fiscal Year 1994 in order to meet the Town's obligations under the 1993 Education Reform Act, or take any other action relative thereto.

SUMMARY

This additional FY94 appropriation is required under the provisions of the Education Reform Law. For additional information please see the comments in the "Board of Selectmen Message" printed in the front of the warrant.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: F. Dore' Hunter

(S) Recommended
(F) Recommended

**ARTICLE 11 ACTON BOXBOROUGH REGIONAL SCHOOL,
EDUCATION REFORM FY94 LEVY
(Majority Vote Required)**

To see if the Town will raise and appropriate, or transfer from available funds, \$31,422.00, to be paid to the Acton-Boxborough Regional School District in Fiscal Year 1994 in order to meet the Town's obligations under the 1993 Education Reform Act, or take any other action relative thereto.

SUMMARY

This additional FY94 appropriation is required under the provisions of the Education Reform Law. For additional information please see the comments in the "Board of Selectmen Message" printed in the front of the warrant.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: F. Dore' Hunter

(S) Recommended
(F) Recommended

**ARTICLE 12 ACTON PUBLIC SCHOOL,
EDUCATION REFORM FY94 LEVY
(Majority Vote Required)**

To see if the Town will raise and appropriate, or transfer from available funds, \$48,562.00, for the Fiscal Year 1994 Local School department budget in order to meet the Town's obligations under the 1993 Education Reform Act, or take any other action relative thereto.

SUMMARY

This additional FY94 appropriation is required under the provisions of the Education Reform Law. For additional information please see the comments in the "Board of Selectmen Message" printed in the front of the warrant. .

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: F. Dore' Hunter

- (S) Recommended
- (F) Recommended

**ARTICLE 13 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 necessary expenses relative to the schools, or take any other action relative thereto.

SUMMARY

This article requests funds for the Fiscal Year 1995 (July 1, 1994- June 30, 1995) Municipal Operating Budget. The Municipal Budget also includes certain school costs. These are primarily the costs of debt service requirements, property and liability insurance on school buildings and contents, and pension costs for school employees, other than teachers and Regional School employees. The standard motion for the Municipal Budget appropriation under this article includes the transfer of funds from the following special funds: Cemetery Trust Funds, County Dog Fund, and Wetland Filing Fees.

Direct inquiries to: Don P. Johnson, Town Manager - 264-9612
Selectman Assigned: F. Dore' Hunter

- (S) Recommended
- (F) Recommendation Deferred

**ARTICLE 14 FIRE DEPARTMENT COMMAND VEHICLE - 4WD SUPPLEMENT
(Majority Vote Required)**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$15,000.00, or any other sum, to be expended by the Town Manager to purchase and equip a Command Vehicle for the Fire Department, or take any other action relative thereto.

SUMMARY

The above request would provide additional funding to allow for the purchase and equipping of an all-wheel drive enclosed Command Vehicle such as a Ford Explorer, Ford Bronco, Chevrolet Blazer or Chevrolet Suburban. This type of vehicle has been requested previously. Due to the override failure and subsequent funding of only a B-Budget in FY 1994, a reduced appropriation was approved which only provided enough funding to purchase a standard 2-wheel drive cruiser-type vehicle. Due to extenuating financial and purchasing uncertainties last fall, such a vehicle was unable to be purchased. Therefore, this additional funding has been requested to restore adequate funding to purchase an all-wheel drive enclosed vehicle. This unit would provide greater durability, off-road capabilities, and superior performance under adverse climatic conditions such as heavy snow storms, ice conditions, etc.

Direct inquires to: Chief Craig, 264-9645
Selectman Assigned: Norman Lake

- (S) Recommended
- (F) Recommendation Deferred

**ARTICLE 15 CONSTRUCT IMPACT FEE FORMULA
(Majority Vote Required)**

To see if the Town will raise and appropriate, or appropriate from available funds, \$10,000.00, or any other sum, to be expended by the Town Manager for the purpose of developing and drafting an Impact Fee Bylaw, including any legal and planning consultant fees and other costs related thereto, or take any other action relative thereto.

SUMMARY

Impact fees are fees assessed by the Town to new development for public infrastructure improvements necessitated by such new development. In order to raise impact fees, the Town must identify improvements necessary to accommodate projected growth and development, and adopt an impact fee bylaw which assesses the costs for the improvements in a fair and rational manner. In the Master Plan, completed in 1991, the Town has largely identified the required new infrastructure, worth millions of dollars, to accommodate projected development. It is also recommended in the Master Plan to adopt impact fees as appropriate and where possible. The conceptual approach and detailed language of the impact fee bylaw must stand on sound legal footing to withstand any challenges. This article will provide the funds to engage experienced legal and planning professionals to help the town in the development of an impact fee bylaw. Uniform state wide impact fee legislation has been a legislative priority for planners and regional planning agencies for several years but no proposal has ever come

to a vote in either the Senate or the House. The Metropolitan Area Planning Council reports that at least four of its 101 member communities (Acton is a member community) have adopted some form of impact fee bylaws or ordinances: Framingham, Medford (by Home Rule Petition), Peabody, and Waltham.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Anne Fanton

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 16 MUNICIPAL STABILIZATION FUND
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money for a stabilization fund for the Town, or take any other action relative thereto.

SUMMARY

The purpose of this article is to allow appropriation of a sum or sums of money to a fund that will be set aside and used for repayment of borrowing costs in connection with the bonding proposed under articles listed below. Most of the borrowing costs will be offset by debt that will be retired after FY96; however, debt retired in FY96 will be insufficient to cover the full costs for that year. The Selectmen propose this fund to allow any excess or additional revenues that may be identified to be set aside and reserved to handle this anticipated shortfall in FY96, without creating adverse impacts on other services.

Direct inquiries to: Don Johnson, Town Manager - 264-9612
Selectman Assigned: Nancy Tavernier

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 17 FIRE DEPARTMENT LADDER TRUCK REPLACEMENT
(2/3 Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, or borrow, the sum of \$450,000, or any other sum, to be expended by the Town Manager to purchase and equip an Aerial Ladder Truck for the Fire Department, or take any other action relative thereto.

SUMMARY

The above request would purchase and equip an Aerial Ladder Truck. Currently the Town is leasing a demonstrator ladder truck on an emergency basis to take the place of a 1965 ladder truck which was taken out of service last fall due to major structural problems with the aerial ladder. Replacement of the ladder truck has been requested for the past several years due to increased age, mechanical problems, deterioration and decreased safety and reliability. This appropriation would authorize the purchase of the present leased unit providing a substantial cost savings to the Town for this vital piece of fire apparatus.

Direct inquiries to: Chief Craig, 264-9645
Selectman Assigned: Norman Lake

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 18 HIGHWAY DEPARTMENT PAVEMENT PROGRAM
(2/3 Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, or borrow, the sum of \$331,800.00 or any other sum, to be expended by the Town Manager for the Pavement Program, or take any other action relative thereto.

SUMMARY

The Paving Program was cut out of the Highway Budget about three years ago. This money would restore some of the program that was cut. These funds are also used to repair catch basins and manholes and to grind road surfaces to grade in preparation for paving. For the past three years the only street paving that the Town has been able to accomplish has been totally funded by monies from the State under the provisions of Chapter 90 of the Massachusetts General Laws (the State Highway Reimbursement Fund). These "Chapter 90" monies have at least allowed a partial road maintenance program when the Town was unable to fund its own maintenance program. At this time there does not appear to be any further Chapter 90 monies available from the State.

Direct inquiries to: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned: Nancy Tavernier

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 19 BLANCHARD AUDITORIUM CHIMNEY REPAIR
(2/3 Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, or borrow, the sum of \$25,000.00, or any other sum, for the repair of the chimney at the Blanchard Auditorium, including any 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.

SUMMARY

This article requests funds for the repair of the Blanchard Auditorium chimney. The chimney, built in 1954, is in good condition except for the top twenty feet where heavy deterioration is evident. Based on the results of the preliminary structural and mechanical analysis the school system is in the process of requesting bids for the repair of the chimney.

Direct inquiries to: Don P. Johnson, Town Manager 264-9612
Selectman Assigned: Norman Lake

- (S) Recommended
- (F) Recommendation Deferred

**ARTICLE 20 CAPITAL EXPENDITURES - PUBLIC SAFETY
(2/3 Vote Required)**

To see if the Town will raise and appropriate or appropriate from available funds, or borrow a sum of money for the various purposes listed below:

| | <u>Estimated Cost</u> |
|---------------------------------|-----------------------|
| A. Police E-911 Dispatch Center | \$60,000.00 |
| B. Mobile Data Terminals | \$32,000.00 |

or take any other action relative thereto.

SUMMARIES

A. Police E-911 Dispatch Center:

This Article requests funds to purchase and install an updated console in the police dispatch center in order to accommodate the new Enhanced 911 dispatch terminals and consolidate the other computer systems and monitoring equipment already in place. The police department dispatch center is using a console and related equipment that were purchased about 20 years ago. The electronic equipment that has been added over the years has outgrown the space allotted to it and the placement is no longer efficient for the operation in general. The current equipment is placed in available space around the dispatch area and does not allow for constant view of cell check monitors or alarm monitoring functions. Communication capabilities with other town agencies are not effective and need to be upgraded.

It is expected that the E-911 program will be installed throughout the state during Fiscal Year 1995. The new console would allow space for two dispatch positions with all equipment directly in front of the dispatcher. Radio, alarm monitoring equipment, and other electronic equipment purchased would also be upgraded and consolidated into the console. The immediate benefit will be that the dispatchers will have direct access to all systems and will be able to communicate via radio with other services, both within the town and with outside police departments. Other long term benefits include the ability to improve the emergency management capabilities of the department and better communications in the event of a large scale disaster. The second answering position will enable us to put a second dispatcher at the console for handling big emergency situations or special events which require more manpower in the dispatch area. The new console equipment will still be useful should the town decide to consolidate public safety dispatch services at some point in the future.

B. Mobile Data Terminals:

This Article requests funds to purchase and install terminals in eight police vehicles. These terminals were developed by a local company with our cooperation as a beta-test site. They are now being actively used by 13 police departments in Massachusetts and several other states. Two of these terminals have been in use in Acton and have proven to be effective tools for use primarily in traffic enforcement. Many departments have found that after installing these MDT's that there is a significant increase in the ability to detect unregistered and uninsured vehicles and operators with suspended or revoked licenses. One of the goals for traffic enforcement is to remove these vehicles and/or operators from the road and therefore increase safety for the citizens, lessen insurance claims, and to decrease the number of hit & run accidents by operators who do not wish to be identified after an accident.

The terminals allow access via secure radio communications directly from the Department of Public Safety and the Registry of Motor Vehicles to a police cruiser on patrol. There is also access to our dispatch operations and our in-house VAX Computer System. Some of the other benefits will be the ability to use voiceless dispatching to ensure confidentiality for police communications and to ensure the privacy of the citizens who require a police response to their homes. Secure communications add to officer safety by allowing officers to retain the element of surprise when responding to calls. Soon officers will be able to type their required reports while in the patrol vehicle and transmit it directly to the station via radio link. That will keep the officers on patrol a greater percentage of their time, resulting in a more efficient use of police resources.

Direct inquiries to: Lt. Frank Widmayer at 264-9638.
Selectman Assigned: Norman Lake

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 21 BRIDGE REPAIRS AND REPLACEMENTS
(2/3 Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, or borrow a sum of money for the various purposes listed below:

| | <u>Estimated Cost</u> |
|---|-----------------------|
| A. Concord Road Bridge Over Nashoba Brook | 40,000.00 |
| B. Wetherbee Street Bridge Over Nashoba Brook | 20,000.00 |

or take any other action relative thereto.

SUMMARIES

A. Concord Road Bridge:

The Concord Road Bridge over Nashoba Brook is currently posted for 6 tons. Two of the granite slabs supporting the deck are broken and the bridge deck is in constant need of repair. Previous budgets have funded the design of a replacement bridge and the purchase of precast concrete culvert sections. The design of the new bridge includes a modest widening of the roadway over the bridge and the addition of a sidewalk. The granite blocks and slabs from the old bridge will be used for wing-walls and slope stabilization. This appropriation will fund construction which is tentatively scheduled for this year, either late Summer or early Fall, as weather conditions permit.

B. Wetherbee Street Bridge:

This augments the funding provided by Article 25 of the 1987 Annual Town Meeting. The plans for a new bridge at this location were completed and approved by the Massachusetts Highway Department in 1991. However, since then the state funding from bridge replacement construction has not been available. We now have the assurance that Federal funds are available and that this project can proceed as a State advertised project, provided the plans and specifications are updated and revised to current state standards. The funds requested in this article will complete the design work for a new bridge at this location.

Direct inquiries to: David Abbt, Engineering Administrator - 264-9628
Selectman Assigned: Norman Lake

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 22 CAPITAL IMPROVEMENTS - BUILDING RENOVATIONS
(2/3 Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, or borrow a sum of money for the various purposes listed below:

| | <u>Estimated Cost</u> |
|---------------------------------------|-----------------------|
| A. Memorial Library Mortar Repair | \$20,000.00 |
| B. Fire Dept. Bldg. Exhaust Systems | \$10,000.00 |
| C. Memorial Library HVAC Upgrade | \$10,000.00 |
| D. Police Station Garage Roof Repairs | \$10,000.00 |
| E. Fire Alarm Equipment | \$15,000.00 |

or take any other action relative thereto.

SUMMARIES

A. Memorial Library Mortar Repair:

The old wing of the Acton Memorial Library is just over 100 years old and many mortar joints are failing due to age and weathering. This article will provide funds to repair these deteriorating mortar joints in the old wing. The sum of \$20,000 was included in the FY'94 budget, which was considered to be the first portion of a projected four year, \$80,000 masonry repair project. The work was bid out in the Fall of 1993, and it now appears that the entire old wing can be suitably repaired for a total of \$40,000, rather than the original, higher projection. If this article is approved, new bids will be solicited for the entire project, which will be undertaken in late June and early July 1994. It is important to repair these joints to eliminate further deterioration and water infiltration.

B. Fire Dept. Bldg. Exhaust Systems:

This article requests funding to purchase and install an exhaust evacuation system for the apparatus rooms of the three Fire Stations. Each system would consist of a large ventilation fan connected with appropriate controls and timing devices. The system is necessary to remove harmful diesel fumes which remain and spread throughout the station as the apparatus exits and returns.

C. Memorial Library HVAC Upgrade:

This article will provide for the upgrading of the existing HVAC system at the Memorial Library. Some of the controls, valves, pumps, and damper motors in the existing system are original equipment from when the new wing was added over 25 years ago. A number of these pieces of equipment either do not work reliably, or are totally non-functioning. Many settings have to be adjusted manually on a daily basis, which is very time consuming and energy inefficient.

