

**TOWN OF ACTON**  
**ANNUAL TOWN MEETING WARRANT**



**FOR APRIL 4, 2005**

**The Annual Town Meeting will convene at 7:00 P.M. in the  
Acton-Boxborough Regional High School Auditorium  
36 Charter Road**

**DRAFT V10**

**V 4: Distributed 2/26  
V 8: Distributed 3/4  
V10: Distributed 3/11**

# NOTICE OF MEETINGS AND ELECTION

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## ANNUAL TOWN ELECTION TUESDAY, MARCH 29, 2005 7:00 A.M. – 8:00 P.M.

- Precinct 1 – Nagog Woods Club House – 100 Nonset Path**
- Precinct 2 – Conant School – 80 Taylor Road**
- Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road**
- Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road**
- Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road**
- Precinct 6 – Conant School – 80 Taylor Road**

For assistance in determining your election voting location, please use the State Elections Division web site [www.WhereDoIVoteMA.com](http://www.WhereDoIVoteMA.com) or contact the Town Clerk's office by e-mail at [clerk@acton-ma.gov](mailto:clerk@acton-ma.gov) or telephone at (978) 264-9615.

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## ANNUAL TOWN MEETING MONDAY, APRIL 4, 2005 7:00 P.M.

### Acton-Boxborough Regional High School Auditorium

Note: Copies of the detailed Municipal Operating Budget are available at Town Hall, Police Station, Memorial Library and West Acton Citizens' Library. Copies will also be available at Town Meeting.

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### Table of Contents

|  |    |
|--|----|
| Article Index .....  | 3  |
| Board of Selectmen's Message .....                         | 4  |
| Town Manager's Message .....                               | 5  |
| Finance Committee's Message .....                          | 6  |
| Warrant.....   | 9  |
| Consent Calendar .....                                     | 10 |
| Articles .....   | 13 |
| Glossary of Terms Commonly Used in Municipal Finance ..... | 58 |
| Parliamentary Procedure .....                              | 61 |
| Internet References.....                                   | 64 |
| Volunteer Application.....                                 | 66 |
| Proposed Town Meeting Booklet .....                        | 68 |

## Article Index

\* Article is on Consent Calendar

# Article submitted by Citizen Petition

| <u>Article</u> | <u>Title</u>   | <u>Page</u> |
|----------------|--|-------------|
| 1              | Choose Town Officers   | 13          |
| 2              | Hear and Accept Reports  | 13          |
| 3 *            | Council on Aging Van Enterprise Budget   | 14          |
| 4              | Nursing Enterprise Budget  | 14          |
| 5 *            | Septage Disposal Enterprise Budget   | 15          |
| 6 *            | Sewer Enterprise Budget  | 16          |
| 7 *            | Section 53E½ Self-Funding Programs   | 16          |
| 8 *            | Chapter 90 Highway Reimbursement Program   | 19          |
| 9 *            | Insurance Proceeds   | 19          |
| 10 *           | Federal and State Reimbursement Aid  | 20          |
| 11 *           | Sale of Foreclosed Properties  | 20          |
| 12 *           | Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986                                | 21          |
| 13             | Home Rule Petition – Authorization to Grant Senior Property Tax Relief                         | 21          |
| 14             | Budget Transfer  | 23          |
| 15             | Town Operating Budget  | 23          |
| 16             | NESWC Enterprise Budget  | 24          |
| 17             | Community Preservation Program – Direct Appropriations from Fund Balance                       | 24          |
| 18             | Inter-Municipal Agreement – Leary Field  | 30          |
| 19 *           | Town Board Support – Acton-Boxborough Cultural Council   | 31          |
| 20             | Acton Public Schools Budget  | 31          |
| 21             | Acton-Boxborough Regional School District Assessment   | 32          |
| 22             | Minuteman Regional School District Assessment  | 32          |
| 23             | Amend Town Bylaws – Rules and Regulations for ‘Carry-In’ Liquor                                | 33          |
| 24             | Amend Town Bylaws – Non-Criminal Disposition for ‘Carry-In’ Bylaw                              | 37          |
| 25A            | Amend Zoning Bylaw – Amateur Radio Installation  | 38          |
| 25B            | Amend Zoning Bylaw – Amateur Radio Installation  | 41          |
| 26 *           | Amend Zoning Bylaw – Housekeeping  | 44          |
| 27 *           | Amend Zoning Bylaw – Reduce Split-Zoning of Parcels  | 48          |
| 28 *           | Amend Zoning Bylaw – Consolidate Affordable Housing Overlay District                           | 49          |
| 29 *           | Amend Zoning Bylaw – Reduce Split-Zoning of Parcels in the Affordable Housing Overlay District | 53          |
| 30 *           | Street Acceptance – Relocation and Layout of a Portion of Elm Street                           | 54          |
| 31 *           | Sidewalk Easement – Esker Way  | 54          |
| 32 *           | Sidewalk Easement – High Street  | 55          |
| 33 *           | Drainage Easement – Franklin Place   | 55          |
| 34 *           | Land Acceptance – Dunham Park Subdivision  | 56          |
| 35 *           | Street Acceptance – Dunham Lane  | 56          |

