

Town of Acton

Special Town Meeting Warrant



Tuesday, August 4, 2015

**The Special Town Meeting will convene at 7:00 PM in the
Acton-Boxborough Regional High School Auditorium
36 Charter Road**

Information About SMART Pay As You Throw



The Town of Acton is implementing the new SMART Pay-As-You-Throw program at the Transfer Station and Recycling facility starting September 1, 2015.

What is SMART PAYT?

“SMART” stands for Save Money and Reduce Trash, and “PAYT” stands for Pay As You Throw. This system is one in which residents pay a significantly reduced sticker fee which covers the basic costs of the Transfer Station, plus a small fee per trash bag to cover the actual cost of disposing of the trash in the bag—much like the way we use and pay for electricity, water, or gas.

Starting September 1, 2015, residential trash will be accepted only when residents place it in the official light blue Acton trash bags.

Acton’s trash bags are available in 3 sizes.

- Large, 30 gallon bags are sold in rolls of 5 for \$7.50.
- Small, 15 gallon bags are sold in rolls of 8 for \$6.40.
- Mini, 8 gallon bags are sold in rolls of 10 for \$5.00.

No sales tax will be charged for the purchase of these bags, and the retail stores do not receive any compensation for carrying them.

Acton trash bags will be available at retail stores in Acton (and nearby towns as well). For a full listing of where you can buy Acton trash bags, please see our website at www.wastezero.com/acton

Recycling is free at Acton’s Transfer Station and no bags are needed. Remember, the more you recycle, the more you can save on the cost of trash disposal.

Check out the new Swap Shop at the Transfer Station to give away or adopt gently used items!

For more details on the Pay As You Throw program, you can visit www.wastezero.com/acton or call 1-866-329-3226.

Special Town Meeting Warrant



*Town of Acton
Commonwealth of Massachusetts, ss.*

To either of the Constables of the Town of Acton, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified to vote at Town Meetings for the transaction of town affairs, to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Tuesday, August 4, 2015 at 7:00 PM**, then and there to act on the following article:

Article 1 Land Acquisition – Walker Property

(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept a deed of fee simple interest, on such terms and conditions as the Selectmen may determine and for general municipal purposes, Parcels 32, 33, 54, 61, and 61-1 as shown on the Town of Acton Atlas Map F3 with street addresses of 348, 350, 352, 362, 364 Main Street in Acton, and recorded at the Middlesex South Registry of Deeds in Deed Book 50746, Page 581; Book 50967, Page 87; Book 50967, Page 193; and Book 59949, Page 358; and further to see if the Town will raise, appropriate, and/or transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

————— **Motion** —————

Move that the Town authorize the Board of Selectmen to acquire the real property as set forth in the Article and on such terms and conditions as the Selectmen may determine, and appropriate and transfer from the Stabilization Fund \$1,850,000 to fund said acquisition and related transaction costs.