D. Police Station Garage Roof Repairs

This article will provide for the reconstruction of the roof over the 3-bay garage portion of the Police Station. This roof has been plagued by problems for the last fifteen or twenty years, and the repairs made in the early 1980's are now starting to fail. Several solutions are under consideration, but the final result will be a reliable roof that should be free from leaks for the next twenty years.

E. Fire Alarm Equipment:

This article requests funding to replace fire alarm circuit panels in two fire stations. The circuit panel in the third fire station was recently replaced on an emergency basis when it failed unexpectedly. The equipment to be replaced is approximately 30 years old, is unreliable and unable to be repaired due to the unavailability of parts. Should one of these panels fail at any time, alarms from fire alarm boxes in that portion of Town would not be received at the fire alarm dispatch office, creating an extremely serious situation for residents as well as business owners.

Direct inquires to: Dean Charter, Dir. Municipal Properties 264-9629
Chief Robert Craig, 264-9645
Selectman Assigned: Norman Lake

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 23 CAPITAL IMPROVEMENTS - DEPARTMENTAL VEHICLES
(2/3 Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, or borrow a sum of money for the various purposes listed below:

| | <u>Estimated Cost</u> |
|--|-----------------------|
| A. Engineering Van Replacement | \$18,000.00 |
| B. F-700 Dump Truck Replacement | \$35,000.00 |
| C. Front End Loader Replacement | \$95,000.00 |
| D. 4x4 GWV 3/4 Ton Pick-up Replacement | \$18,000.00 |
| E. 4x4 One Ton Dump Truck Replacement | \$25,000.00 |

or take any other action relative thereto.

SUMMARIES

A. Engineering Van Replacement:

The current vehicle used by the Engineering Department is a 1979 Ford Econoline van. The scheduled replacement date was 1989 (10 years of service), but this vehicle was kept in service an additional 5 years due to budget constraints. The current vehicle will no longer pass Massachusetts inspection due to severe body rot and emissions (oil consumption). Although the mileage is moderate (39,850 miles), this is almost entirely around Town driving and/or short trips. The clutch is in poor condition, the transmission is worn and the piston rings and rear crank shaft are leaking. The replacement van will be a similar size window van with an automatic transmission. The Engineering Department uses this vehicle to transport survey tools and equipment to the various job sites around town.

B. F-700 Dump Truck Replacement:

This article will provide for replacement of the existing 1979 Ford F-700 dump truck, which is used for towing the brush chipper and mowing trailer, hauling logs, snow plowing, and other heavy work of the Municipal Properties Department. The present unit has fairly low milage (53,000 miles) but is structurally in very poor shape due to rust. The truck body was first built around 1955, and has been transferred from truck to truck over the years; this article would replace the cab, chassis, body, and related equipment.

C. Front End Loader Replacement:

This article will fund the replacement of a 1983 Front End Wheel Loader. This machine is beginning to show a lot of wear. The center pivot pins are very loose. All pins and bushings on the loader frame are badly worn. The main hydraulic pump is showing signs of weakness. This loader will not lift to maximum capacity. The transmission is operational, however the housing was damaged and has been welded and epoxyed. The damage was caused when a broken drive shaft punched a hole in the housing. The transmission may have to be replaced at any time. This is a very expensive repair. The cab is showing visible signs of rusting out. This machine is in dire need of replacement.

D. 4x4 GWV 3/4 Ton Pick-up Replacement:

This article will fund the replacement of the 1979 3/4 Ton Pickup used by the Highway Department. It has extreme visible signs of rust and has already been completely repaired and repainted once. The transmission has been replaced many times and has over 108,000 miles on it. This truck is a primary work truck on the Highway Department for the Sign Department. It is used for installing signs around Town, etc. This truck is in great need of replacement.

E. 4x4 One Ton Dump Truck Replacement:

This article will fund the replacement of the 1985 Chevrolet One Ton Dump Truck used by the Highway Department. This truck uses 3 to 4 quarts of oil per week and is in need of a complete overhaul. The cab has excessive body rot. The cab corners at the lower door frame are completely rotted out. The doors are showing signs of rot and the sides of the body are also rotting out. The main hydraulic pump on the dump body needs replacement. The floor has been replaced once before. The front end differential is very worn, as well as the axles and U-joints. The transmission and transfer case, that were rebuilt in 1990, will require rebuilding in the near future. In addition, the plow frame requires replacement. This truck has 90,000 miles of service and is used for plowing and sanding and all phases of Highway work.

Direct inquiries to: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned: William Mullin

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 24 CAPITAL IMPROVEMENTS - TRAFFIC SIGNAL
(2/3 Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, or borrow the sum of \$48,000, or any other sum, to be expended by the Town Manager for the installation of traffic signal equipment at the intersection of Powder Mill Road (Route 62) and High Street, or take any other action relative thereto.

SUMMARY

Signals are warranted at this location based on vehicular volume. Funds for the design of these signals were contributed by Digital Equipment Corporation. The Town widened the approaches to the intersection several years ago as part of a repaving project on Route 62. These funds are for the installation of signal equipment to complete the project.

Direct inquiries to: David F. Abbt, Engineering Admin.- 264-9628.
Selectman Assigned: Nancy Tavernier

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 25 - CAPITAL IMPROVEMENTS - ENGINEERING STUDIES
(2/3 Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, or borrow a sum of money for the various purposes listed below:

| | <u>Estimated Cost</u> |
|---------------------------------------|-----------------------|
| A. Kelley's Corner Engineering Plan | \$10,000.00 |
| B. Library Expansion Engineering Plan | \$15,000.00 |

or take any other action relative thereto.

SUMMARIES

A. Kelley's Corner Engineering Plan:

The 1991 town-wide Master Plan, on page 23, states as follows: "Kelley's Corner is the most appropriate area in Acton to locate businesses and retail stores with regional attraction. This is due to the areas close proximity to Route 2 as well as the Town's desire

to protect the character of Acton's more historic village centers, and to control further commercial strip development. The need exists to develop a plan for Kelley's Corner in order to develop solutions to current traffic and sewer problems, while ensuring the areas vitality and attractiveness as a regional business center." Kelley's Corner in this planning context means not only the intersection of Main Street with Massachusetts Avenue, but the entire business area in the intersection vicinity and shown on the Acton zoning map as the Kelley's Corner District. Significant changes in property ownership have occurred here in the last few years and several owners have signalled that they are ready for a major redevelopment effort. At the same time, well planned growth in such a prime and visible location as Kelley's Corner will be beneficial to Acton's tax base and community image. This article will provide funding for initial work on public goal setting, for design workshops, and for professional consultants as needed during this process. Expected products resulting from this effort are: concept plans and facilities for improved vehicular and pedestrian access and circulation; a framework for an appropriate amount of future growth and for zoning changes to be made accordingly; and recommendations for needed public and private infrastructure improvements to accommodate future growth including methods of financing such improvements.

Direct inquiries: Roland Bartl, Town Planner - 264-9636
Selectman Assigned: Anne Fanton

B. Library Expansion Engineering Plan:

The addition to the Memorial Library was complete in 1967, designed to hold 40,000 books and serve a community of 12,000. Currently the library owns 62,000 books and 5,000 non-book items. For the citizens to have full access to its resources, space is needed for programs, shelving of materials, work space for the staff and space for patrons to work.

Residents of Acton have always heavily used this public library and it has outgrown its space. Expanding the library will serve the long-term needs of the entire community. The purpose of this study is to identify the future space needs of the library and the options for expansion.

Direct inquiries: Wanda Null, Library Dir. 264-9641
Selectman Assigned: Anne Fanton

- (S) Recommended
- (F) Recommendation Deferred

**ARTICLE 26 - CAPITAL IMPROVEMENTS - ICE HOUSE POND
(2/3 Vote Required)**

To see if the Town will raise and appropriate, or appropriate from available funds, or borrow the sum of \$30,000.00, or any other sum, to be expended by the Town Manager for dredging, and constructing a flood control structure and related work to provide for outdoor recreation at Ice House Pond, and to apply for and expend any applicable State or Federal grants for such work, or take any other action relative thereto.

SUMMARY

This article will provide funds to deepen Ice House Pond, and to either design and build or upgrade the existing control structure (dam) that regulates the depth of water in the pond.

Ice House Pond was purchased by the Town in 1979, to be used for recreational purposes. Over the years the pond, which is quite shallow, has become infested with Water Chestnut, an exotic plant, which makes the pond useless for recreation during the warm part of the year, and will eventually even eliminate ice skating. This plant can be controlled through deepening the pond, and from periodically dewatering the pond to kill off any Water Chestnut that regrows. Having a reliable control structure will also allow the Town to draw down the pond at times of high water to mitigate flood hazards.

Several State and Federal grants have been applied for to assist in this project, and the Town has been verbally advised that the Federal Emergency Management Agency (FEMA) will provide up to \$40,000 for this project. FEMA has also prepared a draft Environmental Assessment Report approving this project, and Town Staff has prepared an exhaustive study of the pond, which is available for viewing at the Municipal Properties office.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.- 264-9629
Selectman Assigned: William Mullin

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 27 MINUTEMAN REGIONAL SCHOOL ASSESSMENT

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Minuteman Technical School, or take any other action relative thereto.

SUMMARY

This article requests funds for the Fiscal Year 1995 (July 1, 1994-June 30, 1995) for the Minuteman Regional Vocational Technical School Assessment.

Direct inquiries to: William Ryan - 264-4700
Selectman Assigned: Nancy Tavernier

- (S) Recommendation Deferred
- (F) Recommendation Deferred

ARTICLE 28 ACTON-BOXBOROUGH REGIONAL SCHOOL ASSESSMENT

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$8,035,260.00, or any other sum, to defray the necessary expenses of the Acton-Boxborough Regional School, or take any other action relative thereto.

SUMMARY

This article requests funds for the Fiscal Year 1995 (July 1, 1994-June 30- 1995) for the Acton Boxborough Regional School Assessment.

Direct inquiries to: William Ryan - 264-4700
Selectman Assigned: Norman Lake

- (S) Recommendation Deferred
- (F) Recommendation Deferred

ARTICLE 29 ACTON PUBLIC SCHOOL BUDGET

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$9,967,380 (\$397,000 of which shall be contingent upon passage of a General Override) or any other sum, to defray the necessary expenses of the Local Schools, or take any other action relative thereto.

SUMMARY

This article requests funds for the Fiscal Year 1995 (July 1, 1994-June 30, 1995) for the Town of Acton Local School Operating Budget.

Direct inquiries to: William Ryan- 264-4700
Selectman Assigned: F. Dore' Hunter

- (S) Recommendation Deferred
- (F) Recommendation Deferred

**ARTICLE 30* SECTION 53E 1/2 SELF-FUNDING PROGRAMS
(Majority Vote Required)**

To see if the Town will vote pursuant to Section 53E 1/2 of Chapter 44 of the General Laws to continue revolving funds for the Historic District Commission, the Building Department and Sealer of Weights and Measures, or take any other action relative thereto.

SUMMARY

This will allow the Town to fully fund the Historic District Commission the Building Department Inspection Program and the Sealer of Weights and Measures from the receipts that each program produces. This program removes the cost of these services from the tax base.

It is anticipated that with the exception of Electrical, Plumbing & Gas permits the revenues and expenses for previously funded programs will remain the same as last year. Due to the increase in construction, Electrical, Plumbing & Gas permits have been increased to reflect the anticipated activity.

| | REVENUE | EXPENSE |
|---|-----------|-----------|
| Historic District Fees | 250.00 | 250.00 |
| Building Department | | |
| Micro Film Fees | 2,300.00 | 2,300.00 |
| Electrical, Plumbing and gas permits | 37,200.00 | 37,200.00 |
| Sign License/Periodic | 6,000.00 | 6,000.00 |
| Sealer of Weights and Measures | 6,500.00 | 6,500.00 |

Direct inquiries to: John Murray, Assistant Town Manager -264-9612
Selectman Assigned: Nancy Tavernier

- (S) Recommended
- (F) Recommended

ARTICLE 31# WEST ACTON CITIZEN'S LIBRARY
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$24,528, or any other sum, for salaries and operating expenses for the maintenance of staffing of the West Acton Citizens Library Association, or take any other action relative thereto.

SUMMARY

This article, if adopted would fund the West Acton Citizen's Library for FY95 (July 1, 1994-June 30, 1995).

#Inserted By Citizen Petition
Selectman Assigned: Anne Fanton

(S) Not Recommended: If the Municipal FY95 Budget, which includes funds for this library, is passed and this Article is also passed, the West Acton Library budget would be doubled.

(F) Not Recommended

ARTICLE 32* 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 1995; or take any other action relative thereto.

SUMMARY

The Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) reimburse cities and towns for certain costs during declared emergencies. This article would authorize the Town to expend these reimbursements to replenish the Town budget, which originally was charged for the expenditure.

Direct inquiries to: John Murray, Asst. Town Manager - 264-9612
Selectman assigned: William Mullin

(S) Recommended
(F) Recommended

ARTICLE 33 USE OF FUNDS TO REDUCE THE TAX RATE
(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, 1994, or take any other action relative thereto.

SUMMARY

This article requests that the Town Meeting appropriate a sum of money from Free Cash to offset the tax levy.

Direct inquiries to: Roy Wetherby, Dir. or Finance - 264-9617
Selectman Assigned: Nancy Tavernier

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 34 AFFORDABLE HOUSING- ADAMS STREET
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to convey a portion of a parcel of land in the Southerly part of the Town acquired by the town for sewage disposal purposes pursuant to Article 23 of the 1967 Annual Town Meeting, said parcel being shown as parcel 33, sheet J-3 of the Town Atlas, described as follows:

The portion being the most northwesterly 4.0 acres, more or less, bounded as follows:

NORTHERLY: by Parker Street and Adams Street about 690 feet, more or less;

EASTERLY: by remaining land of the Town of Acton;

SOUTHEASTERLY: by land of the Town of Maynard

SOUTHWESTERLY: by land of Helen E. Newsham to Parker Street.

for construction of up to eight (8) affordable dwelling units and the sale thereof to persons or households whose income qualifies under state or local guidelines for affordable housing, with preference to be given to persons employed by or within the Town, current residents of the Town, and to children of Acton residents.

No conveyance shall occur until:

a) a qualified developer has been chosen based on a competitive selection process which will include detailed plans, well substantiated cost estimates, and guaranteed selling process for the "affordable units"; and

b) the approval of the Planning Board, Conservation Commission, Board of Health, Acton Water District and such other Town Boards or Departments, as appropriate, for areas within their respective jurisdictions has been obtained.

or take any other action relative thereto.