## **Board of Selectmen's Message**

**April 4, 2005**

This Town Meeting Warrant is your invitation to participate in the legislative portion of Acton's town government. Acton citizens have a longstanding tradition of governing themselves by means of an open Town Meeting. In order to achieve the best results we need your participation and encourage all Acton residents to attend. All registered voters are urged to participate in the debate and vote on the Articles presented. Other residents, even if they are not registered voters, are invited to attend and observe, or to view the proceedings on cable television channel 8.

F. Doré Hunter, Chair  
Peter K. Ashton, Vice-Chair  
Robert Johnson, Clerk  
William H. Shupert  
Walter M. Foster

*Board of Selectmen*

## **Town Manager's Message**

Respectfully submitted,

Don P. Johnson,  
Town Manager

## Finance Committee's Message

February 9, 2005

To The Voters of Acton,

The age old Chinese saying, "may you live in interesting times", still holds true for our town. Only the saying might be more apt to read something like "may you live in difficult times". We are aware of these times because the Finance Committee takes an active role in committee and board meetings. We routinely send representatives to many of these meetings, so that we can understand the needs of the town and the schools, remain involved in the process, while at the same time bringing the "bigger picture" to the debate.

These are truly trying times for our elected and appointed officials. Many sources of revenue have been on a steady decline for the past three years. Including the projections for this coming fiscal year, Acton will have lost over four million dollars in state aid alone (Chapter 70, School Transportation), a 21% drop in this category. The slowdown in the economy has also meant a decrease in tax revenue from new construction. Over the last three years this category has dropped from a high of \$895,000/year to a projected low of \$615,000 for this coming year, a 31% decline and a combined loss of \$700,000 in revenue over the three year period.

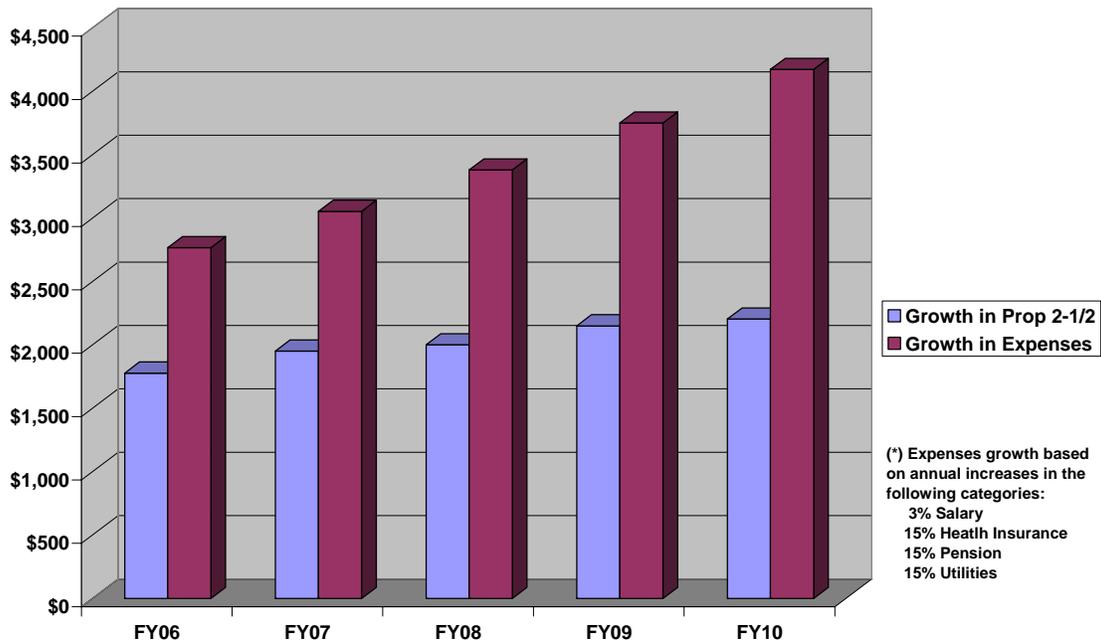
At the same time the operational side of our budget is in large part driven by salaries, benefits, pension costs and utilities. The salaries and benefits that we pay our employees are negotiated through collective bargaining with our labor unions. At the current level of service, every 1% increase in salaries costs the town approximately \$350,000. A 3% wage increase translates to slightly over \$1.0 million dollars. Health insurance costs are rising 15% annually, translating to an increase of \$1.0 million dollars in this category alone. Pension costs are going up 15% (a \$300,000 increase) and utilities anywhere from 10%-20% (a \$350,000 increase).

