

ARTICLE BA*
EASEMENTS
(2/3 Vote)

SQUIRREL HILL ROAD DRAINAGE

To see if the Town will vote to:

- (A) release to the owners of Lot 114, Lot 115, and Lot 116 Squirrel Hill Road, Acton, Middlesex County, Massachusetts, all right, title, and interest in those certain easements referred to as "EASEMENT" in a document entitled "Order of Taking Squirrel Hill Road" dated June 24, 1975 and recorded at the Middlesex South District Registry of Deeds ("Registry") in Book 12831, Page 574, the easements are shown as (1) "20' DRAIN EASEMENT FOR BROOK" affecting certain portions of Lot 114, Lot 115, and Lot 116 and (2) "20' DRAIN EASE." affecting certain portions of Lots 115 and 116; all of the said lots and easements are shown on a plan entitled, "Revised Plan of Colonial Acres, West Acton, Mass. (Section I)", dated May 15, 1961, by Everett M. Brooks, Co., Civil Engineers, recorded at the Registry as Plan No. 901 of 1961 in Book 9832, Page End; the easements to be released are also shown as 'EXISTING 20' WIDE DRAINAGE EASEMENTS - TO BE ABANDONED" on a plan to be recorded at the Registry entitled "Easement Plan, Squirrel Hill Road, Acton, Massachusetts, Prepared for: Sweeney & Sons, 78 Rockland Ave., Maynard, Mass. 01754, Scale: 1 inch = 30 feet, Date: December, 2003, Acton Survey & Engineering, Inc., 97 Great Road, P.O. Box 666, Acton, MA 01720" (hereinafter the "Easement Plan"); and
- (B) accept in its place, and in exchange for the release of the aforementioned easements, a Grant of Easement presented by the owners of Lot 114, Lot 115, and Lot 116, affecting those portions of the aforesaid lots shown as "PROPOSED DRAINAGE EASEMENTS" on the Easement Plan (together "Easement Areas"); granting to the Town the perpetual right and easement, over, under and upon said Easement Areas to install, construct, and maintain drainage facilities of all types and kinds, for the purpose of discharging surface runoff water from Squirrel Hill Road, Highland Road and adjacent areas; and
- (C) authorize the Board of Selectmen to sign any and all documents necessary to effectuate such release and acceptance of said easements.

or take any other action relative thereto.

SUMMARY

An affirmative vote on this article will abandon an existing drainage easement on the west side of Lot 115 (35 Squirrel Hill Road) and create a new drainage easement on the east side of Lot 115. Two existing drain outfalls will be combined into one, and improved pollution control devices will be retrofitted to the existing drainage system in Squirrel Hill Road. The existing drainage easement at the rear of Lots 114, 115, and 116 will be enlarged to encompass the entire area traversed by the existing intermittent stream in this area. All legal and construction costs will be the responsibility of Sweeney & Sons. Plans of the proposed work are available for viewing at the Acton Engineering Department.

Direct Inquires to: David F. Abbt, Engineering Administrator 978-264-9628
Selectmen assigned:

Selectmen:
Finance Committee:

2/6/2004
7:34 PM

ARTICLE BB
(Majority Vote)

**PROVISION FOR HOURS OF OPERATION
OF NON-RESIDENTIAL OUTDOOR LIGHTING**

To see if the Town will vote to

Purpose:

The purpose of these regulations is to reduce late night glare, light trespass and sky glow caused by outdoor lighting that is not used for public safety and property security .

Applicability:

The following regulations shall apply to all outdoor lighting in Acton with the exception of that on single family residences.

They shall apply to all new and replacement outdoor LUMINAIRES whose LAMP wattage exceeds the values contained in Table 1.

2.2 By January 1, 2006, all non-residential OUTDOOR LIGHTING in Acton shall comply with Section 3. (Hours of Operation of Outdoor Lighting).

3. HOURS OF OPERATION OF OUTDOOR LIGHTING

3.1 All non-residential OUTDOOR LIGHTING, with the exception of STREETLIGHTS and safety or security lighting as defined herein, may be turned on no earlier than one hour before business hours and shall be turned off no later than 11 PM or one half an hour after close of business, whichever is later.

Business hours is defined as the period of time during which at least one person is present for the purpose of conducting or concluding business on the lot or in a structure on the lot.