SUMMARY

This article requests the conveyance of 4 acres of Town-owned land, purchased in 1967 for sewage disposal, to the Board of Selectmen for the construction of up to eight (8) affordable housing units. The 4 acre parcel is a portion of a 20 acre parcel located on Adams Street between High Street and Parker Street. This piece of land will not be needed by the Town for any future sewage disposal purpose.

The Acton Board of Selectmen voted in August 1987, to authorize the Acton Community Housing Corporation, a public non-profit body, to be the town's agent for the affordable housing efforts that have been endorsed by the community. These endorsements were made first through a 1987 Town Meeting Affordable Housing Resolution, then through the Goals and Objectives of the Master Plan voted by Town meeting in April 1990, and finally through the zoning changes made by November 1990 Town Meeting voters to create an Affordable Housing Incentive and Overlay District. This parcel of land was designated by Town Meeting as part of the Affordable Housing District, suitable for future development. This article gives voters an opportunity to make a community goal a reality.

The Acton Community Housing Corporation has developed a detailed proposal and will assist the Selectmen in selecting an appropriate developer. The single family homes will be constructed by the developer who successfully bids on a detailed proposal to provide up to eight units to First Time Homebuyers whose income qualifies under the Local Initiative Program. Local preference will be given to people who meet one or more of the following criteria: (1) employed by the Town of Acton, the A-B Regional School District or the Acton Water District, (2) current Acton resident, (3) a child of a current Acton resident, or (4) a person working in Acton. All of the housing units will be counted toward the Town's quota of 10%, a statewide directive that each community must provide 10% of its housing stock as affordable.

This proposal will be required to meet all of the Town's current zoning and environmental regulations. The Planning Board will be required to hold public hearings before issuing a Special Permit for the project. There will be ample opportunity for public input.

Direct inquiries to: Don P. Johnson, Town Manager - 264-9612
Selectman Assigned: Nancy Tavernier

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 35* CEMETERY LAND FUND TRANSFER
(Majority Vote Required)

To see if the Town will raise and appropriate or transfer from the Cemetery Land Fund the sum of \$10,000, or any other sum, to be expended by the Town Manager for the design, development, landscaping, roadways, and drainage of new sections of Woodlawn Cemetery and Mount Hope Cemetery, or take any other action relative thereto.

SUMMARY

The 1993 Annual Town Meeting approved an initial transfer of \$33,500 for the first phases of development of the new sections of the two active cemeteries. This article will provide the second portion of funds required, as was envisioned in the original article. The new sections will provide over 1000 additional grave spaces, which will be sufficient for approximately ten years.

The funds in the Cemetery Land Fund are accumulated from a portion of the purchase price of grave spaces, and are dedicated for the expansion of the cemeteries.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.-264-9629
Selectman Assigned: William Mullin

- (S) Recommended
- (F) Recommended

ARTICLE 36* 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 General Laws and any other applicable law, or take any other action relative thereto.

SUMMARY

State law requires that State Highway Reimbursement Funds be appropriated by Town Meeting. Each year the State provides communities with 100% reimbursement for certain highway projects. These monies have provided the only resurfacing projects that could be done in Acton for the last three years. If Town Meeting were not to adopt this article, it is conceivable that the monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: Nancy Tavernier

- (S) Recommended
- (F) Recommended

ARTICLE 37* ACCEPTANCE OF GIFTS OF LAND
(Majority Vote Required)

To see if the Town will vote to accept as a gift the following parcel of vacant land:

From LaSell Realty Corp., a parcel of land consisting of 1.4 acres, more or less, located at 48 Conant Street Behind, Parcel I-3, 127, for General Municipal Purposes, or take any other action relative thereto.

SUMMARY

This parcel is a small lot that is adjacent to existing Conservation Land and is almost entirely Wetlands and Floodplain. For the foreseeable future this land will remain undeveloped.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.-264-9629
Selectman Assigned: Norman Lake

- (S) Recommended
- (F) Recommended

**ARTICLE 38* ACCEPTANCE OF GIFT OF LAND AND RELATED EASEMENTS -
HEARTHSTONE FARM SUBDIVISION**
(Majority Vote Required)

To see if the Town will vote to accept from Ronald B. Peabody, Trustee of Bowen Estate I Realty Trust, a gift of vacant land for conservation purposes under MGL. Chapter 40, Section 8C, along with related access, parking lot, trail and sidewalk easements. The land, shown as Parcel A in the Hearthstone Farm Subdivision (off Strawberry Hill Road), contains 31.7 acres, more or less, and is a portion of Parcel 16-2 on Map Sheet E-5 of the 1993 edition of the Town Atlas. Said land is to remain in its current natural, scenic, and open condition and in its current agricultural, farming and forest use. The easements are: a right of way easement for access from Jay Lane to Parcel A; a parking lot easement across from Jay Lane on a parcel of land shown as Parcel 51 on Map Sheet F-5 of the 1993 edition of the Town Atlas; and a sidewalk and trail easement located around the periphery of the same parcel, or take any other action relative thereto.

SUMMARY

Parcel A is the Common Land of the Hearthstone Farm Subdivision (Jay Lane) set aside in accordance with Section 9 of the Acton Zoning Bylaw - Planned Conservation Residential Communities. Parcel A abuts the Spring Hill Conservation area and has frontage on Jay Lane. Acceptance of Parcel A will establish access to the Spring Hill Conservation area from Strawberry Hill Road which was previously not available. Parcel A contains a hilltop which is the highest elevation in the northeast portion of Acton. Currently scenic views from the hilltop are possible in a southerly direction towards Acton Center. Due to physical and legal constraints this area will be used for conservation and passive recreation, including hiking and ski trails, wildlife and forest production. The right of way easement runs parallel to a narrow portion of Parcel A connecting Parcel A to Jay Lane. The parking lot easement is at the foot of Jay Lane on the opposite side of Strawberry Hill Road and allows for the parking of vehicles by persons wishing to access the Spring Hill conservation area via Jay Lane. The trail easement allows for a pedestrian walkway connecting Pope Road near Proctor Street to Strawberry Hill Road near Jay Lane. The sidewalk easements allow for the construction of sidewalks along Strawberry Hill Road and Pope Road.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Norman Lake

- (S) Recommended
- (F) Recommended

ARTICLE 39* STREET ACCEPTANCES (Majority Vote Required)

To see if the Town will accept as a public way the following street or portion 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 street by eminent domain or otherwise, including easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout:

In the KENNEDY ESTATES SUBDIVISION

Kennedy Lane - from the southerly sideline of Arlington Street a distance of 467 feet, more or less, in an southeasterly direction to the easterly sideline of a 77.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

or take any other action relative thereto.

SUMMARY

This is an annual article to accept roads as Town ways which have been built to Planning Board standards. In order to create a new road, a potential land developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the road according to this plan and the rules and regulations of the Planning Board. Inspections are made by the Engineering Department during construction to insure compliance with these standards. Upon completion of the road, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the road as a town way. Prior to Town Meeting the Selectmen hold a Public Hearing and adopt an "Order of Layout" containing a legal description of the road. Following Town Meeting, the Selectmen obtain title to the road by deed or eminent domain. Such roads are built and donated to the Town at no cost, however, the Town will assume future maintenance costs as with any Town road. The subdivision process is contained in Massachusetts General Law Chapter 41, and the layout of Town ways is Chapter 82. Kennedy Lane has followed this process and is now ready for acceptance.

Direct inquiries to: David Abbt, Engineering Admin. - 264-9628.
Selectman Assigned: William Mullin

- (S) Recommended
- (F) No Recommendation

ARTICLE 40* CHARTER ROAD SIDEWALK EASEMENTS
(Majority Vote Required)

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

- A. Gordon D. Richards of 60 Charter Road, an easement along a portion of his frontage on Charter Road;
- B. Ira D. and Barbara K. Smith of 68 Charter Road, an easement along their frontage on Charter Road;
- C. Geoffrey D. and Joan S. Sackman of 64 Charter Road, an easement 5 feet wide along their frontage on Charter Road;

or take any other action relative thereto.

SUMMARY

The donations of these easements are for the sidewalk that was recently constructed on Charter Road at this location.

Direct inquiries to: David Abbt, Engineering Admin. - 264-9628
Selectman Assigned: William Mullin

- (S) Recommended
- (F) No Recommendation

ARTICLE 41* MAIN STREET EASEMENT
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Sun Company, Inc. (formerly Sun Refining & Marketing Co.) an easement on their property at 421 Massachusetts Avenue 10 feet wide running parallel and adjacent to the sideline of Main Street for all purposes that streets and ways are commonly used in the Town of Acton, being further described in a Quitclaim Deed to the Town of Acton dated October 5, 1993, or take any other action relative thereto.

SUMMARY

This easement is being donated to the Town in anticipation of the possibility of a future widening of Main Street (Route 27) at Kelley's Corner. The future widening would resemble, at least in concept, the recent widening of Main Street at Great Road (Route 2A).

Direct inquiries to: David F. Abbt, Engineering Admin. - 264-9628
Selectman assigned: William Mullin

- (S) Recommended
- (F) Recommended

ARTICLE 42 - WEST ACTON VILLAGE (WAV), GENERAL BUSINESS (GB) AND LIMITED BUSINESS (LB) DISTRICTS IN WEST ACTON
(2/3 Vote Required)

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

A.1 Zoning Map. Rezone to West Acton Village District (WAV) the following parcels of land identified by their 1993 Town of Acton Atlas Map and Parcel numbers:

(Present zoning designations, shown in parenthesis, and street addresses are provided for reference purposes only.)

| | | | |
|----------|------------|---|------------------------------------|
| Map F-2A | Parcel 69 | (R-2, WAV) | 267 Arlington St. |
| Map F-2A | Parcel 86 | (none) | Corner of Central St. & Mass. Ave. |
| Map F-2A | Parcel 94 | (R-2, WAV) | 3 Spruce St. |
| Map F-2A | Parcel 100 | (R-2) | 596 Massachusetts Ave. |
| Map F-2A | Parcel 101 | (R-2) | 592 Massachusetts Ave. |
| Map F-2A | Parcel 116 | (R-2) | 274 Central St. |
| Map F-2A | Parcel 119 | (R-2) | 270 Central St. |
| Map F-2B | Parcel 37 | (LB) | 236 Central St. |
| Map F-2B | Parcel 41, | which is the portion east of the drainage easement of Parcel shown as F-2B/32 and F-2B/41 | |
| | | (LB) | 5 Willow St. |

A.2 Zoning Map. Rezone to Residence 2 (R-2) the following parcels of land identified by their 1993 Town of Acton Atlas Map and Parcel numbers:

(Present zoning designations, shown in parenthesis, and street addresses are provided for reference purposes only.)

| | | | |
|----------|-------------|---|--------------------------|
| Map E-2 | Parcel 239, | only that portion which is on the east side of Central St. | |
| | | (GB) | 331-347 Central St. |
| Map E-2 | Parcel 252 | (GB) | 355 Central St. |
| Map F-2A | Parcel 2 | (WAV) | 311 Central St. |
| Map F-2A | Parcel 2-1 | (GB) | 317 Central St. |
| Map F-2A | Parcel 17 | (WAV) | 68 Spruce St. |
| Map F-2A | Parcel 19 | (WAV) | 50 Spruce St. |
| Map F-2A | Parcel 23 | (WAV) | 44 Spruce St. |
| Map F-2A | Parcel 24 | (WAV) | 42 Spruce St. |
| Map F-2A | Parcel 27 | (WAV) | 309 Central St. |
| Map F-2A | Parcel 28 | (WAV) | 40 Spruce St. |
| Map F-2A | Parcel 32 | (WAV) | 307 Central St. |
| Map F-2A | Parcel 37 | (WAV) | 305 Central St. |
| Map F-2A | Parcel 38 | (WAV) | 305 Central St. (beside) |
| Map F-2A | Parcel 39 | (WAV) | 34 Spruce St. |
| Map F-2A | Parcel 42 | (WAV) | 303 Central St. |
| Map F-2A | Parcel 43 | (WAV) | 303 Central St. (rear) |
| Map F-2A | Parcel 50 | (WAV) | 301 Central St. |
| Map F-2A | Parcel 52 | (WAV) | 30 Spruce St. |
| Map F-2A | Parcel 58 | (WAV) | 299 Central St. |
| Map F-2B | Parcel 32, | which is the portion west of the drainage easement of Parcel shown as F-2B/32 and F-2B/41 | |
| | | (LB) | 5 Willow St. |
| Map F-2B | Parcel 49 | (LB) | 13 Willow St. |

B.1 Zoning Bylaw - Section 3. Table of PRINCIPAL USES. Delete the WAV column under the heading for Village Districts and replace with the following new WAV column:

(For reference purposes, where changes are proposed in the WAV district, the present designation is shown in brackets.)

| PRINCIPAL USES | | VILLAGE DISTRICTS | |
|----------------|---|-------------------|--------|
| | | WAV | |
| 3.2 | GENERAL USES | | |
| 3.2.1 | Agriculture | Y | |
| 3.2.2 | Conservation | Y | |
| 3.2.3 | Earth Removal | N | [SPA] |
| 3.2.4 | Recreation | SPS | |
| 3.3 | RESIDENTIAL USES | | |
| 3.3.1 | Single Family Dwelling | Y | |
| 3.3.2 | Single Family Dwelling with one Apartment | Y | [Y(3)] |
| 3.3.3 | Dwelling Conversions | Y | [SPA] |
| 3.3.4 | Multifamily Dwelling | Y | [N(2)] |
| 3.4 | GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES | | |
| 3.4.1 | Municipal | Y | |
| 3.4.2 | Educational | Y | |
| 3.4.3 | Religious | Y | |
| 3.4.4 | Nursing Home | SPS | |
| 3.4.5 | Public or Private Utility Facilities | Y | |
| 3.4.6 | Child Care Facility | Y | |
| 3.5 | BUSINESS USES | | |
| 3.5.1 | Retail Store | Y | |
| 3.5.2 | Business or Professional Office | Y | |
| 3.5.3 | Financial | Y | |
| 3.5.4 | Restaurant | SPS | |
| 3.5.5 | Hotel, Inn or Motel | SPS | |
| 3.5.6 | Combined Business and Dwelling | Y | [SPS] |
| 3.5.7 | Lodge or Club | SPS | |
| 3.5.8 | Funeral Home | Y | |
| 3.5.9 | Veterinary Care | SPS | [N] |
| 3.5.10 | Commercial Kennel | N | |
| 3.5.11 | Personal Services | Y | |
| 3.5.12 | General Services | Y | |
| 3.5.13 | Studio | Y | |
| 3.5.14 | Building Trade Shop | Y | |

| | | | |
|--------|--|-----|-------|
| 3.5.15 | Commercial Recreation | SPS | [N] |
| 3.5.16 | Commercial and Trade School | SPS | |
| 3.5.17 | Amusement Facility | SPS | [N] |
| 3.5.18 | Motor Vehicle Service Station or Car Wash | N | [SPS] |
| 3.5.19 | Motor Vehicle Repair or Body Shop | SPS | [Y] |
| 3.5.20 | Light Vehicular and Equipment Sales | N | |
| 3.5.21 | Parking Facility | Y | |
| 3.6 | INDUSTRIAL USES | | |
| 3.6.1 | Warehouse | N | |
| 3.6.2 | Mini-Warehouse | N | [SPS] |
| 3.6.3 | Construction Yard | N | |
| 3.6.4 | Lumber Yard | N | |
| 3.6.5 | Heating Fuel Sales and Service | N | |
| 3.6.6 | Light Manufacturing | SPS | [N] |
| 3.7 | PROHIBITED USES | | |
| 3.7.1 | Heavy Manufacturing | N | |
| 3.7.2 | Storage | N | |
| 3.7.3 | Amusement | N | |
| 3.7.4 | General | N | |
| 3.7.5 | Heavy Vehicular Sales or Repair Garages | N | |

B.2 Zoning Bylaw - Section 3. Amend Section 3.5.5 as stated below.