To put this in context, one needs to understand the constraints imposed on the town due to Proposition 2-1/2. For this coming fiscal year (FY 2006) the projected amount of new revenue will be \$1.77 million dollars. This consists of a \$1.16 million increase on the base tax levy and \$610,000 in new growth tax revenue. We would need \$2.7 million just to cover the increases in salaries, health insurance, pension and utilities alone for this coming year. That is approximately one million dollars more than what Proposition 2-1/2 affords us, without taking into account all the other aspects of our budget, which are equally in need of attention, if not more so.

Acton has been struggling with this delicate juggling act for quite some time now. During this time, and with the approval of the voters, the town's leadership made a conscientious decision to maintain as much of the direct service elements of our budget as possible. To balance our budgets town officials proposed a \$3M operating override in fiscal year 2004 which was approved by the voters. In addition, over the past few years they elected to utilize a variety of revenue sources, most of them non-recurring, to augment the property tax revenue (by far our biggest source of revenue). This has caused our reserves to reach dangerously low levels. At the same time, other aspects of our budget have been depressed to make this juggling act work. On going maintenance of buildings, grounds and roads, and police cruiser and vehicle replacement have been stretched to the maximum. Our schools have been pushing off the maintenance of the satellite school buildings, the replacement of textbooks and the replenishment of school supplies. We are at the point now where the "wells are dry", the "operational infrastructure" (tools, vehicles, supplies, etc.) needs attention, and we are faced with some difficult choices.

To “do more with less” is no longer practical, nor is it prudent. Any efficiencies in operating our town and school institutions have been identified, exercised and implemented over the last decade. To maintain the current level of service going out into the future, with the projected cost increases and with no new outside sources of revenue, will require a steady “diet” of operating overrides to Proposition 2-1/2 (see Figure 1). Without a consistent and dependable infusion of new revenue we are going to have to change our service delivery model. Plain and simple. So what does this mean?

**Figure 1: Proposition 2-1/2 vs. Growth in Expenses\***



The estimates from the Board of Selectmen and the School Committees are not pleasant. They might entail increasing elementary class sizes from 25 to 35 students. They might mean closing one of the older elementary schools for a number of years and redistributing 500 students to the other four schools. They will likely entail closing a fire station for a similar period of time. Police presence and shifts will be dramatically reduced. The library will shutter its doors for two, possibly three days a week. Our roads will have to endure more holes and our sidewalks will have to wait longer to get paved. These are the kinds of changes in service that we must consider if we are not going to override Proposition 2-1/2 on a regular basis.

Property taxes will also see a rise this year due to the borrowing that we are incurring for the School and Public Safety Building projects. This year we fixed our debt schedule for the Junior High School project after receiving the lion’s share of our state matching funds from the new State Building Assistance (SBA) program. If all goes well we will receive our matching funds for the High School project this time next year, at which time we will be able to fix our borrowing for that project and reduce the total annual debt service from \$3.5 million (FY 2006) to \$3.1 million (FY 2007).

Acton’s schools and municipal services continue to face an uncertain future because they are so heavily dependent upon the local property tax for their budgetary support. Acton’s citizens and voters will need to choose what pattern of services and tax increases they believe are necessary and appropriate. The Finance Committee looks forward to assisting Acton’s citizens and its committees and boards to understand and deal with these issues.

Respectfully submitted,

A handwritten signature in black ink, reading "Jonathan Chinitz". The signature is written in a cursive style with a large initial 'J' and a stylized 'C'.

Jonathan Chinitz  
Chair, Acton Finance Committee



**TOWN OF ACTON  
ANNUAL TOWN MEETING WARRANT**

*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 in their respective precincts to wit:

- Precinct 1 – Nagog Woods Club House – 100 Nonset Path**
- Precinct 2 – Conant School – 80 Taylor Road**
- Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road**
- Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road**
- Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road**
- Precinct 6 – Conant School – 80 Taylor Road**

On Tuesday, March 29, 2005 between 7:00 A.M. and 8:00 P.M., 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 eighth day of March 2005,

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

Moderator for one year, two Selectmen for three years, two members of the School Committee for three years, one Trustee of the Memorial Library for three years, one member of the Housing Authority for one year and one member of the Housing Authority for five years.