Safety lighting is defined as lighting to safeguard the movement of persons by foot or by non-motorized vehicles or by vehicles for disabled persons over hazardous footing or in areas that conflict with vehicle traffic, or lighting for the purpose of aiding the visible detection and recognition of other persons. Safety lighting includes lighting for stairs, pedestrian ramps and tunnels, and pedestrian routes that are reasonably expected to be used after business hours.

Security lighting is defined as lighting to protect buildings and property stored outdoors.

3.2 Any lights that are not required for safety or security lighting and that are also connected by a single outside circuit to safety or security lights are exempt from the hours of operation regulation (Section 3.1).

3.3 Lighting controlled by motion detectors or infrared sensors with an on-time of no more than 10 minutes per activation is exempt from the hours-of-operation restriction. The motion detector shall be adjusted so that normal movement of vehicles and traffic along a public right of way shall not cause activation of the motion detector.

3.4 Lighting of recreational facilities must be turned off no later than one half-hour after the end of use.

3.5 The operation of STREETLIGHTS on a public right-of-way is exempt from this Hours of Operation provision.

3.6 Lighting of the United States Flag and public monuments is exempt from this hours of operation provision.

Table 1. LIGHTS WHOSE WATTAGE EXCEEDS THAT IN THIS TABLE SHALL BE SUBJECT TO HOURS-OF-OPERATION RESTRICTION.

<i>Lamp type</i>	
<i>Incandescent, Halogen</i>	<i>60 w</i>
<i>High Pressure Sodium, Metal Halide, Mercury Vapor,</i>	<i>35 w</i>

<i>other HID</i>	
<i>Fluorescent, Low Pressure Sodium</i>	<i>13 w</i>

ARTICLE BC*
(2/3 Vote)

AMEND TOWN CHARTER

To see if the Town will vote to amend the Town Charter, Section 4-2 by adding to the Appointment List the category Board of Health (Associate Members) with the number of members being two and the length of term being 3, with the Associate Members having voting privileges at the discretion of the Chairman of the Board of Health whenever a quorum of Full Members are not present to act and to place the Charter change on the ballot for the next General Election, or take any other action relative to

SUMMARY

Place holder, staff is conferring with Counsel.

Direct inquiries to: Doug Halley, Health Director, 264-9634
Selectman assigned:

Selectmen:
Finance Committee:

ARTICLE BD #
(2/3 Vote)

AMEND THE ZONING BYLAW

To see if the Town of Acton will vote to amend the zoning map as follows:

Rezone the R-2 (Residence 2) the following parcel or parcels of land identified by their map and parcel number as shown in the 2003 Town Atlas. Map G3, parcels 69 and 65, present zoning OP-2 (Office Park 2), 80 and 84 Piper Road (see grid to Abstract of April 1, 1996 Annual Town Meeting), said parcels directly abutting other parcels which were rezoned to R-2 (Residence 2) by Special Town Meeting of January 8, 2001, or to take any other action relative thereto.

SUMMARY

Petitioner to provide Summary

#Inserted by Citizen Petition

Direct inquiries to: Linda A. Melon
Selectman assigned:

Selectmen:
Finance Committee:

2/6/2004
7:34 PM

ARTICLE BE EAST ACTON VILLAGE PLAN- PROHIBITION OF MOTORIZED CRAFT ON ICE HOUSE POND

To see if the Town of Acton will vote to amend Chapter E of the Bylaws of the Town of Acton by inserting a new section E 57 as follows:

E57. Motorized Craft on Ice House Pond:

Except for emergency rescue teams and law enforcement officers, no person shall launch, place, float, use, or land a craft with an internal combustion engine in or on Ice House Pond, which pond is located off Concord Road in the East Acton area. The Police Officers of the Town of Acton shall enforce this bylaw. The penalty for each violation of this bylaw shall be three hundred dollars (\$300.00), whereby each incident of violating this bylaw shall be considered a new and separate violation.

Or take any other action relative thereto.