After "(NAV)" insert the following:
", West Acton Village (WAV)"

C.1 Zoning Bylaw - Section 5. Delete the first paragraph of Section 5.5.2 and replace with:

"Maximum Floor Area of Businesses and Industries - The maximum NET FLOOR AREA of an individual business or industrial establishment shall not exceed the following (all limits expressed in square feet):"

C.2 Zoning Bylaw - Section 5. Amend the WAV column in Section 5.5.2 to read as follows:

| | | |
|--------|---------------------------------|-------|
| 3.5.1 | Retail Store | 5,000 |
| 3.5.2 | Business or Professional Office | 5,000 |
| 3.5.3 | Financial | 5,000 |
| 3.5.4 | Restaurant | 5,000 |
| 3.5.7 | Lodge or Club | 5,000 |
| 3.5.9 | Veterinary Care | 3,000 |
| 3.5.11 | Personal Services | 3,000 |
| 3.5.12 | General Services | 5,000 |
| 3.5.13 | Studio | 3,000 |

| | | |
|--------|-----------------------|-------|
| 3.5.14 | Building Trade Shop | 5,000 |
| 3.5.15 | Commercial Recreation | 5,000 |
| 3.5.17 | Amusement Facility | 5,000 |
| 3.6.6 | Light Manufacturing | 5,000 |

C.3 Zoning Bylaw - Section 5. Table of Standard Dimensional Regulations. Amend the WAV entry in the Table of Standard Dimensional Regulations to read as follows:

| Zoning Districts | Minimum LOT Area in sq.ft. | Minimum LOT FRONTAGE in feet | Minimum LOT Width in feet | Minimum Front Yard in feet | Minimum Side & Rear Yard in feet | Minimum OPEN SPACE in % | Maximum FLOOR AREA RATIO | Maximum Height in feet |
|------------------|----------------------------|------------------------------|---------------------------|----------------------------|----------------------------------|-------------------------|--------------------------|------------------------|
| WAV | NR | NR | NR | 5 (10) | NR (1) | NR | .40 (11) | 36 (12) |

C.4 Zoning Bylaw - Section 5. Table of Standard Dimensional Regulations. Add the following new footnotes as stated below:

- (10) The maximum front yard shall be ten (10) feet, or the lesser of the front yards of the two BUILDINGS or STRUCTURES on either side, whichever is the least. Exceptions: a) The maximum front yard requirement shall not apply to a BUILDING or STRUCTURE in the rear of an existing BUILDING or to an addition to the rear of an existing BUILDING or STRUCTURE, if all are located on one LOT with FRONTAGE on only one STREET. b) The maximum front yard requirement shall not apply to a BUILDING or STRUCTURE on a LOT without FRONTAGE and located entirely in the rear of existing BUILDINGS or STRUCTURES so that it does not face a STREET.
- (11) The FLOOR AREA RATIO may be increased to .70 provided that for every 1000 square feet of non-residential NET FLOOR AREA built above a FLOOR AREA RATIO of .40 an at-least-equal amount of residential NET FLOOR AREA is provided simultaneously.
- (12) In the West Acton Village District, the minimum height of a BUILDING shall be twenty (20) feet. Accessory BUILDINGS, such as garages or sheds may be less than 20 feet in height.

or take any other action relative thereto.

SUMMARY

This is the first of four articles (Articles 42-45) presented at this Town Meeting which will, if adopted, implement the Goals and Objectives of the West Acton Village Plan through changes in the Zoning Bylaw. The West Acton Village Plan, is a supplement to Acton's town wide Master Plan completed in 1991. The Master Plan recommended that Acton's village areas should be studied independently and in greater detail. Based on extensive comment and participation of residents and businesses in and around West Acton Village, the West Acton Village Plan sets forth the following broad policy goals for the village and its surrounding neighborhoods:

- Maintain village character.
- Improve pedestrian safety, convenience and comfort.
- Improve automobile traffic safety.
- Support new development that enhances village vitality.
- Encourage small business development.
- Promote diversity in housing.
- Protect natural resources.

- Preserve open spaces and develop additional public open spaces and parks.
- Improve the appearance of West Acton Village.

If adopted, Part A of this article will reduce the West Acton Village District to the area which is currently the core business center of West Acton Village:

- It will eliminate the northerly extensions of the present business zoning districts which now extend north along Central and Spruce Streets. These areas are mostly in residential use.
- It will rezone these and some additional parcels south of the village center to the Residence 2 District. In the next article (Article 43) most of these parcels will be rezoned to a new residential zoning district, Village Residential District, to recognize the unique characteristics of these village residences.
- In addition, it will rezone from the Limited Business District to the West Acton Village District an isolated commercial area at the intersection of Central and Willow Streets. This area is within the geographic boundaries of West Acton Village. The West Acton Village zoning designation is therefore more appropriate.

Part B will change use regulations in the West Acton Village District. Some of the changes are:

- Multifamily uses will be allowed. Although many apartment houses do exist in the West Acton Village District new ones are presently not allowed.
- Businesses and dwellings will be allowed on the same lot and in the same building as a matter of right. Currently this requires a special permit. A mixture of residential and commercial uses in one building, often store fronts with apartments above, is typical of traditional villages such as West Acton. Zoning to allow this mixture is consistent with existing land uses patterns in the village.
- Commercial recreation such as a skating rink, a bowling alley or a pool, and amusement facilities such as a theater (Theatre III) or a cinema, will be allowed by special permit. Unlike most of Acton's other village zoning districts, these uses are currently not allowed in the West Acton Village District.
- Gas stations, car wash facilities and mini-warehouses will no longer be permitted uses.
- Light manufacturing of goods, such as electronic or building components, office supplies or printed products, will become a use that may be allowed by special permit. Currently it is not allowed.

Although the geographic area of the WAV District will be reduced, the article in Part C, will double the amount of building floor area that can be located on lots in the newly defined WAV District to 40 percent of the lot area. This will allow new business growth in the West Acton Village District that enhances village vitality. In addition Part C will accomplish the following:

- The allowable building floor area may be further increased to 70 percent of the lot area if at least half of the additional floor area is dedicated to residential use. This will ensure a mixture of residential and commercial uses in the village core, which is important for the health of the businesses located there and for the vitality of the village as a whole. The increases in allowable building floor area are more consistent with the current composition of buildings in the West Acton Village center. For instance, the historic buildings between Central Street and Windsor Avenue have a building floor area that comes close to 200 percent of their lot area.
- The size of individual businesses and industries will be limited, some to 5000 square feet and others to 3000 square feet in floor area. This will maintain the small business character of the village center.
- The maximum front yard requirement in the West Acton Village District will be 10 feet. This ensures that new buildings will be close to the street, which is more consistent with the village's existing buildings.

- The minimum side and rear yard setbacks of 10 feet for buildings abutting other buildings within the West Acton Village District will be eliminated. This will allow building designs and layouts that are more appropriate in a village setting.
- The minimum height of buildings in the West Acton Village District will be 20 feet. This will ensure that new buildings are more consistent with the height of existing buildings.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
 Selectman Assigned: Anne Fanton

- (S) Recommended
- (F) Recommended

ARTICLE 43 - VILLAGE RESIDENTIAL DISTRICT IN WEST ACTON
 (2/3 Vote Required)

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

- A. **Zoning Map.** Rezone to Village Residential (VR) the following parcels of land identified by their 1993 Town of Acton Atlas Map and Parcel numbers.

(Street addresses are provided for reference purposes only.)

(For reference, the following parcels are presently zoned GB; Article 42 of this warrant, if adopted, has rezoned the parcels to Residence 2 (R-2).)

| | | |
|----------|--|---------------------|
| Map E-2 | Parcel 239, only that portion which is on the east side of Central St. | 331-347 Central St. |
| Map E-2 | Parcel 252 | 355 Central St. |
| Map F-2A | Parcel 2-1 | 317 Central St. |

(For reference, the following parcels are presently zoned WAV; Article 42 of this warrant, if adopted, has rezoned the parcels to Residence 2 (R-2).)

| | | |
|----------|-----------|--------------------------|
| Map F-2A | Parcel 2 | 311 Central St. |
| Map F-2A | Parcel 17 | 68 Spruce St. |
| Map F-2A | Parcel 19 | 50 Spruce St. |
| Map F-2A | Parcel 23 | 44 Spruce St. |
| Map F-2A | Parcel 24 | 42 Spruce St. |
| Map F-2A | Parcel 27 | 309 Central St. |
| Map F-2A | Parcel 28 | 40 Spruce St. |
| Map F-2A | Parcel 32 | 307 Central St. |
| Map F-2A | Parcel 37 | 305 Central St. |
| Map F-2A | Parcel 38 | 305 Central St. (beside) |
| Map F-2A | Parcel 39 | 34 Spruce St. |
| Map F-2A | Parcel 42 | 303 Central St. |
| Map F-2A | Parcel 43 | 303 Central St. (rear) |
| Map F-2A | Parcel 50 | 301 Central St. |
| Map F-2A | Parcel 52 | 30 Spruce St. |
| Map F-2A | Parcel 58 | 299 Central St. |

(For reference, the following parcel is presently zoned LB; Article 42 of this warrant, if adopted, has rezoned the parcel to Residence 2 (R-2).)

Map F-2B Parcel 49

13 Willow St.

(For reference, the following parcels are presently zoned Residence 2 (R-2).)

| | |
|-----------------------|------------------------|
| Map F-2A Parcel 16 | 308 Central St. |
| Map F-2A Parcel 16-1 | 310 Central St. |
| Map F-2A Parcel 16-2 | 306 Central St. |
| Map F-2A Parcel 18 | 51 Spruce St. |
| Map F-2A Parcel 20 | 215 Arlington St. |
| Map F-2A Parcel 25 | 37 Spruce St. |
| Map F-2A Parcel 29-10 | 226 Arlington St. |
| Map F-2A Parcel 33 | 33 Spruce St. |
| Map F-2A Parcel 34 | 221 Arlington St. |
| Map F-2A Parcel 35 | 217 Arlington St. |
| Map F-2A Parcel 36 | 302 Central St. |
| Map F-2A Parcel 44 | 239 Arlington St. |
| Map F-2A Parcel 45 | 235 Arlington St. |
| Map F-2A Parcel 46 | 227 Arlington St. |
| Map F-2A Parcel 49 | 298 Central St. |
| Map F-2A Parcel 53 | 220 Arlington St. |
| Map F-2A Parcel 56 | 294 Central St. |
| Map F-2A Parcel 57 | 296 Central St. |
| Map F-2A Parcel 64 | 292 Central St. |
| Map F-2A Parcel 77 | 603 Massachusetts Ave. |
| Map F-2A Parcel 84 | 285 Arlington St. |
| Map F-2A Parcel 85 | 612 Massachusetts Ave. |
| Map F-2A Parcel 96 | 608 Massachusetts Ave. |
| Map F-2A Parcel 99 | 276 Arlington St. |
| Map F-2A Parcel 103 | 531 Massachusetts Ave. |
| Map F-2A Parcel 104 | 525 Massachusetts Ave. |
| Map F-2A Parcel 108 | 278 Arlington St. |
| Map F-2A Parcel 114 | 537 Massachusetts Ave. |
| Map F-2A Parcel 115 | 284 Arlington St. |
| Map F-2A Parcel 127 | 264 Central St. |
| Map F-2A Parcel 132 | 550 Massachusetts Ave. |
| Map F-2A Parcel 133 | 544 Massachusetts Ave. |
| Map F-2A Parcel 134 | 17 Windsor Ave. |
| Map F-2A Parcel 135 | 18-20 Windsor Ave. |
| Map F-2A Parcel 136 | 5 Kinsley Rd. |
| Map F-2A Parcel 137 | 542 Massachusetts Ave. |
| Map F-2A Parcel 139 | 536 Massachusetts Ave. |
| Map F-2A Parcel 140 | 530 Massachusetts Ave. |
| Map F-2B Parcel 1 | 258 Central St. |
| Map F-2B Parcel 2 | 257 Central St. |
| Map F-2B Parcel 3 | 25 Windsor Ave. |
| Map F-2B Parcel 4 | 24 Windsor Ave. |
| Map F-2B Parcel 5 | 520 Massachusetts Ave. |
| Map F-2B Parcel 6 | 516 Massachusetts Ave. |
| Map F-2B Parcel 7 | 9 Church St. |
| Map F-2B Parcel 8 | 7 Church St. |