In addition, the Acton Water District will elect one Commissioner for three years and one Clerk for three years.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, April 4, 2005, at 7:00 P.M.**, then and there to act on the following articles:

**Legend**

One or more of the following symbols may follow an Article number:

| <b><u>Symbol</u></b> | <b><u>Description</u></b>                  |
|----------------------|--|
| *                    | This article is on the Consent Calendar    |
| #                    | This article submitted by Citizen Petition |

## 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 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.** Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to contact the official listed in the summary of the article or to contact the Town Manager's Office, by e-mail at [manager@acton-ma.gov](mailto:manager@acton-ma.gov) or by telephone at (978) 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 will then be removed from the Consent Calendar and restored to its original place in the Warrant, to be debated and voted in the usual manner. After the calling of the individual items in the Consent Calendar, the Moderator will ask that all remaining articles be passed **as a unit** by the voters.

Please carefully review the list of articles and motions proposed for each Consent item that follows. Complete summaries are included with each article printed in this warrant.

### Consent Calendar Articles and Motions

#### **Article 3 \* Council on Aging Van Enterprise Budget**

Move that the Town appropriate \$77,372 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$48,000 be raised from department receipts, \$11,100 be transferred from the Audubon Hill Gift Account and \$18,272 be transferred from retained earnings.

#### **Article 5 \* Septage Disposal Enterprise Budget**

Move that the Town appropriate \$127,117 for the purpose of septage disposal, and to raise such amount, \$127,117 be raised from department receipts.

#### **Article 6 \* Sewer Enterprise Budget**

Move that the Town appropriate \$1,560,607 for the purpose of operating the sewer system, and to raise such amount, \$1,560,607 be raised from department receipts.

#### **Article 7 \* Section 53E<sup>1/2</sup> Self-Funding Programs**

Move that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued for FY04 in the amounts and for the purposes set forth in the expense column of this Article.

**Article 8 \* Chapter 90 Highway Reimbursement Program**

Move that the Town Manager is authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

**Article 9 \* Insurance Proceeds**

Move that the Town Manager is authorized to accept insurance proceeds from all sources and such funds are hereby appropriated.

**Article 10 \* Federal and State Reimbursement Aid**

Move that the Town Manager is authorized to accept federal and state reimbursement funds from all sources and such funds are hereby appropriated for the purposes outlined by such reimbursement.

**Article 11 \* Sale of Foreclosed Properties**

Move in the words of the Article.

**Article 12 \* Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986**

Move that the Town continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions.

**Article 19 \* Town Board Support – Acton-Boxborough Cultural Council**

Move that the Town raise and appropriate \$2,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

**Article 26 \* Amend Zoning Bylaw – Housekeeping**

Move to adopt the bylaw amendments as set forth in the Article.

**Article 27 \* Amend Zoning Bylaw – Reduce Split-Zoning of Parcels**

Move to adopt the bylaw amendments as set forth in the Article.

**Article 28 \* Amend Zoning Bylaw – Consolidate Affordable Housing Overlay District**

Move to adopt the bylaw amendments as set forth in the Article.

**Article 29 \* Amend Zoning Bylaw – Reduce Split-Zoning of Parcels in the Affordable Housing Overlay District**

Move to adopt the bylaw amendments as set forth in the Article.

**Article 30 \* Relocation and Layout of a Portion of Elm Street**

Move to authorize the Board of Selectmen to acquire or take Parcel 8B shown on the Plan of the Relocation of a Portion of Elm Street in fee or easement as set forth in the Article.

**Article 31 \* Sidewalk Easement – Esker Way**

Move to accept the easement as set forth in the Article.

**Article 32 \* Sidewalk Easement – High Street**

Move to accept the easement as set forth in the Article.

**Article 33 \* Drainage Easement – Franklin Place**

Move to accept the easement as set forth in the Article.

**Article 34 \* Land Acceptance – Dunham Park Subdivision**

Move to authorize the Board of Selectmen to acquire or take the fee in Open Space Parcel A shown on Plan No.827 of 2001 as set forth in the Article.

**Article 35 \* Street Acceptance – Dunham Lane**

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 plans 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 plans or described in the Order of Layout.

Donald MacKenzie  
Town Moderator

## Articles

### ARTICLE 1 CHOOSE TOWN OFFICERS

(Majority vote)

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 per year                |
| Board of Selectmen, Member   | \$650.00 per year                |

, 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 and Trustees of the Citizens' Library Association of West Acton and establishes the salaries of the Town's elected officials.

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

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### ARTICLE 2 HEAR AND ACCEPT REPORTS

(Majority vote)

To see if the Town will accept reports and 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, any other reports Town Boards and Committees may need to offer, and to offer for acceptance, any reports of committees chosen at previous Town Meetings.

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Deferred</b>                  | <b>Deferred</b>                 |

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<sup>1</sup> Per Massachusetts Department of Revenue guidelines, the Town can budget revenues only in an amount equal to prior year receipts.

<sup>2</sup> Budgeted expense and estimated fund balance will be determined contingent on the outcome of the override election vote.