SUMMARY

If adopted, this article would ban all craft with internal combustion engines from Ice House Pond except for emergency purposes. Ice House Pond is a favored spot for ice skating, fishing, row boating, canoeing, and bird watching. It is periodically stocked with trout for sport fishing purposes. The Pond is a Class B waterbody, so designated for the protection and propagation of fish and other wildlife, and for these types of primary or secondary recreational activities. Ice House Pond's shallow depth (+/-5 feet) and small size (12 acres) makes it unsuitable for motorized craft. Motorized craft create noise, create a wake, and release unburned gasoline and oil, which could disturb the pond's tranquility, pollute its waters, disturb or harm wildlife, contribute to shoreline erosion, and impede or eliminate the recreational activities on the pond that Acton residents and visitors enjoy.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 978.264.9636

Selectman assigned:

Selectmen:

Finance Committee:

Planning Board:

ARTICLE BF# VEHICLE WHOLESALE AND STORAGE AS AN ACCESSORY USE
(Majority Vote)

To see if the Town of Acton will vote to amend the zoning bylaw, section 3.8.2 (ACCESSORY USES permitted in the Office, Business, and Industrial Districts) by inserting a new sub-section 3.8.2.7 as follows:

- 3.8.2.7 In the Light Industrial District and on contiguous adjacent land for which the Board of Appeals has previously granted a USE variance permitting a USE allowed in the Light Industrial District, the purchase of new vehicles; the wholesale, but not retail sale, of used vehicles; and the temporary outdoor storage of such new and used vehicles, provided that:
 - 3.8.2.7.1 The LOT, or the property consisting of two or more contiguous LOTS in single ownership, contains at least 15 acres.
 - 3.8.2.7.2 Such USE is accessory to an operations center and offices of a vehicle rental or leasing company.
 - 3.8.2.7.3 Such vehicles are at all times registered with the Commonwealth of Massachusetts Registry of Motor Vehicles while on the premises.
 - 3.8.2.7.4 No such vehicle exceeds a gross vehicle weight of 10,000 pounds and a wheel base of 135 inches.
 - 3.8.2.7.5 All such vehicles are stored in the rear yard out of sight and fully screened from view from any STREET.
 - 3.8.2.7.6 All such vehicles are stored at least 200 feet away and fully screened from view from any pre-existing dwelling that is not on the same LOT or property.
 - 3.8.2.7.7 The transport and loading/unloading of such vehicles to and from the LOT or property occurs only on weekdays between the hours of 6:00 AM and 9:00 PM.
 - 3.8.2.7.8 The storage of such vehicles may use vacant or excess parking capacity that, regardless of the requirements of section 6 of this bylaw, is not needed for employees and customers of the businesses on the LOT or property.

or take any other action relative thereto.

SUMMARY
(by petitioner)

#Inserted by Citizen Petition

Direct inquiries to: Roland Bartl, AICP, Town Planner – 978.264.9636
Selectman assigned:

Selectmen:
Finance Committee:
Planning Board:

2/6/2004
7:40 PM

ARTICLE BG

CPC

CPA – Draft Articles

From

DOR Property Tax Bureau IGR 00-209 as amended through 2002

DOR Division of Local Services Bulletin 2003-04B

(Shells only. Not all may apply or be necessary this year. First draft - subject to change.)

COMMUNITY PRESERVATION PROGRAM – DIRECT APPROPRIATIONS FROM FUND BALANCE

To see if the Town of Acton will vote to appropriate or reserve for later appropriation from the FY 2003 Community Preservation Fund Balance the following amounts for community preservation purposes with each item considered a separate appropriation:

Purpose	Amount	
Appropriations		
•	-	
•	-	
•	-	
•	-	
Reserves		
Open Space	-	
Historic Resources	-	
Community Housing	-	
Administration	-	

Or take any other action relative thereto.

(Note: these appropriations can be spent immediately)

ARTICLE BH

COMMUNITY PRESERVATION PROGRAM – BORROWING AUTHORIZATION

To see if the Town of Acton will vote to appropriate --(\$_____) -- by borrowing for -- (*specify purpose category*) -- purposes under the Community Preservation Program to -- (*insert description*) --, and to authorize the Board of Selectmen to issue any bonds or notes that may be necessary for that purpose, or take any other action relative thereto.

ARTICLE BI

**COMMUNITY PRESERVATION PROGRAM – DIRECT
APPROPRIATIONS FROM REVENUES**

To see if the Town of Acton will vote to appropriate or reserve for later appropriation from the FY 2004 Community Preservation Fund Balance the following amounts for community preservation purposes with each item considered a separate appropriation:

Purpose	Amount	
Appropriations		
•	-	
•	-	
•	-	
•	-	
Reserves		
Open Space	-	
Historic Resources	-	
Community Housing	-	
General Reserves (unspecified)	-	
Administration	-	

Or take any other action relative thereto.