| | |
|-----------------------|------------------------|
| Map F-2B Parcel 9 | 5 Church St. |
| Map F-2B Parcel 10 | 250 Central St. |
| Map F-2B Parcel 11 | 253 Central St. |
| Map F-2B Parcel 12 | 29 Windsor Ave. |
| Map F-2B Parcel 13 | 30 Windsor Ave. |
| Map F-2B Parcel 14 | 9 Kinsley Rd. |
| Map F-2B Parcel 15 | 540 Massachusetts Ave. |
| Map F-2B Parcel 16 | 11 Church St. |
| Map F-2B Parcel 17 | 12 Church St. |
| Map F-2B Parcel 18 | 8 Church St. |
| Map F-2B Parcel 19 | 248 Central St. |
| Map F-2B Parcel 20 | 249 Central St. |
| Map F-2B Parcel 21 | 33 Windsor Ave. |
| Map F-2B Parcel 22 | 35 Windsor Ave. |
| Map F-2B Parcel 24 | 15 Church St. |
| Map F-2B Parcel 25 | 14 Church St. |
| Map F-2B Parcel 26 | 244 Central St. |
| Map F-2B Parcel 27 | 43 Windsor Ave. |
| Map F-2B Parcel 28 | 38 Windsor Ave. |
| Map F-2B Parcel 29 | 42 Windsor Ave. |
| Map F-2B Parcel 30 | 15 Kinsley Rd. |
| Map F-2B Parcel 31-1 | 6 Kinsley Rd. |
| Map F-2B Parcel 31-2 | 8 Kinsley Rd. |
| Map F-2B Parcel 31-10 | 514 Massachusetts Ave. |
| Map F-2B Parcel 33 | 242 Central St. |
| Map F-2B Parcel 34 | 241 Central St. |
| Map F-2B Parcel 35 | 49 Windsor Ave. |
| Map F-2B Parcel 36 | 46 Windsor Ave. |
| Map F-2B Parcel 38 | 237 Central St. |
| Map F-2B Parcel 39 | 53 Windsor Ave. |
| Map F-2B Parcel 40 | 48 Windsor Ave. |
| Map F-2B Parcel 43 | 233 Central St. |
| Map F-2B Parcel 44 | 57 Windsor Ave. |
| Map F-2B Parcel 45 | 56 Windsor Ave. |
| Map F-2B Parcel 50 | 224 Central St. |
| Map F-2B Parcel 51 | 221 Central St. |
| Map F-2B Parcel 52 | 59 Windsor Ave. |
| Map F-2B Parcel 53 | 62 Windsor Ave. |
| Map F-2B Parcel 59 | 220 Central St. |
| Map F-2B Parcel 60 | 217 Central St. |
| Map F-2B Parcel 61 | 63 Windsor Ave. |
| Map F-2B Parcel 64 | 28 Willow St. |
| Map F-2B Parcel 65 | 214 Central St. |
| Map F-2B Parcel 67 | 211 Central St. |
| Map F-2B Parcel 69 | 69 Windsor Ave. |
| Map F-2B Parcel 75 | 30 Willow St. |
| Map F-2B Parcel 76 | 206 Central St. |
| Map F-2B Parcel 78 | 207 Central St. |
| Map F-2B Parcel 79 | 75 Windsor Ave. |
| Map F-2B Parcel 87 | 68 Windsor Ave. |
| Map F-2B Parcel 87-1 | 66 Windsor Ave. |

| | | |
|--------|--|-------|
| 3.5.13 | Studio | Y (8) |
| 3.5.14 | Building Trade Shop | N |
| 3.5.15 | Commercial Recreation | N |
| 3.5.16 | Commercial and Trade School | N |
| 3.5.17 | Amusement Facility | N |
| 3.5.18 | Motor Vehicle Service Station or Car Wash | N |
| 3.5.19 | Motor Vehicle Repair or Body Shop | N |
| 3.5.20 | Light Vehicular and Equipment Sales | N |
| 3.5.21 | Parking Facility | N |
| 3.6 | INDUSTRIAL USES | |
| 3.6.1 | Warehouse | N |
| 3.6.2 | Mini-Warehouse | N |
| 3.6.3 | Construction Yard | N |
| 3.6.4 | Lumber Yard | N |
| 3.6.5 | Heating Fuel Sales and Service | N |
| 3.6.6 | Light Manufacturing | N |
| 3.7 | PROHIBITED USES | |
| 3.7.1 | Heavy Manufacturing | N |
| 3.7.2 | Storage | N |
| 3.7.3 | Amusement | N |
| 3.7.4 | General | N |
| 3.7.5 | Heavy Vehicular Sales or Repair Garages | N |

C.2 Zoning Bylaw - Section 3. Table of PRINCIPAL USES. Add the following new footnotes:

- (7) Not more than four (4) DWELLING UNITS shall be permitted per multifamily dwelling. At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes.
- (8) Provided that the owner of the property resides on the property, the business USE is limited to 500 square feet of NET FLOOR AREA, and all parking spaces are provided to the rear or side of the BUILDING. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. The business USE hereunder shall not be deemed a home occupation. Home occupations are authorized separately under Section 3.8.1.2. Site Plan Special Permit shall not be required. Hours of business operation shall be limited to 7 AM to 9 PM Monday through Saturday, except hours of retail sale shall be limited to 7 AM to 7 PM Monday through Saturday. Exterior lighting fixtures for the business USE shall not be illuminated except during hours of business operation.

C.3 Zoning Bylaw - Section 3. Amend Section 3.5.5 as stated below:

After "(EAV)" insert the following:
"and Village Residential (VR)"

C.4 Zoning Bylaw - Section 3. Amend Section 3.8.1.2 by adding the following words after the first sentence:

"In the Village Residential District, the portion of the DWELLING UNIT or accessory BUILDING used for a home occupation shall be limited to 500 square feet of NET FLOOR AREA."

D. Zoning Bylaw - Section 5. Table of Standard Dimensional Regulations. Add the following entry to the Table of Standard Dimensional Regulations:

| Zoning Districts | Minimum LOT Area in sq.ft. | Minimum LOT FRONTAGE in feet | Minimum LOT Width in feet | Minimum Front Yard in feet | Minimum Side & Rear Yard in feet | Minimum OPEN SPACE in % | Maximum FLOOR AREA RATIO | Maximum Height in feet |
|------------------|----------------------------|------------------------------|---------------------------|----------------------------|----------------------------------|-------------------------|--------------------------|------------------------|
| VR | 15,000 | 50 | NR | 10 | 10 | 20% | NR | 36 |

or take any other action relative thereto.

SUMMARY

If adopted, this article will create a new residential zoning district entitled "Village Residential" (VR) in recognition of the unique settlement pattern of the village homes adjacent to the business center in West Acton Village. The Village Residential District is tailored to West Acton Village's individual characteristics which include single family homes on narrow lots, duplexes, multifamily dwellings, large antique homes on small lots and some homes with small businesses in them and will maintain the character of the village, a goal of the West Acton Village Plan.

Parts A and B will establish the Village Residential zoning district by rezoning the parcels which surround the West Acton Village District as defined in the previous article (Article 42). The general areas included in the Village Residential District are: parcels on Central Street north to the railroad crossing and south to a little beyond Willow Street; parcels on Spruce Street; parcels on Massachusetts Avenue east to a little beyond Gardner Field and west just past the Arlington Street intersection; parcels on Arlington Street east close to West Road and west just beyond Massachusetts Avenue.

In Part C of this article, the Table of Principal Uses is amended to identify those uses that will be permitted in the new Village Residential zoning district. The types of land uses proposed to be allowed in the Village Residential district compare fairly consistently with those land uses that are permitted in the other residential zoning districts, but there are a few noted differences:

In the Village Residential District multifamily dwellings (up to 4 dwelling units) would be allowed by special permit, including new construction, provided that one unit is occupied by the building owner. This will help to promote diversity of housing within West Acton Village, a goal of the Village Plan. Many multifamily houses do exist in the West Acton Village area, but new ones are presently not allowed.

For comparison, in other residential districts conversions of existing single family homes into multifamily dwellings with up to 4 units is allowed by special permit.

In addition, certain business uses (retail store, office, restaurant, veterinary care, personal and general services, and studio) would be allowed in residential buildings subject to a 500 square foot size limitation. The business need not be operated by a building resident but the building's owner must reside in the building. To minimize the impact on the residential neighborhood, regulations are established for the location of business parking spaces, the hours of business operation, and exterior lighting for the business use. For comparison, in other residential districts businesses in residences are permitted without size limitation, but the business must be operated by the resident.

Part D establishes dimensional controls for lots in the Village Residential District that are comparable to the size of existing lots in the Village. A survey of the parcels in the proposed Village Residential District indicates that almost 70% of the lots have less than the required amount of frontage, and 60% of the lots are smaller in size than is presently allowed by zoning. The proposed dimensional regulations will require less lot area and less frontage. This significantly reduces the number of non-conforming lots: only 10% of the lots will remain with too little frontage; and 42% of the lots will remain with too small an area. Small lots and narrower frontage are typical for village areas. This change will recognize the existing pattern of settlement in the West Acton Village area and thereby aid in the preservation of the village character.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
Selectman Assigned: Anne Fanton

- (S) Recommended
- (F) Recommended

ARTICLE 44 - PARKING IN VILLAGE DISTRICTS (2/3 Vote Required)

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

- A.1 Section 6.** Amend Section 6.2 - General Provisions, by deleting the present text and substituting the following text in its place:

All required parking shall be located on the same LOT as the USE it serves, except within a MAJOR AFFORDABLE Housing Development (Section 4.4), a PCRC (Section 9) and a PUD (Section 9A) where required parking may be provided in a flexible configuration within the TRACT OF LAND comprising the development, and except as provided in Section 6.9. Parking facilities shall also comply with the requirements of the Massachusetts Architectural Access Board.

- A.2 Section 6.** Delete Section 6.4 - Exception in Village Districts, and re-number the remaining Sections 6.5, 6.6, 6.7, 6.8, and 6.9 to become Sections 6.4, 6.5, 6.6, 6.7, and 6.8 respectively.
- A.3 Section 6.** In Section 6.5 - Loading Areas (re-numbered as Section 6.4), add the following at the beginning of the first sentence:

"Except in the WAV District"

A.4 **Section 6.** Amend Section 6.8 (re-numbered as Section 6.7) by adding the following words after "except":

"Parking lots in the WAV District, and"

A.5 **Section 6.** Amend Section 6.8.2 (re-numbered as Section 6.7.2) by deleting the last sentence.

A.6 **Section 6.** Amend Section 6.9 - Structured Parking (re-numbered as Section 6.8) by adding the following phrase at the beginning of the first sentence:

"Except in the WAV District"

and by adding the following phrase at the beginning of the second sentence:

"In all zoning districts"

B. **Section 6.** Add new section 6.9 - Special Provisions for Parking in the Village Districts, as follows:

6.9 Special Provisions for Parking in the Village Districts

6.9.1 SAV, NAV and EAV Districts.

6.9.1.1 In the SAV, NAV and EAV Districts, the Board of Selectmen may authorize by special permit an off-STREET parking lot or STRUCTURE not located upon the same LOT with the associated USE, provided said parking lot or STRUCTURE lies within the same Village District as the BUILDING it is intended to serve.

6.9.1.2 In the SAV, NAV and EAV Districts, no off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET.

6.9.2 In the WAV District, except as otherwise provided herein, no BUILDING or STRUCTURE shall be located on any LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:

6.9.2.1 Required off-STREET parking for a USE in the WAV District may be provided on any LOT within the WAV District, and not necessarily on the same LOT as the USE.

6.9.2.2 In the WAV District, no off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET, except on LOTS having FRONTAGE on more than one STREET. On LOTS having FRONTAGE on more than one STREET the main BUILDING entrance shall face a STREET and parking spaces shall be located on the opposite side of the main BUILDING entrance.

6.9.2.3 Connection of Parking - In the WAV District, a Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land in the WAV District, unless it finds that physical

constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET or a driveway to a STREET or a driveway connecting such LOTS with each other.

6.9.2.4 Number of Parking Spaces - In the WAV District, the minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1. In the case of collective use of a parking facility in accordance with Section 6.9.2.5, the minimum number of required parking spaces shall be 50% of the requirements in Section 6.3.1.

6.9.2.5 Collective Use of Parking Facilities - In the WAV District, off-STREET parking facilities may serve, collectively or jointly, different USES located throughout the WAV District where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking facility. The parking spaces provided through the collective use of parking facilities shall be counted towards the minimum required number of spaces for the participating USES applying the discount as set forth in Section 6.9.2.4.

6.9.2.6 Design Requirements - Off-STREET parking spaces in the WAV District, except parking spaces serving a single or two FAMILY residential USE, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements:

- a) Required parking spaces, ACCESS driveways, and interior driveways shall be provided and maintained with suitable grading, paved surfaces, adequate drainage, and landscaping as required in Section 6.9.2.7.
- b) ACCESS Driveways - Not more than one ACCESS driveway for two-way traffic from a STREET to a parking facility shall be permitted. An additional ACCESS driveway from a STREET may be permitted provided that the ACCESS driveways are limited to one-way traffic. However, there shall not be more than two (2) ACCESS driveways for one-way traffic for any parking facility. ACCESS, interior and common driveways for two-way traffic shall be twenty feet (20') wide. The ACCESS, interior and common driveways for one-way traffic shall be fourteen (14) feet wide.
- c) Set-Backs - Except where parking lots established in accordance with Section 6.9.2.5 cross over common LOT lines, all parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be set back a minimum of five (5) feet from any LOT lines.

6.9.2.7 Landscaping of Parking Lots in the WAV District - Parking lots shall include a landscape area equal to a minimum of five percent (5%) of the area of the parking lot.

- a) Shade trees - One shade tree shall be provided for each two thousand (2000) square feet or less of pavement area. Each shade tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expect to reach at least 20 feet in height at maturity; be seven (7) feet in height with a trunk caliper size of at least 3/4 inches at the time of planting; and be surrounded by a landscaped area of one hundred square feet (100 sq.ft.) to accommodate the root system of the tree. Additional landscaping may be required by a Special Permit Granting Authority to better screen the parking lot from the STREET and adjacent USES.
- b) Perimeter Planting Strip - Parking lots adjacent to STREETS, sidewalks, paths or ACCESS driveways shall include a perimeter planting strip at least seven and one-half (7.5) feet wide. However, if the planting strip is protected from vehicular damage through the use of planting beds that are raised above the surface of the parking lot at least twelve (12) inches or through the use of bollards or balustrades, the width of the planting strip may be reduced to five (5) feet. Said planting strip shall feature a physical separation of the parking lot and adjacent ways of at least two and one-half (2.5) feet in height. This physical separation may be created through the use of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination of plantings and fencing. No more than twenty percent (20%) of this perimeter planting strip shall be impervious.
- c) Plantings - Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover.
- d) Sight Distance - All landscaping along any STREET FRONTAGE shall be placed and maintained so that it will not obstruct sight distance.
- e) Protection of Landscaped Areas - Landscaped areas shall be planted and protected in such a manner that the plantings will not be damaged by vehicles.

C. Amend the following sections of the to correct cross-references within the Zoning Bylaw as follows:

- In Section 3.9.2, change from 6.8 to 6.7;
- In Section 6.1.1, change from 6.8.2 to 6.7.2;
- In Section 6.8.5, change from 6.8.7 to 6.7.7;
- In Section 9A.7.5, change from 6.8 to 6.7, and
- In Section 10.4.4.1 c), change from 6.8 to 6.7.

or take any other action relative thereto.