Direct inquiries to: Doug Halley, Health Director  
 health@acton-ma.gov / (978) 264-9634  
 Selectman assigned: Walter M. Foster: bos@acton-ma.gov

**Recommendations:**      **Board of Selectmen**      **Finance Committee**  
    **Recommended**                      **Deferred**

**ARTICLE 5 \*                      SEPTAGE DISPOSAL ENTERPRISE BUDGET**  
 (Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$127,117, or any other sum, for the purpose of septage disposal, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, 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, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to a water pollution abatement facility and to maintain the Town’s 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. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

| Fund Balance<br>6/30/04 | Budgeted Revenue<br>FY05 | Budgeted Expense<br>FY05 | Est. Fund Balance<br>6/30/05 | Budgeted Revenue<br>FY06    | Budgeted Expense<br>FY06 | Est. Fund Balance<br>6/30/06 |
|-------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|--------------------------|------------------------------|
| <b>\$48,117</b>         | <b>\$209,399</b>         | <b>\$209,399</b>         | <b>\$48,117</b>              | <b>\$79,000<sup>1</sup></b> | <b>\$127,117</b>         | <b>\$0</b>                   |

<sup>1</sup> Per Massachusetts Department of Revenue guidelines, the Town can budget revenues only in an amount equal to prior year receipts.

Direct inquiries to: Doug Halley, Health Director  
 health@acton-ma.gov / (978) 264-9634  
 Selectman assigned: William H. Shupert bos@acton-ma.gov

**Recommendations:**      **Board of Selectmen**      **Finance Committee**  
    **Recommended**                      **Deferred**

**ARTICLE 6 \* SEWER ENTERPRISE BUDGET**

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$1,560,607, or any other sum, for the purpose of operating and maintaining a sewer collection and treatment facility, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

**SUMMARY**

This article requests monies for operation of the municipal sewer system. Sewer charges, private sewer treatment plant fees, connection fees, sewer inspector fees, betterments, State and Federal aid for Sewers, and any other income derived from the operation of the municipal sewer system will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of sewerage disposal for the system. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees.

| Fund Balance 6/30/04 | Budgeted Revenue FY05 | Budgeted Expense FY05 | Est. Fund Balance 6/30/05 | Budgeted Revenue FY06 | Budgeted Expense FY06 | Est. Fund Balance 6/30/06 |
|----------------------|-----------------------|-----------------------|---------------------------|-----------------------|-----------------------|---------------------------|
| <b>\$627,894</b>     | <b>\$1,534,115</b>    | <b>\$1,534,115</b>    | <b>\$627,894</b>          | <b>\$1,560,607</b>    | <b>\$1,560,607</b>    | <b>\$627,894</b>          |

Direct inquiries to: John Murray, Assistant Town Manager  
 manager@acton-ma.gov / (978) 264-9612

Selectman assigned: William H. Shupert bos@acton-ma.gov

**Recommendations:**      **Board of Selectmen**              **Finance Committee**  
    **Recommended**                              **Deferred**

**ARTICLE 7 \* SECTION 53E½ SELF-FUNDING PROGRAMS**

(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53E½ to continue revolving funds for the Local School System, to be expended by the Superintendent of Schools; and for the Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services, Ambulance Fees and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

| Fund  | FY06 Estimated Revenue | FY06 Authorized Expenditure |
|---|------------------------|-----------------------------|
| <b>School Department</b>  |                        |                             |
| Douglas at Dawn/Dusk  | <b>\$140,000</b>       | <b>\$140,000</b>            |
| Merriam Mornings/Afternoons/Summer  | <b>\$175,000</b>       | <b>\$175,000</b>            |
| Gates Amazing Programs  | <b>\$40,000</b>        | <b>\$40,000</b>             |
| <b>Historic District Commission</b>   | <b>\$600</b>           | <b>\$600</b>                |
| <b>Building Department</b>  | <b>\$161,222</b>       | <b>\$161,222</b>            |
| Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees |                        |                             |

|                                       |                  |                 |
|---------------------------------------|------------------|-----------------|
| <b>Sealer of Weights and Measures</b> | <b>\$11,000</b>  | <b>\$11,451</b> |
| <b>Health Department</b>              |                  |                 |
| Food Service Inspections              | <b>\$26,469</b>  | <b>\$26,469</b> |
| Hazardous Materials Inspections       | <b>\$47,494</b>  | <b>\$47,494</b> |
| <b>Fire Department</b>                |                  |                 |
| Fire Alarm Network                    | <b>\$50,508</b>  | <b>\$50,508</b> |
| Ambulance Fees ♦                      | <b>\$250,000</b> | <b>\$25,000</b> |

, or take any other action relative thereto.