(Note: These appropriations cannot be spent until 6/30/04
Caution: State match funds are unknown)

Direct inquiries to:
Selectman assigned:

Selectmen:
Finance Committee:

DRAFT ZONING ARTICLE – BJ

EAST ACTON VILLAGE PLAN – VILLAGE GREEN REZONING

(2/3 vote required)

To see if the Town of Acton will vote to amend the zoning map, Map No. 1, by rezoning from Limited Business (LB) to Agriculture Recreation Conservation (ARC) an area of land shown in the 2003 Town Atlas on map G-4 as parcel 212, or take any other action relative thereto.

SUMMARY

This article would rezone a 2/3rd-acre town-owned property at 108 Great Road, on the northwest corner of Concord Road and Great Road. Railroad tracks on the western edge of the parcel separate it from another parcel and Ice House Pond, both of which are Town-owned and currently zoned ARC. The East Acton Railroad Depot was located in this area from the late 1800s through the early 1900s along with a green in the early 1900s. Both parcels, the one already zoned ARC and the one discussed in this article, are currently being considered for a new East Acton Village green. Additionally, the railroad right of way that separates the parcels is currently being planned for a rail trail (the "Bruce Freeman Rail Trail"). A survey conducted of East Acton residents and Town Meeting attendees in 2001 as part of the East Acton Village planning process found that respondents desired open space within East Acton Village. If adopted, this article would change the zoning from Limited Business (LB) to Agriculture, Recreation, Conservation (ARC), making it consistent with the uses and activities being considered and planned for the area, the desires of many Town residents, and the zoning of the adjacent Town-owned parcels.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 978.264.9636
Selectman assigned:

Selectmen:
Finance Committee:
Planning Board:

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DRAFT ZONING ARTICLE – BK

EAST ACTON VILLAGE PLAN – 8 WETHERBEE STREET REZONING

(2/3 vote required)

To see if the Town of Acton will vote to amend the zoning map, Map No. 1, by rezoning from Small Manufacturing (SM) to East Acton Village (EAV) an area of land shown in the 2003 Town Atlas on map G-5 as parcel 69, or take any other action relative thereto.

SUMMARY

This article would rezone a 1.5-acre property at 8 Wetherbee Street. This prominent parcel is the only business property located between Nashoba Brook, Concord Road, and Great Road not currently zoned East Acton Village (EAV). The close proximity of the parcel to the village makes it easily accessible by foot to village residents and visitors. Rezoning the parcel to EAV provides for its consistent treatment with land in the EAV zoning district and would encourage its future redevelopment consistent with the village scale and mixture of uses that have been described in the East Acton Village Plan. The existing business would be allowed to continue in the EAV District as a pre-existing nonconforming use.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 978.264.9636
Selectman assigned:

Selectmen:
Finance Committee:
Planning Board:

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DRAFT ZONING ARTICLE – BL

EAST ACTON VILLAGE PLAN – EAST ACTON VILLAGE DISTRICT USE REGULATIONS

(2/3 vote required)

To see if the Town of Acton will vote to amend the zoning bylaw, section 3 as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. In the Table of Principal Uses, delete the EAV column and replace it with a new EAV column as follows [*Y = the use is allowed; N = the use is not allowed; SPA or SPS = the use may be allowed by special permit. For reference purposes, where changes are proposed in the EAV district, the present designation is shown in brackets*]:

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV
3.2 GENERAL USES		
3.2.1	Agriculture	Y
3.2.2	Conservation	Y
3.2.3	Recreation	N
3.3 RESIDENTIAL USES		
3.3.1	Single FAMILY Dwelling	Y
3.3.2	Single FAMILY Dwelling with One Apartment	Y
3.3.3	Two-FAMILY Dwelling	Y [<i>N</i>]
3.3.4	Dwelling Conversions	SPA
3.3.5	Multifamily Dwelling	Y(3) [<i>N(3)</i>]
3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES		
3.4.1	Municipal	Y
3.4.2	Educational	Y
3.4.3	Religious	Y
3.4.4	Nursing Home	N [<i>SPS</i>]
3.4.5	Public or Private Utility Facilities	SPS [<i>Y</i>]
3.4.6	Child Care Facility	Y
3.4.7	Other Public Use (4)	SPS
3.4.8	Full Service Retirement Community	SPS
3.4.9	Assisted Living Residence (5)	SPS
3.4.10	Wireless Communication Facility (6)	N
3.4.11	Commercial Education or Instruction	Y [<i>SPS</i>]
3.5 BUSINESS USES		
3.5.1	Retail Store	SPS (11) [<i>Y</i>]
3.5.2	Office	SPS (11) [<i>Y</i>]
3.5.3	Health Care Facility	Y
3.5.4	Hospital, Medical Center	N
3.5.5	Restaurant (8)	SPS
3.5.6	Combined Business & Dwelling	Y
3.5.7	Hotel, Motel, Inn, Conference Center	SPS