SUMMARY

If adopted, this article amends Section 6, Parking Standards, to establish special provisions for parking in the West Acton Village District in recognition of the unique limitations and benefits of a village environment, such as on-street parking, one-stop shopping, many pedestrians and limited space.

Part A will create the framework for a separate section to regulate parking in the Village Districts. The re-numbering of sections in Part A and the new sections in Part B create the need for some housekeeping amendments to correct cross references which will be completed in Part C.

In Part B, special provisions for parking in the village districts are established. These provisions will permit parking lot designs, including landscaping that can be achieved in the tight space of a village setting rather than subjecting village properties to the same parking standards that would apply to large scale industrial parks and shopping centers. Less off-street parking spaces will be required than elsewhere in Town, to recognize the availability of on-street parking and one-stop shopping in West Acton Village. Businesses will be encouraged to share parking facilities and connections with adjacent parking facilities will be required wherever possible. Shared and connected parking facilities will improve automobile and pedestrian safety, convenience and comfort, a goal of the West Acton Village Plan.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
Selectman Assigned: Anne Fanton

- (S) Recommended
- (F) Recommended

ARTICLE 45 - SITE PLAN SPECIAL PERMIT IN VILLAGE DISTRICTS (2/3 Vote Required)

To see if the Town will vote to amend Section 10 of the Acton Zoning Bylaw as follows:

- A. Delete Section 10.4.1 and replace with new sections 10.4.1, 10.4.1.1, and 10.4.1.2 as follows:

10.4.1 Applicability - A Site Plan Special Permit shall be required as follows:

10.4.1.1 In the WAV District, a Site Plan Special Permit shall be required in all instances 1) for the initial development of land specified in Section 3, Table of PRINCIPAL USES as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or 2) where the NET FLOOR AREA of an existing BUILDING is increased 500 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or 3) where a USE designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES is expanded in ground area by 500 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.

10.4.1.2 In all other zoning districts, a Site Plan Special Permit shall be required in all instances 1) for the initial development of land specified in Section 3, Table of PRINCIPAL USES as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or 2) where the NET FLOOR AREA of an existing BUILDING is increased 1200 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or 3) where a USE designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES is expanded in ground area by 1200 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.

B. Add new Section 10.4.3.9 as follows:

10.4.3.9 Special Provisions Applicable to the West Acton Village District - In the WAV District, the design and placement of BUILDINGS, STRUCTURES and other site improvements shall be carefully considered to ensure the retention and enhancement of the village character and environment. Proposed BUILDINGS and STRUCTURES shall be related harmoniously to the terrain and to the scale and architecture of existing BUILDINGS in the village that have a functional or visual relationship to the proposed BUILDINGS and STRUCTURES. Proposed BUILDINGS and STRUCTURES shall be compatible with their surroundings with respect to: height; facade facing the STREET; rhythm of solid surfaces and openings; spacing of BUILDINGS and STRUCTURES; roof slopes, and scale. To minimize the impact of mechanical equipment on the West Acton Village environment and character, window air conditioning units, condenser elements, and heating units shall not be located on the front facades. A certificate issued by the Acton Historic District Commission for development activity proposed on a LOT that is located within the West Acton Local Historic District shall be deemed to satisfy this section.

or take any other action relative thereto.

SUMMARY

If this article is adopted, Part A will amend the Site Plan Special Permit provisions of the Zoning Bylaw to change the threshold for site plan review from gross floor area to net floor area to be consistent with the other sections of the Bylaw.

Part A will also require site plan special permits for development proposals of 500 square feet or more in the West Acton Village District rather than the 1200 square feet threshold in effect elsewhere. In the close knit mixture of buildings and uses of West Acton Village small changes take on a relatively greater importance to abutters and to the village as a whole. This change will ensure better coordination of new development with the existing village fabric.

Part B will add a special provision to regulate the development of a site in the WAV District to ensure that additions and new construction will be compatible with the style, size and proportions of existing buildings. This measure will aid in the preservation of the character of West Acton Village, a goal of the Village Plan.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
Selectman Assigned: William Mullin

(S) Recommended
(F) Recommended

ARTICLE 46* - TRACT OF LAND REQUIRED FOR CERTAIN DEVELOPMENTS (2/3 Vote Required)

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

A. Section 4. Add the following sub-sections to Section 4.2.3.1:

- a) The Planning Board may permit LOTS on directly opposite sides of a STREET to qualify as a single TRACT OF LAND. To permit such division of a TRACT OF LAND by a STREET, the Planning Board must find that this would enhance the purposes of Open Space Development and not result in any more DWELLING UNITS than would be possible in accordance with the provisions of this Bylaw if the LOTS on either side of the STREET were developed separately. If the Board approves a TRACT OF LAND divided by a STREET, it may permit the total number of permitted DWELLING UNITS to be constructed on either side of the STREET. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS shall be constructed in accordance with the applicable dimensional requirements in Open Space Developments, and the required Common Land may consist of land located on either side of the STREET.
 - b) Where a TRACT OF LAND is divided by a zoning district boundary between any of the R-2, R-4, R-8/4, R-10 or R-10/8 districts and the TRACT OF LAND meets the largest of the size requirements for any of the involved districts, the total number of DWELLING UNITS permitted shall not exceed the number permitted in each district considered separately. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS may be located in either district but shall be constructed in accordance with the dimensional requirements for LOTS and BUILDINGS in Open Space Developments for the district in which the DWELLINGS UNITS are located. The required Common Land shall be large enough to meet the largest of the requirements of the involved zoning districts.
- B. Section 9. Add the following sub-sections to Section 9.6.2.1:
- a) The Planning Board may permit LOTS on directly opposite sides of a STREET to qualify as a single TRACT OF LAND. To permit such division of a TRACT OF LAND by a STREET, the Planning Board must find that this would enhance the purposes of PCRC and not result in any more DWELLING UNITS than would be possible in accordance with the provisions of this Bylaw if the LOTS on either side of the STREET were developed separately. If the Board approves a TRACT OF LAND divided by a STREET, it may permit the total number of permitted DWELLING UNITS to be constructed on either side of the STREET. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS shall be constructed in accordance with the applicable PCRC requirements and the required Common Land may consist of land located on either side of the STREET.
 - b) Where a TRACT OF LAND is divided by a zoning district boundary between any of the R-2, R-4, R-8/4, R-10 or R-10/8 districts the total number of DWELLING UNITS permitted shall not exceed the number permitted in each district considered separately. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS may be located in either district and shall be constructed in accordance with PCRC requirements.

or take any other action relative thereto.

SUMMARY

Currently, only land undivided by a street can be considered for Open Space Developments or Planned Conservation Residential Communities. This article, if adopted, will allow the Planning Board to consider land divided by a street as a single tract of land under the provisions for Open Space Developments and Planned Conservation Residential Communities. The Planning Board, at its discretion, may then allow all dwellings in an Open Space Development or Planned Conservation Residential Communities to be located on one side of a street and all common land, which is to be preserved as open space, to be located on the other side of the street. This will give the Planning Board greater flexibility in siting dwellings and open space in the most suitable and appropriate locations.

The article will also provide standards for locating dwellings within an Open Space Development and a Planned Conservation Residential Community if the tract of land is divided into different residential zoning districts with different provisions for maximum density and affordability. It will allow the Planning Board to locate all houses in the most suitable portion or portions of the tract of land regardless of that portion's location relative to any zoning district on the tract.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Norman Lake

- (S) Recommended
- (F) No Recommendation

ARTICLE 47* MAXIMUM LIMIT FOR RESIDENTIAL COMPONENT IN PLANNED UNIT DEVELOPMENTS (2/3 Vote Required)

To see if the Town will vote to delete Section 9A.7.2.5 of the Acton Zoning Bylaw and replace it with the following new Section 9A.7.2.5:

9A.7.2.5 Mix of USES - Residential USES shall comprise at least 40% but not more than 60% of the NET FLOOR AREA of all BUILDINGS in a PUD. If the PUD contains warehouses the NET FLOOR AREA of residential USES may be reduced to 25%. Industrial USES shall not exceed 30% of the NET FLOOR AREA of all BUILDINGS in the PUD.

or take any other action relative thereto.

SUMMARY

Current zoning regulations set a maximum percentage for non-residential components in a Planned Unit Development, but fail to set a maximum limit for the residential component. As result, Planned Unit Developments, which are permitted in business and industrial districts and are intended to be mixed use developments, could become exclusively residential. This would be inconsistent with the purpose of Planned Unit Developments and the Master Plan, and not in the best interest of the Town's tax base. This article, if adopted will establish a maximum percentage (60% net floor area) for the residential component in a Planned Unit Development.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Anne Fanton

- (S) Recommended
- (F) Recommendation Deferred

**ARTICLE 48* CORRECTIONS, CLARIFICATIONS AND MINOR ADJUSTMENTS
TO THE ZONING BYLAW**
(2/3 Vote Required)

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

- A. **Section 4.** Insert at the end of the beginning paragraph of Section 4.3.3 the following:

"The terms defined below are capitalized in this Section 4.3 in addition to the terms defined in Section 1."
- B. **Section 4.** In Section 4.3.6.3, replace the words "All water runoff from impervious covers shall, at a minimum, be funneled into gas trap catch basins. The first (1st) inch of every storm" with the new words

"All water runoff from IMPERVIOUS COVERS shall be funneled into gas trap catch basins. In addition, the first (1st) inch of every storm".
- C. **Section 4.** In Section 4.3.6.5 add at the end of the Section the following:

"The following sentence shall not apply to BUILDINGS, STRUCTURES and other land improvements for which a Site Plan Special Permit application or Building Permit application is submitted between March 1, 1994 and May 31, 1994 inclusive: Where a LOT is partly in ZONE 4 and partly in another ZONE of the GROUNDWATER Protection District, IMPERVIOUS COVER runoff, generated in the ZONE 4 portion of the LOT but infiltrated, or discharged from the LOT, in a ZONE 1, 2 or 3 portion of the LOT, shall meet the same quality standard at the point of infiltration or discharge as if the runoff had been generated in ZONES 1, 2 and 3."
- D. **Section 4.** In Table 4.3.7.2 - part 18, delete text in first column and replace with:

18. Subsurface disposal of wastewater effluent on a parcel of land which is not a buildable LOT as defined in footnote (**).
- E. **Section 4.** In Table 4.3.7.2 - footnote (**), add the following to the end of the existing text:

"and Common Land as provided for in Sections 4.2, 4.4 and 9 of this Bylaw."
- F. **Section 5.** In Section 5.2.7.2, delete the part of the section beginning with "In all districts appurtenant STRUCTURES" to the end.

G. **Section 5.** Delete Section 5.3.5 and replace with new section 5.3.5 as follows:

5.3.5 Height of BUILDINGS

5.3.5.1 In all districts appurtenant STRUCTURES located upon the roof of a BUILDING may extend above the height limit but in no case shall they exceed 45 feet in height when combined with the height of the BUILDING nor in the aggregate occupy more than 20% of the roof plan area unless authorized by special permit from the Board of Appeals or unless in compliance with Section 5.3.5.2 of this Bylaw.

5.3.5.2 In the General Industrial and Industrial Park Districts the height of BUILDINGS may be increased by right above 40 feet provided that 1) the minimum OPEN SPACE provided on the LOT is 45% or more in the General Industrial District and 60% or more in the Industrial Park District, 2) the maximum BUILDING coverage on the LOT is 25% or less, and 3) the maximum height of the BUILDING is 50 feet or less. The Board of Appeals may authorize by special permit that appurtenant STRUCTURES located upon the roof of any BUILDING in compliance with the above may extend above the height limit but in no case shall they exceed 55 feet in height when combined with the height of the BUILDING nor in the aggregate occupy more than 20% of the roof plan area.

H. **Section 5.** In section 5.3.6 replace the words "bordering freshwater wetlands" with the new words

"Freshwater Wetlands".

I. **Section 5.** In Section 5.3.9, replace the words "Maximum NET FLOOR AREA - 3000 square feet" with the following new words:

"Maximum NET FLOOR AREA - 1000 square feet"

and delete the words

"Maximum number of children present at any one time - 25".

J. **Section 5.** Amend the TABLE OF STANDARD DIMENSIONAL REGULATIONS as follows:

1. Delete the first and second line below the title and replace with:

"See also Special Provisions and Exceptions to Dimensional Regulations (Section 5.3), Transfer of Development Rights for special dimensional regulations affecting the LB, NAV and EAV Districts and certain land in the R-2, R-8 and R-10/8 Districts along and near Great Road (Section 5.4), Special Provisions for Village Districts (Section 5.5), Special Dimensional Requirements in the Groundwater Protection District (Section 4.3), and Special Dimensional Regulations for Open Space Developments (OSD - Section 4.2), Planned Conservation Residential Communities ((PCRC - Section 9) and Planned Unit Developments (PUD - Section 9A)."

2. Delete the last line of the Table which begins with the Zoning District designation PCRC.

K. **Section 9.** In Section 9.6.2.4, delete the first sentence and replace with the following new sentences:

"There shall be not more than four DWELLING UNITS in any residential BUILDING. Except in the case of detached single family dwellings, there shall be not more than two garage spaces per DWELLING UNIT in any residential BUILDING."

L. **Section 9A.** In Section 9A.2, insert as a lead paragraph under the section title the following:

"For the purpose of this Section, the following terms shall have the following meaning. The terms defined below are capitalized in this Section 9A in addition to the terms defined in Section 1."

or take any other action relative thereto.

SUMMARY

In interpreting and enforcing the Zoning Bylaw, Town boards and staff collect notes on errors, inconsistencies, deficiencies and unclear passages in the Zoning Bylaw so that corrections can be made periodically. This article, if adopted, will make a series of such corrections, most of them without changing the intent, contents or substance of the Zoning Bylaw. Minor substantive changes are in parts C, I and K.

Part C will close a regulatory deficiency concerning the treatment of storm water surface runoff on lots that are partly in one and partly in another Zone of the Groundwater Protection District. It will require that runoff that is infiltrated or discharged from the site in Zone 1, 2 or 3 (zones affording greater groundwater protection) must meet the quality standards of these Zones, even if the runoff originates from Zone 4 (zone affording less groundwater protection). Projects for which site plan or building permit applications are filed between March 1, 1994 and May 31, 1994 will be exempt, in order to avoid significant redesign costs for projects currently in the planning stages.