### SUMMARY

This article allows the Schools and Town to fully fund the extended day/summer programs of the Local Schools, Historic District Commission activities, Building Department inspectional programs, Sealer of Weights and Measures services, specified ongoing Health inspectional programs, Ambulance Fees and the Town-wide Fire Alarm Network from their respective receipts and fund balance. This article removes the cost of these services from the tax base. Fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of operating each program. If income exceeds costs, the excess is retained for use of the specific program in any subsequent period.

♦ An example of removing cost from the tax base is to purchase emergency apparatus for Fire Department use from the Ambulance Fees Revolving Fund. This Fund was established last year to isolate medical response revenues and utilize them for the replacement of emergency medical response vehicles. In this specific example, receipts from FY04, FY05 and FY06 would be combined to fund the purchase of one new fire truck that is used as one of the first-response vehicles to medical emergencies.

(For Budget Detail, excluding School Programs, please see Municipal Budget Supplement)

|   | FY 2003<br>Actual<br>Revenue | FY 2003<br>Actual<br>Expense | Fund<br>Balance<br>6/30/2003 | FY 2004<br>Budgeted<br>Revenue | FY 2004<br>Budgeted<br>Expense | FY 2004<br>Est. Fund<br>Balance | Actual<br>Revenue<br>2/4/2004 | Actual<br>Expense<br>2/4/2004 |
|---|------------------------------|------------------------------|------------------------------|--------------------------------|--------------------------------|---------------------------------|-------------------------------|-------------------------------|
| <b>School Department<sup>1</sup></b>  |                              |                              |                              |                                |                                |                                 |                               |                               |
| Douglas at Dawn/Dusk  | \$117,520                    | \$100,454                    | \$67,689                     | \$100,000                      | \$100,000                      | \$67,689                        | \$63,064                      | \$61,049                      |
| Merriam Mornings/Afternoons/Summer  | \$3,810                      | \$3,810                      | \$0                          | \$30,000                       | \$30,000                       | \$0                             | \$38,753                      | \$24,424                      |
| Gates Amazing Mornings/Afternoons   | \$3,447                      | \$1,867                      | \$10,040                     | \$30,000                       | \$30,000                       | \$10,040                        | \$900                         | \$650                         |
| <b>Historic District Commission<sup>2</sup></b>   |                              |                              |                              |                                |                                |                                 |                               |                               |
|   | \$20                         | \$12                         | \$571                        | \$600                          | \$600                          | \$571                           | \$0                           | \$0                           |
| <b>Building Department<sup>2</sup></b>  |                              |                              |                              |                                |                                |                                 |                               |                               |
|   | \$89,714                     | \$117,886                    | \$71,147                     | \$161,763                      | \$161,763                      | \$71,147                        | \$45,747                      | \$40,062                      |
| Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees |                              |                              |                              |                                |                                |                                 |                               |                               |
| <b>Sealer of Weights and Measures<sup>2</sup></b>   |                              |                              |                              |                                |                                |                                 |                               |                               |
|   | \$7,587                      | \$7,993                      | \$7,581                      | \$10,315                       | \$10,315                       | \$7,581                         | \$2,320                       | \$7,382                       |
| <b>Health Department<sup>2</sup></b>  |                              |                              |                              |                                |                                |                                 |                               |                               |
| Food Service Inspections  | \$21,415                     | \$19,221                     | \$23,661                     | \$24,754                       | \$24,754                       | \$23,661                        | \$16,080                      | \$11,712                      |
| Hazardous Materials Inspection  | \$27,920                     | \$23,706                     | \$17,401                     | \$90,799                       | \$90,799                       | \$17,401                        | \$6,705                       | \$14,873                      |
| <b>Fire Department<sup>2</sup></b>  |                              |                              |                              |                                |                                |                                 |                               |                               |
| Fire Alarm Network  | \$42,340                     | \$37,540                     | \$72,423                     | \$46,099                       | \$46,099                       | \$72,423                        | \$505                         | \$12,599                      |
| Ambulance Fees  | \$44,427                     | \$0                          | \$44,427                     | \$0                            | \$0                            | \$44,427                        | \$89,245                      | \$0                           |

All Monetary Figures Rounded to the Nearest Dollar

Direct inquiries to: <sup>1</sup> Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700  
<sup>2</sup> John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Robert Johnson: bos@acton-ma.gov

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

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**ARTICLE 10 \*      FEDERAL AND STATE REIMBURSEMENT AID**  
(Majority vote)

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 occurrence during fiscal year 2006, or take any other action relative thereto.

**SUMMARY**

The Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) each provide planning and mitigation monies to cities and towns, and each reimburses for certain costs during declared emergencies. In addition, monies may be distributed for Homeland Defense, other Federal programs and other State programs. This article would authorize the Town to expend all such reimbursements.