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV
3.5.8	Bed & Breakfast	Y
3.5.9	Lodge or Club	SPS
3.5.10	Veterinary Care	SPS [N]
3.5.11	Animal Boarding	N
3.5.12	Services	Y
3.5.13	Repair Shop, Technical Shop, Studio	Y
3.5.14	Building Trade Shop	N [Y]
3.5.15	Commercial Recreation (9)	SPS (11) [SPS]
3.5.16	Commercial Entertainment	Y [N]
3.5.17	Golf Course in Residential Districts	N
3.5.18	Cross-Country Skiing in Residential Districts	N
3.5.19	Vehicle Service Station	N [SPS]
3.5.20	Vehicle Repair	N
3.5.21	Vehicle Body Shop	N
3.5.22	Vehicle Sale, Rental	N
3.5.23	Parking Facility	N [Y]
3.5.24	Transportation Services	N
3.5.25	Adult Uses	N
3.6 INDUSTRIAL USES		
3.6.1	Warehouse	N
3.6.2	Distribution Plant	N
3.6.3	Manufacturing	N
3.6.4	Scientific	N

B. In the Table of Principal Uses, insert the following new footnotes:

- (3) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling.
- (11) No special permit shall be required for this USE if its NET FLOOR AREA is 5000 square feet or less.

and renumber existing footnotes (3) through (9) to become footnotes (4) through (10) respectively.

C. Amend section 3.5.5 by adding at its end the following sentence:

“In the EAV District, service through walk-up windows may be allowed, and patios may be open and accessible from the outside.”

[Note: Section 3.5.5 currently reads:

3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) on a patio closed on all sides with entrance to the patio normally available only from the BUILDING, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above. In the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA.]

D. Delete section 3.5.6 and replace it with a new section 3.5.6 as follows:

- 3.5.6 Combined Business and Dwelling – A LOT used for business USES and for not more than four DWELLING UNITS. Business USES and DWELLING UNITS may be in the same BUILDING or in separate BUILDINGS. In the EAV District, the limit of four DWELLING UNITS shall not apply provided that the DWELLING UNITS are in the same BUILDING as Business USES, or that not more than four DWELLING UNITS are within a multifamily dwelling. In the NAV District the limit of four DWELLING UNITS shall not apply where dwelling units are created through the application of sections 5.4 and 5.5.

[Note: Section 3.5.6 currently reads: Combined Business and Dwelling – A LOT used for business USES and for not more than four DWELLING UNITS except as otherwise provided for in the NAV and EAV Districts. Business USES and DWELLING UNITS may in the same BUILDING or in separate BUILDINGS.]

- E. Insert a new section 3.9.3 as follows:

- 3.9.3 Nonresidential USES in the EAV District – In the EAV District only the following USES shall be allowed on the ground floor of commercial or mixed use BUILDINGS: Retail Stores; Restaurants; Hotel, Motel, Inn, Conference Center; Bed & Breakfast; Lodge or Club; Veterinary Care; Services; Commercial Entertainment; Commercial Recreation; real estate agency; insurance agency; travel agency; law office; medical and dental offices; walk-in clinic; and Repair Shop, Technical Shop, Studio.

or take any other action relative thereto.

SUMMARY

This article would revise the use regulations for the East Acton Village (EAV) zoning district. It would provide for a greater variety of business types and sizes in the village, but prohibit new businesses of the kind that are not conducive to pedestrians, such as vehicle service stations. One of the goals is to encourage businesses with “walk-in” traffic on the ground floor of buildings, to discourage the appearance that such commercial space is abandoned, and to improve the feeling that the village district is a thriving and dynamic place to be. Allowing a greater variety of businesses as well as residential uses that would fit in the existing fabric of smaller buildings and properties in the village facilitates the economic reuse of historic structures. Villages require a minimum level of residences near or around them in order to become and remain viable. This article would permit additional types of housing common in traditional villages such as two-family dwellings and apartments above stores. Overall, the proposed changes in use regulations are intended to help keep the area vibrant during business and non-business hours.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 978.264.9636

Selectman assigned:

Selectmen:

Finance Committee:

Planning Board:

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