Part I will eliminate the invalid zoning regulation that limits to 25 the number of children in a child care facility located in residential districts. The Attorney General recently ruled that the number of children in child care facilities may not be directly regulated under local zoning bylaws. To ensure that this zoning change will not result in any larger child care facilities in residential areas than allowed under current zoning, Part I also proposes to limit the maximum permitted floor area of a child care facility in residential districts to 1000 square feet, down from 3000 square feet. 1000 square feet of floor space provides room for approximately 25 children based on minimum space requirements set forth by the State Office for Children.

Part K would permit garages with more than 2 car spaces for single family dwellings in a Planned Conservation Residential Community. Garage spaces for multifamily dwellings would remain limited to two per dwelling unit if the garage spaces are incorporated in the same building as the dwelling units.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: William Mullin

- (S) Recommendation Deferred
- (F) No Recommendation

ARTICLE 49*

**ACCOMMODATION OF HANDICAPPED AND VAN
ACCESSIBLE PARKING
(2/3 Vote Required)**

To see if the Town will vote to delete Section 6.3.2 of the Acton Zoning Bylaw and replace it with a new Section 6.3.2 as follows:

- 6.3.2 Parking for Persons with Disabilities - Parking spaces for persons with disabilities as required by the Massachusetts Architectural Access Board shall be provided as part of the spaces required under Section 6.3.1.

or take any other action relative thereto.

SUMMARY

The Americans with Disabilities Act (ADA) requires new and increased standards for parking spaces for persons with disabilities. The regulation and enforcement of parking and access for persons with disabilities most appropriately remains in federal authority under the ADA and in State authority under the regulations of the Architectural Access Board. However, this article, if adopted, will facilitate implementation of the federal and state regulations by allowing parking spaces for persons with disabilities to be part of, rather than in addition to, the overall number of required parking spaces.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: William Mullin

- (S) Recommended
(F) No Recommendation

**ARTICLE 50* - CHANGE SPECIAL PERMIT REQUIREMENT FOR COMMON
DRIVES**

(2/3 Vote Required)

To see if the Town will vote to delete Section 3.8.1.5 of the Acton Zoning Bylaw and replace it with a new Section 3.8.1.5 as follows:

- 3.8.1.5 Common Drives for vehicular and non-vehicular ACCESS by way of rights-of-way or easements serving more than one LOT. Common Drives are not STREETS and do not provide FRONTAGE for LOTS. Common Drives serving 6 or more LOTS shall require a special permit by the Planning Board. Common Drives serving more than 2 LOTS but less than 6 LOTS shall be constructed in compliance with the following requirements prior to the occupancy of any DWELLING UNITS served by the Common Drive:

- a) All curb radii and radii of pavement edges shall be designed to accommodate SU-30 design vehicles (fire engine). In determining the adequacy of the radii at the Common Drive intersection with a STREET, it shall be assumed that on local STREETS the entire pavement width is available for turns, whereas on collector and arterial STREETS a turn shall be possible without obstructing oncoming traffic. (local, collector and arterial STREETS as defined in the Acton Subdivision Rules and Regulations).
- b) There shall be a turn around for fire and other emergency vehicles (SU-30 design vehicle) at the end of the Common Drive.

- c) The maximum grade within 50 feet of the intersection with a STREET shall be 5%.
- d) The intersection angle between the Common Drive centerline and the STREET centerline shall be not less than 60 degrees.
- e) The maximum grade shall be 10%. The minimum grade shall be 1%.
- f) The Common Drive shall be laid out within a 40 foot wide utility and ACCESS easement.
- g) The minimum centerline radius shall be 80 feet.
- h) The stopping sight distance along the Common Drive shall be not less than 125 feet.
- i) The design shall be for a maximum design speed of 25 miles per hour.
- j) The minimum sight distance at the intersection of the Common Drive with a STREET shall be 275 feet, and 450 feet where the STREET is an arterial STREET (arterial STREET as defined in the Acton Subdivision Rules and Regulations).
- k) Adequate drainage shall be provided. The drainage design and appurtenances shall prevent washout and excessive erosion and it shall prevent drainage onto a STREET. Subsurface discharge to a public drain system shall be allowed only if there is sufficient capacity in the public drain system based on a 10-year design storm.
- l) The paved wear surface shall be at least 12 feet wide and consist of a minimum of 3 inches of Type I bituminous concrete, applied in two courses, over a minimum base of 12 inches of properly prepared and compacted gravel, graded to drain from the crown.
- m) There shall be a minimum 3 foot wide shoulder on each side free of obstructions such as trees or utility poles. The shoulder shall be prepared with 3-4 inches of topsoil over the same gravel base as the wear surface, and seeded.
- n) There shall be a sign posted at the Common Drive intersection with the STREET displaying the name of the Common Drive and indicating "private way".
- o) A sidewalk shall be constructed along the STREET FRONTAGE of all LOTS served by the Common Drive except where a sidewalk already exists there. The sidewalk shall be 5 feet wide, follow in general the grade of the STREET and have wheelchair ramps at crossings. Sidewalk easements shall be provided as necessary.

- p) An agreement providing ACCESS over the Common Drive to all the LOTS and making all the LOTS served by the Common Drive jointly and severally responsible for its maintenance and repair, including snow plowing, shall be recorded. Evidence of recording shall be given to the Building Commissioner prior to the issuance of a building permit on any LOT served by the Common Drive.
- q) Compliance with the Common Drive construction and design requirements shall be demonstrated to the Building Commissioner by means of propose plans and as-built plans for the Common Drive and sidewalk, prepared by a registered professional engineer. The Building Commissioner shall have the power to establish requirements as to the form and contents of such plans.

or take any other action relative thereto.

SUMMARY

This article, if adopted, will increase the number of residential lots which can be served by a common drive without special permit approval to 5 from the current limit of 2. Proven design standards for width, grades and other aspects will replace the special permit review. Over the years, the Planning Board has dealt with common drives frequently and feels that clear design standards as set forth in this article will adequately address public health, safety and welfare concerns while reducing administrative burdens on Town staff and boards at a time of shrinking resources. Common Drives serving 6 or more lots will still require a special permit.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
 Selectman Assigned: F. Dore' Hunter

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 51* ELIMINATE SPECIAL PERMIT REQUIREMENTS FOR CERTAIN ACCESSORY USES (2/3 Vote Required)

To see if the Town will vote to amend Section 3 the Acton Zoning Bylaw as follows:

- A. Delete Section 3.8.2.3 and replace it with a new Section 3.8.2.3 as follows:
 3.8.2.3 Drive-up facilities in a bank.
- B. Delete Section 3.8.4.4 and replace it with a new Section 3.8.4.4 as follows:
 3.8.4.4 Where not otherwise permitted, a greenhouse where the PRINCIPAL USE of the LOT or property is agriculture.

or take any other action relative thereto.

SUMMARY

This article, if adopted, will eliminate the requirement for a special permit for bank drive-up windows in the General Business, Limited Business and Kelley's Corner Districts, and for greenhouses associated with agricultural uses. Like the previous article, this article seeks to reduce non-essential administrative requirements at a time of shrinking municipal resources. Construction of new banks and financial institutions, and expansions by more than 1200 square feet of existing ones, with or without a drive-up window, will still require a site plan special permit. Also, no site plan special permit is required for agricultural uses. Only very few agricultural uses remain in Acton.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: F. Dore' Hunter

- (S) Recommended
- (F) No Recommendation

ARTICLE 52* - ELIMINATE PROHIBITION AGAINST AND SPECIAL PERMIT REQUIREMENT FOR TERTIARY WASTEWATER TREATMENT FACILITIES

(2/3 Vote Required)

To see if the Town will vote to amend the Acton Zoning Bylaw by deleting parts 23. and 24. of Table 4.3.7.2 and footnote (***) of Table 4.3.7.2., and by inserting a new part 23. as follows:

Table 4.3.7.2

| | ZONE 1 | ZONE 2 | ZONE 3 |
|--|--------|--------|--------|
| 23. Subsurface disposal of tertiary treated wastewater effluent. | Y | Y | Y |

or take any other action relative thereto.

SUMMARY

This article, if adopted, will permit as of right tertiary wastewater treatment plants in all zones of the Groundwater Protection District. Tertiary wastewater treatment plants are currently either prohibited or require a special permit depending on their size and location relative to the various zones of the Groundwater Protection District. Reliably and consistently, these plants release purer and cleaner effluent than any septic system. Therefore, these plants provide a preferred alternative to septic systems when it comes to groundwater protection regardless of density or use on the land. Tertiary treatment plants are strictly regulated, monitored and inspected by the Massachusetts Department of Environmental Protection and the Acton Board of Health. The Planning Board special permit adds a third layer of review which will be eliminated with this article. This article, too, seeks to reduce non-essential administrative requirements at a time of shrinking municipal resources.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: F. Dore' Hunter

- (S) Recommended
- (F) No Recommendation

ARTICLE 53*

ELIMINATION OF SPECIAL PERMIT REQUIREMENTS FOR CERTAIN DIMENSIONAL PROVISIONS
(2/3 Vote Required)

To see if the Town will vote to amend Section 5 of the Acton Zoning Bylaw as follows:

- A. In Section 5.2.7.2 (Section 5.3.5.1 if Article 48 is adopted), delete the phrase towards the end of the section which reads "unless authorized by special permit from the Board of Appeals or".
- B. In Section 5.3.5 (Section 5.3.5.2 if Article 48 is adopted), delete the last sentence which begins with the words "The Board of Appeals may authorize by special permit ...".
- C. In Section 5.3.2.1 delete in the second sentence the phrase which reads "by Special Permit from the Board of Selectmen".

or take any other action relative thereto.

SUMMARY

This article, as proposed in several previous zoning articles, seeks to reduce non-essential administrative requirements at a time of shrinking municipal resources. Part A eliminates the possibility of allowing, by special permit, unlimited increases in the height of buildings. Part B eliminates a special permit to allow an increase in building height by a mere 5 feet. Part C eliminates a special permit for single family dwellings in the multifamily Residence A District. Existing dimensional standards set forth elsewhere in the Bylaw are sufficient to ensure public health, safety and welfare without a special permit requirement.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Norman Lake

- (S) Recommended
- (F) No Recommendation

ARTICLE 54 - ASSOCIATE MEMBERS FOR PLANNING BOARD WHEN ACTING AS SPECIAL PERMIT GRANTING AUTHORITY
(2/3 Vote Required)

To see if the Town will vote to amend the Acton Zoning Bylaw by inserting a new Section 10.3.9 as follows:

- 10.3.9 Planning Board Associate Members - When the Planning Board is acting as a Special Permit Granting Authority under this Bylaw, the Chairman of the Planning Board may designate an associate member, duly appointed by the Board of Selectmen, to sit on the Board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any regular member of the Planning Board or in the event of a vacancy on the Planning Board.

or take any other action relative thereto.

SUMMARY

The associate members cannot participate in any votes of the Planning Board. There are currently 2 associate members. This article, if adopted, will authorize up to two Planning Board associate members to vote on zoning special permits as substitutes for regular Planning Board members in the event of absence, inability to act, or conflict of interest on the part of a regular Planning Board member. Adoption of this article is authorized under the provisions of Massachusetts General Law, Chapter 40A (the Zoning Act), Section 9.

This article, if adopted, will lend greater flexibility to the Planning Board when acting as a Special Permit Granting Authority, and help ensure that the Planning Board can perform its duties in a timely manner. All other functions of the associate members will remain advisory only. This article will not authorize associate members to vote on any other business of the Planning Board. This change also requires a Charter change, see Article 55.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Anne Fanton

- (S) Recommendation Deferred
- (F) No Recommendation

ARTICLE 55 - CHARTER CHANGE - ASSOCIATE MEMBERS FOR PLANNING BOARD WHEN ACTING AS SPECIAL PERMIT GRANTING AUTHORITY (Majority Vote Required)

To see if the Town will vote to amend the Town Charter to provide that the Planning Board, in addition to its regular members, may have associate members pursuant to M.G.L., Chapter 40A, Section 9, or take any other action relative thereto.

SUMMARY

Article 54 above, if adopted, amended the Acton Zoning Bylaw for this purpose, whereas this article makes the required Charter change.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Anne Fanton

- (S) Recommendation Deferred
- (F) No Recommendation

ARTICLE 56# PETITION TO CHANGE ZONING OF LAND IN ACTON (2/3 Vote Required)

To see if the Town will vote to amend the Acton Zoning Map by rezoning from the East Acton Village (EAV) District to the Limited Business (LB) District a certain parcel of land shown as parcel 28-1 on map sheet G-4 of the 1993 edition of the Acton Town Atlas. Said parcel is located at 107 Great Road.

SUMMARY

DESCRIPTION OF PROPERTY: The land and building thereon presently is zoned East Acton Village. The article, if adopted will rezone it to Limited Business. The parcel consists of approximately 1/2 acre. It is located at 107 Great Road (Route 2A), on the north side of Great Road near its intersection with Concord Road. Presently it is being used for a chiropractic office. On the easterly side is the old Victorian house that is slowly decaying, zoned East Acton Village. On the westerly side are 2 acres, presently undeveloped, zoned Limited Business.

REASON TO CHANGE: Nashoba Valley Trailers (a long time standing business) would like to move to this Route 2A location to conduct business. The business, presently located on Route 27, has grown to a point where it would like to consolidate its operation in one building rather than three. At the present site and with the acreage and setbacks at the present buildings on the Route 27 site this would be impossible. In addition the site on Route 2A is in a commercial district in appearance, with the shopping center and cinema to the east and general commercial activity to the west.

Selectman Assigned: Anne Fanton

- (S) Recommendation Deferred
- (F) Recommendation Deferred

ARTICLE 57 - PUBLIC USE OF LAND BY TOWN OR AGENCY OTHER THAN THE TOWN OF ACTON AND THE WATER SUPPLY DISTRICT OF ACTON (2/3 Vote Required)

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

A. Add new Section 3.4.7 as follows:

3.4.7 Other Public USE - USE of land, BUILDINGS and STRUCTURES for a public purpose, other than educational USE, by any town or local agency, except the Town of Acton and the Water Supply District of Acton.

B. Add the following line to the Table of PRINCIPAL USES:

| | Residential Districts | Village Districts | Office Districts | Business Districts | Industrial Districts | Special Districts | Site Plan |
|------------------------|-----------------------|-------------------|------------------|--------------------|----------------------|-------------------|-----------|
| 3.4.7 Other Public USE | SPS(6) | SPS(6) | SPS(6) | SPS(6) | SPS(6) | SPS(6) | R |

C. Add the following footnote (6) to Section 3.4.7 in the Table of PRINCIPAL USES:

- (6) If the proposed USE will be located in the Floodway Fringe, as defined in Section 4.1, or Zones 1, 2 or 3 of the Groundwater Protection District, as defined in Section 4.3, before granting a special permit under this Section the applicant shall submit the information required under Sections 4.1 or 4.3 and the Board of Selectmen shall find that the proposed USE complies with the requirements of Sections 4.1.8.1 and 4.1.9, and 4.3.8 through 4.3.10 respectively.

or take any other action relative thereto.