Direct inquiries to: John Murray, Assistant Town Manager  
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

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**ARTICLE 11 \*      SALE OF FORECLOSED PROPERTIES**  
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to dispose of foreclosed properties acquired by the Town for nonpayment of taxes in accordance with the provisions of Massachusetts General Laws, or take any other action relative thereto.

**SUMMARY**

This article grants authority to the Board of Selectmen to sell and convey properties that the Town has obtained via tax foreclosure.

Direct inquiries to: John Murray, Assistant Town Manager  
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter K. Ashton: bos@acton-ma.gov

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

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**SECTION 2.** Notwithstanding any other provisions of law, including General Laws chapters fifty-nine and sixty, the Board of Selectmen of the Town of Acton may establish a program to allow an annual exemption from local property tax on a Class one A, Senior Primary Residence, equal to the difference between the full amount of property tax due and an amount of tax being equal to the previous year's tax bill indexed by the rate of increase granted by the Social Security Administration, the "Senior Adjusted Tax", provided that the sum of all exclusions granted by the town under this section for any tax year shall not exceed more than twenty-five per cent of the assessed value of all Class One, residential, parcels within such the town. This exemption shall be in addition to any exemptions allowable under section five of chapter fifty-nine; provided, however, that in no instance shall the taxable valuation of such property after all applicable exemptions be reduced below fifty per cent of its full and fair cash valuation, except through the applicability of section eight A of chapter fifty-eight and of clause eighteenth of section five of chapter fifty-nine. Where, under the provisions of section five of chapter fifty-nine, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for purposes of the preceding sentence shall be computed by dividing the said amount of tax by the residential class tax rate of the town and multiplying the result by one thousand dollars. Under said program, the total amount of the exemptions granted may shifted to any single class or multiple classes of property, within said town, provided that the percentage of tax levy imposed on any single class of property shall not exceed 1.75 times the amount imposed under full and fair cash valuation of all taxable property. For purposes of this paragraph, ""parcel" shall mean a unit of real property as defined by the assessors in accordance with the deed for such property and shall include a condominium unit and ownership shall be defined by the deed for such property.

**SECTION 3.** This act shall take effect upon its passage.

Or to take any other action relative thereto.

#### **SUMMARY**

Retired seniors living on fixed incomes find it particularly difficult to meet the increasing burden of property tax increases. This article requests the Legislature, through a "Home Rule Petition," to authorize the town to institute a new form of property tax relief for seniors in Acton. This legislation would create a new tax classification for retired seniors living in Acton and would limit future annual increases in their property taxes to an amount no greater than the annual rate of increase in Social Security benefits. Eligibility is subject to certain income and asset limitations.

Direct inquiries to: Peter Ashton, Vice-Chair, Board of Selectmen  
bos@acton-ma.gov / (978) 264-9611

Selectman assigned: Peter K. Ashton: bos@acton-ma.gov

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

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**ARTICLE 16 NESWC ENTERPRISE BUDGET**  
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$xxx, or any other sum, for the purpose of solid waste disposal in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

**SUMMARY**

[Needs to be rewritten]

| Fund Balance<br>6/30/04 | Revised Revenue<br>FY05 | Revised Expense<br>FY05 | Est. Fund Balance<br>6/30/05 | Budgeted Revenue<br>FY06 | Budgeted Expense<br>FY06 | Est. Fund Balance<br>6/30/06 |
|-------------------------|-------------------------|-------------------------|------------------------------|--------------------------|--------------------------|------------------------------|
| <b>\$3,691,290</b>      | <b>\$1,600,000</b>      | <b>\$1,800,000</b>      | <b>\$3,491,290</b>           | <b>\$400,000</b>         | <b>\$963,306</b>         | <b>\$2,927,984</b>           |

Direct inquiries to: John Murray, Assistant Town Manager  
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Robert Johnson: bos@acton-ma.gov

**Recommendations:**      Board of Selectmen      Finance Committee  
   **Recommended**                      **Deferred**

**ARTICLE 17 COMMUNITY PRESERVATION PROGRAM**  
(Majority vote)      **DIRECT APPROPRIATIONS FROM FUND BALANCE**

To see if the Town will vote to appropriate or to set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2004 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation:

| <b>FY 2004 COMMUNITY PRESERVATION FUND BALANCE</b>  |                            |
|---|----------------------------|
| Community Preservation Fund Surcharge Collected in FY 2004  | \$ 539,863.00              |
| State Community Preservation Trust Fund Receipt, October 2004   | \$ 534,467.00              |
| Interest Earned FY 2004   | \$ 4,155.00                |
| Unencumbered funds from FY 2003 Fund Balance  | \$ 70,972.71               |
| <b>Total - FY 2004 Community Preservation Fund Balance</b>  | <b>\$1,149,457.71</b>      |
| <b>APPROPRIATIONS</b>   |                            |
| <b>Purpose</b>  | <b>Recommended Amounts</b> |
| <b>Set Aside Appropriation – Open Space</b>   |                            |
| A. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration                  | \$ 300,000.00              |
| <b>Spending Appropriations</b>  |                            |
| B. Design and Construction of a Recreational Area at McCarthy Village   | \$ 20,000.00               |
| C. Community Housing Program Fund - Creation, Preservation, and Support of Community Housing in the Town of Acton | \$ 160,000.00              |