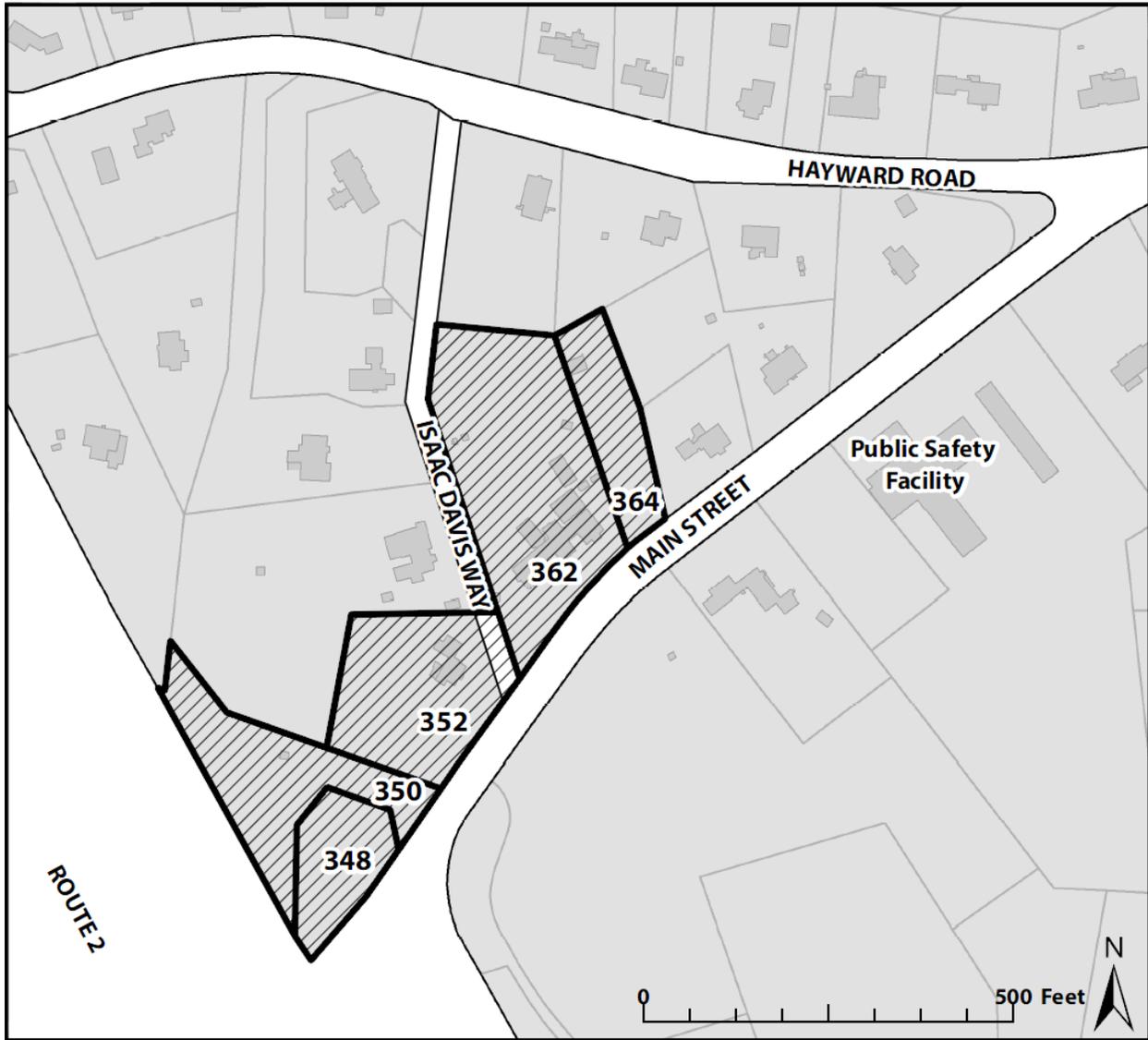
————— **Summary** —————

The Town has the opportunity to purchase this property as part of a settlement of litigation with the property’s owner, Walker Realty, LLC, over Walker Realty’s proposed use of the property as a day care center. The property is comprised of 3 lots totalling 4.75 acres and is located at the northeast intersection of Route 2 and 27 in Acton (*see* parcel map on next page). It has frontage along Main Street. It is currently zoned as part of the Residence 2 district, however, one of the parcels of the property contains an existing agricultural and commercial use – Kennedy & Co. Landscaping and Garden Center. The other two parcels are currently vacant. The proposed acquisition price for the property reflects not only the value of this strategically located property, but also the settlement of costly litigation for the Town. This acquisition would avoid the construction of a 20,000+ sq. ft. day care that could exacerbate an already difficult traffic situation in that area at certain times.

With respect to funding of the acquisition, the Town proposes to fund it from the Stabilization Fund, as Free Cash is not certified until later in the Fall. The plan is then to replenish the Stabilization Fund with Free Cash once is it certified.

The parties held a trial in this case in the Spring of 2014. The court found the Town’s bylaw restricting floor area for day care centers in residential zones was unreasonable when applied to Walker Realty’s plan, though it also held that Walker should propose a smaller facility. The parties have engaged in settlement discussions that culminated in this proposed acquisition. If the Town Meeting does not approve this acquisition, the court proceeding will resume. There is a significant risk that the court would enter judgment for Walker Realty allowing the proposed day care center.

The Selectmen unanimously recommend approval of the settlement. The acquisition would be for general municipal purposes, as the Selectmen have not decided the ultimate use of the property. Once the property is acquired and the litigation is dismissed, the Town can then engage in discussions on potential uses.



Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

Recommendations:

Board of Selectmen
Deferred

Finance Committee
Deferred

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 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 said meeting.

Given under our hands at Acton this twenty-first day of July, 2015.

Katie Green, Chair
Peter Berry, Vice-Chair
Janet K. Adachi, Clerk
Franny Osman
Chingsung Chang

Board of Selectmen

A true copy, Attest:

Constable of Acton



**Town of Acton
472 Main Street
Acton, MA 01720**

**BULK RATE
U.S. POSTAGE PAID
PERMIT #67
ACTON, MA 01720**

**Postal Patron
Acton, MA 01720**