SUMMARY

The Zoning Bylaw currently allows municipal uses in all zoning districts. However, municipal use is defined as the use of land, buildings and structures only by the Town of Acton and the Water Supply District of Acton, and does not contemplate such use by other municipalities outside of Acton. Two abutting towns currently use land, buildings and structures in Acton: The Town Concord uses Nagog Pond with associated dams, pump houses and water pipes. The Town of Maynard operates a sewage treatment plant which is partly located in Acton. This article, if adopted, will allow the public use of land by other towns and local public agencies in all district by special permit from the Board of Selectmen. Specifically, this article will enable the Board of Selectmen to grant a special permit to the Town of Concord to construct a water disinfection plant in a residential districts near Nagog Pond. The Town of Concord is under obligation to construct a purification plant in the near future, which is the reason why this article is presented at this time.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Anne Fanton

- (S) Recommended
(F) No Recommendation

ARTICLE 58* ACCEPT MGL CHAPTER 140, Section 147A, DOG FUND (Majority Vote Required)

To see if the Town will vote to accept Mass. General Law, C. 140, s. 147A to allow the Town to withdraw from the Middlesex County Dog Fund, or take any other action relative thereto.

SUMMARY

The Town has issued 1170 dog licenses since January 1, 1994 amounting to \$6454.00 of revenue for dog licenses. Of that \$6,454.00, the Town received \$2019.50 in fees and the County received \$4434.50. Historically, the Middlesex County Dog Fund was used for reimbursement to livestock owners for damage done by dogs; this protection is no longer important in our community. If the Town accepts this article, all of the money collected in Dog License Fees would remain in the Town. We are paying Middlesex County for administrative costs and livestock protection that is no longer appropriate for our community.

If this article fails, we would move to take no action on the following article.

Direct inquiries to: Catherine Belbin, Town Clerk - 264-9615
Selectman Assigned: Nancy Tavernier

- (S) Recommended
(F) Recommended

ARTICLE 59* AMEND TOWN BYLAW - CHAPTER E, DOG LICENSES
(Majority Vote Required)

To see if the Town will vote to amend Chapter E (General Public Regulations) Section E22 of the Town bylaw entitled "Dog Licenses/Animal Control" by changing the fee structure as follows:

E22. No person shall own or keep a dog, six months or older, within the Town unless a license for such dog is obtained from the Town Clerk. The license period is the time frame between January 1st and the following December 31st, inclusive. The fee for such a license shall be as follows:

| | |
|---------------------------|---------|
| Male Dog/Female Dog | \$15.00 |
| Spayed/Neutered Dog | \$10.00 |
| Kennel-1 (4 dogs or less) | \$26.00 |
| Kennel-2 (5 to 10 dogs) | \$51.00 |
| Kennel-3 (over 10 dogs) | \$76.00 |

or take any other action relative thereto.

SUMMARY

This article would allow the fees for dogs licenses to increase but would keep the existing animal control bylaw in effect.

Direct inquiries to: Catherine Belbin, Town Clerk - 264-9634
Selectman Assigned: F. Dore' Hunter

(S) Recommended
(F) Recommended

ARTICLE 60 AMEND LOCAL HISTORIC DISTRICT BYLAW
(2/3 Vote Required)

To see if the Town will vote to approve amendments to the Town of Acton Bylaws, Chapter P - Local Historic District Bylaw, as follows:

Amend Section 2., Delete definition of STRUCTURE and replace with the following:

2. DEFINITIONS

STRUCTURE: A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk, driveway or paved parking lot but not including public streets or ways.

Amend Section 7., Procedures for Review of Applications by the addition of the following new paragraph:

7.14 Nothing contained in this By-Law shall be deemed to preclude any person contemplating construction or alteration of a BUILDING or STRUCTURE within a DISTRICT from consulting informally with the COMMISSION before submitting any application referred to in this By-Law on any matter which might possibly be within the scope of the Bylaw. Nothing contained in this By-Law shall be deemed to preclude the COMMISSION from offering informal advice to a potential applicant prior to receiving an application. However, any such preliminary advice offered by the COMMISSION shall not be deemed to set a precedent nor in any way limit the COMMISSION in the exercise of its functions under this By-Law.

Amend Section 8, by the addition new section 8.6:

8.6 The COMMISSION may impose requirements on the screening and location of above ground features of septage systems. Such requirements shall not conflict with requirements of the Acton Board of Health.

Amend Section 9. with the following:

Replace 9.1.2 with the following:

9.1.2 EXCLUSIONS Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.

Amend Section 9.3 as follows:

After "unsafe" insert, "unhealthful,".

or take any other action relative thereto.

SUMMARY

This article, if adopted, will clarify some of the wording in the Acton Historic District Bylaw which presently comes verbatim from the State enabling legislation, MGL Chapter 40C. The new wording proposed for Section 2: DEFINITIONS and Section 9.1.2 of the EXCLUSIONS more closely matches common site features found within the Town of Acton. The proposed additions to Section 8 and Section 9.3 are a response to the updated technology and more stringent regulations for septic systems that have appeared since Chapter 40C was written. The new Section 7.14 should

make it clear to readers of the Bylaw that informal, preliminary discussion with the Commission is useful, and in fact, encouraged in conjunction with the application process outlined under the Bylaw.

Direct inquiries to: Anne Forbes, Local Historic District Comm. 263-2227
Selectman Assigned: F. Dore' Hunter

- (S) Recommendation Deferred
- (F) Recommendation Deferred

ARTICLE 61* REMOVE POLICE CHIEF POSITION FROM CIVIL SERVICE
(Majority Vote Required)

To see if the Town will vote to authorize the Town Manager to take the appropriate steps to remove the Police Chief's position from Civil Service status, and authorize the Board of Selectmen to petition the General Court for an Act to permit such removal, or take any other action relative thereto.

SUMMARY

Police Officers in the Town of Acton are the only municipal employees covered by the provisions of the Civil Service Laws. These provisions are cumbersome and quite limiting, especially with respect to selections in the hiring process. This action would have no impact on the incumbent Chief but it would allow total flexibility in the future selection and appointment of a successor to this extremely important and sensitive position.

Direct inquiries to: Don P. Johnson, Town Manager - 264-9612
Selectman Assigned: F. Dore' Hunter

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 62# FORMATION OF MUNICIPAL POWER
ORGANIZATION STUDY COMMITTEE
(Majority Vote Required)

To see if the Town will vote to appoint a committee to pursue a formal study of the feasibility and process of formation of a municipal power organization, either independently operated within the town or as a jointly operated organization with one of Acton's neighboring towns. This committee shall not have fewer than 5 nor greater than 11 members who shall all be registered voters in the Town of Acton. The members of this study committee shall be appointed by the Town Moderator to represent a cross section of residents and business owners, and shall perform their work without financial remuneration or subsidy from either the Town of Acton or any individual or business. This committee shall provide a report of their deliberations and investigations at the 1995 Annual Town Meeting including either (1)

the preparation and presentation of an outline of a proposed conversion plan, or (2) a recommendation to abandon the conversion process.

SUMMARY

The electric power service by Boston Edison to the residents and businesses of the Town of Acton, Massachusetts has been marked by a history of poor customer service, unavailability of industrial power capacity, and extensive outage problems, in particular in the extremities of Boston Edison's service area in West Acton and Nagog Woods. Recently, an ad hoc committee was formed to review the problems with the result of marginal reduction of service outages. During this time local electricity power rates have risen to among the highest in the country. This warrant article authorizes appointment of a formal committee to investigate the options available for formation of a municipal power form of electric energy provider in Acton.

*Submitted by Citizen Petition
Selectman Assigned: William Mullin

(S) No Recommendation
(F) No Recommendation

ARTICLE 63 SCHOOL TEACHERS' EARLY RETIREMENT (Majority Vote Required)

To see if the Town will vote to accept the provisions of Section 83 of Chapter 71 of the Acts of 1993, as amended, to provide for an Early Retirement Incentive Program for the members of the Massachusetts Teacher's Retirement System employed by the Acton Public Schools, or take any other action relative thereto.

SUMMARY

This article requests permission for the Acton Public Schools to participate in the Early Retirement Incentive Program for teachers as allowed in the Education Reform Act of 1993. This program allows teachers with a minimum of twenty (20) years of service in the Massachusetts Teachers' Retirement System to receive up to five (5) extra years of service or age. The additional costs are split evenly by the State and Town. The Town's share of the cost may be absorbed by the difference in salary between the more expensive outgoing teacher and the less expensive replacement teacher. In addition to Town Meeting action, the Board of Selectmen and the Acton Public School Committee must act to accept the provisions of this Act.

Direct inquiries to: Mac Reid, Personnel Director - 264-4700 x 209
Selectman Assigned: William Mullin

(S) Recommendation Deferred
(F) Recommendation Deferred

* Consent
Submitted By Citizen Petition

And you are directed to serve this warrant by posting attested copies thereof fourteen days at least before the time of said meeting in not less than six public places in the Town to be designated by the Board of Selectmen.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at or before the time of meeting aforesaid.

Given under our hands at Acton this 11TH day of March, 1994.

F. Dore' Hunter, Chairman
Anne B. Fanton, Vice-Chairman
William C. Mullin, Clerk
Norman D. Lake
Nancy E. Tavernier
ACTON BOARD OF SELECTMEN

True Copy Attest

CONSTABLE

(468.w11chris)

A Glossary of Terms Commonly Used in Municipal Finance

Abatement: A complete or partial cancellation of a levy imposed by a governmental unit; applicable to tax levies and special assessments.

Appropriation: An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and the time when it can be expended. Any amount which is appropriated may be encumbered. Any part of the general appropriation not spent or encumbered by June 30 automatically reverts to surplus.

A specific or particular appropriation is carried forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.

Assessed valuation: The value placed upon a particular property by the local Board of Assessors for the purpose of apportioning the town's tax levy among individual property owners equitably and in accordance with the legal requirement that property be assessed at "full and fair cash value", certified periodically by the Commonwealth's Commissioner of Revenue (no less frequently than once every three years.)

Audit: Work done by accountants in examining financial reports, reviewing compliance with applicable laws and regulations, reviewing effectiveness in achieving program results. A basic audit examines only the financial reports and legal compliance. An outside Certified Public Accountant (CPA) audit is directed primarily toward the expression of an opinion as to the fairness of the financial statements and submission of a management letter. An auditor must be independent of the executive branch of government. A state auditor, private CPA or public accountant, or elected auditor meets this test.

Balance Sheet: A statement that discloses the assets, liabilities, reserves and equities of a fund or government unit at a specified date.

Budget: A plan of financial operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. A budget may be preliminary (the financial plan presented to the town meeting) or final (the plan approved by that body).

Capital Budget: A plan of proposed capital outlays and the means of financing them for the current fiscal period. It is usually a part of the current budget.

Capital Exclusion: A vote to exclude from the levy limit the cost of a capital project. This exclusion only affects the levy limit for the year in which the project was undertaken.

Cemetery Land Fund: A Fund established to which an added annual appropriation earmarked for the acquisition of land development costs on designated cemetery land purchases.

Cherry Sheet: An annual statement received from the Massachusetts Department of Revenue detailing estimated receipts for the next fiscal year for the various state aid accounts and estimated state and county government charges payable by the assessors in setting the tax rate. The actual receipts and charges may vary from the estimates.

Classification: The division of the real estate tax and personal property voted by the Selectmen. The Selectmen may choose one rate for residences, another rate for business, and another rate for open space.

Debt Exclusion: A vote to exclude from the levy limit the costs of debt service for capital projects. This exclusion remains in effect for the life of the debt only.

Debt Service: Payment of interest and principal related to long term debt.

Encumbrance: Obligations as purchase orders, contracts, salary commitments which are chargeable to an appropriation and for which a part of the appropriation is reserved.

Enterprise Fund: A fiscal entity with a self-balancing set of accounts that is utilized to account for a governmental service when it is the intent to recover the total costs of service, including depreciation, primarily through user charges may be supplemented by taxes.

Equalized valuation: The value of all property as determined by the Commissioner of Revenue biennially, using a standard of "full and fair value."

Expenditure: The spending of money by the town for the programs or projects within the approved budget.

FTE: A full-time equivalent employee based on a 40 hour work week. May be more than 1 employee, but the total weekly hours equal 40.

Fiscal Year: A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The numbers of the fiscal year is that of the calendar year in which it ends; FY94 is the fiscal year which ends June 30, 1994.

Free Cash: Now referred to as "undesignated fund balance." Certified each July 1 by the State, this is the portion of Fund Balance available for appropriation. It is not cash but rather is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes.

Fund: An accounting entity with a self-balancing set of accounts which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with specific regulations, restrictions or limitations.

General Fund: The fund into which the general (non-earmarked) revenues of the town are deposited and from which money is appropriated to pay expenses.

General Obligation Bonds: Bonds issued by the Town that are backed by the full faith and credit of its taxing authority.

Overlay: The amount raised from the property tax levy in excess of appropriations and other charges. It cannot exceed 5 percent of the levy and is used to cover abatements and exemptions granted locally or on appeal.

Override: A vote to increase the amount of property tax revenue that may be raised over the levy limit.

Personnel Services: The cost of salaries, wages and related employment benefits.

Purchased Services: The cost of services that are provided by a vendor.

Property Tax levy: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed per thousand dollars of assessed valuation, for example:

House value: \$300,000

Tax rate: \$10 (which means \$10 per thousand)

Levy: \$10 multiplied by \$300,000 and divided by \$1,000.

Result: \$3000

Reserve Fund: A fund appropriated each year which may be used only by vote of the Finance Committee for "extraordinary or unforeseen expenditures."

Revolving fund: Those funds that may be used for special uses. For example, Recreation fees may be paid into a revolving fund, and expenditures can be made without appropriation with the approval of the Town Manager. Revolving funds are established by state law or town bylaw. Some revolving funds must be annually reauthorized by Town Meeting.

Tax Levy: Total amount of dollars assessed in property taxes imposed by the Town each fiscal year.

Unreserved fund balance or surplus revenue account: The amount by which cash, accounts receivable and other assets exceed liabilities and restricted reserves. It is akin to the stockholders equity account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion on the assets listed as "accounts receivable" may be taxes receivable and uncollected. (see Free Cash)

Warrant: A list of items to be voted upon at Town Meeting