|   |                       |
|---|-----------------------|
| <b>D.</b> Jones Tavern Chimney Stabilization  | \$ 30,000.00          |
| <b>E.</b> Town Hall Slate Roof Replacement  | \$ 120,000.00         |
| <b>F.</b> Library Restoration for the Display of Acton's Civil War Artifacts  | \$ 30,150.00          |
| <b>G.</b> Colonel Francis Faulkner Memorial Plaque Replacement  | \$ 1,000.00           |
| <b>H.</b> Pine Hawk Curatorial Display  | \$ 24,000.00          |
| <b>I.</b> Antique Fire Apparatus Restoration  | \$ 20,000.00          |
| <b>J.</b> Bruce Freeman Rail Trail Start-up Funding   | \$ 75,000.00          |
| <b>K.</b> Create a New Multi-Use Recreation Space at Leary Field  | \$ 250,000.00         |
| <b>Administrative Spending Appropriation</b>  |                       |
| <b>L.</b> A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee | \$ 53,716.50          |
|   |                       |
| <b>Total Recommended Appropriations</b>   | <b>\$1,083,866.50</b> |
| Remaining FY 2004 fund balance  | \$ 65,591.21          |

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended appropriations for open space, historic preservation, and community housing each exceed 10% of the Community Preservation Fund balance.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2004 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% (\$114,945.78) for open space, not less than 10% (\$114,945.78) for historic preservation, and not less than 10% (\$114,945.78) for community housing.

, or take any other action relative thereto.

### **SUMMARY**

This article would make appropriations from the Town's Community Preservation Fund. In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B (M.G.L. Ch. 44B). This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the law, the Community Preservation Fund may be used to acquire, create and preserve open space; to acquire, preserve, rehabilitate, and restore historic resources; to create, preserve and support community housing; to acquire, create and preserve land for recreational use; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families. This is the second year of appropriations from Acton's Community Preservation Fund.

Local adoption of the Community Preservation Act established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process

of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund.

In October, the Community Preservation Committee published its 2005 Community Preservation Plan with guidelines for the submission of projects seeking funding. By November 12, 2004, it had received thirteen funding applications for proposed community preservation projects. The Committee reviewed all proposals, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under M.G.L. Ch. 44B. This article represents the Committee's spending recommendations from the Community Preservation Fund balance. All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. Not all projects that were proposed to the Community Preservation Committee have been recommended for funding, and some of the recommended projects have not been recommended at the funding level that their proponents had requested. The recommended appropriations leave a remaining fund balance of \$65,591.21 that is available for future Town Meeting appropriations under the Community Preservation Act.

Under M.G.L. Ch. 44B, Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase appropriations. However, M.G.L. Ch. 44B requires that the Community Preservation Committee recommends in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: Open space (not including land for active recreation purposes); historic preservation; and community housing. The Committee may also recommend the taking by the Town of interest in real property, the set-aside of funds for later spending, and appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses.

#### **A. Open Space Set-Aside**

This item sets aside a fund from which Town Meeting may appropriate spending in future years for the purpose of acquisition, creation, and preservation of open space and the rehabilitation and restoration of such open space. Together with last year's open space appropriation, the recommended amount will bring the balance in the open space set-aside to \$500,000.

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

#### **B. McCarthy Village Recreational Area**

The Acton Housing Authority owns McCarthy Village and rents its 35 housing units to low-income families and individuals. McCarthy Village is located on Sachus Way off Great Road just north of Harris Street. The requested appropriation is for the design and construction of a recreational area at McCarthy Village to benefit its residents. The project will be carried out by the Acton Housing Authority, which will hire a project designer and contractor. Initial concepts include items such as a picnic area, a sand volleyball court, a basketball backboard, and a horseshoe/bocce court. There are currently no recreational or playground facilities at McCarthy Village. Twenty-six children presently live there.

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

#### **C. Community Housing Program Fund**

This requested appropriation will be for the creation, preservation, and support of community housing in the Town of Acton, and will supplement and incorporate the Community Housing Fund appropriations of 2004. The Program Fund would be used to finance new affordable housing initiatives. This set-aside fund

will be retained as a special CPA fund earmarked for appropriate affordable housing activities recommended by the Acton Community Housing Corporation (ACHC) or any other entity approved by the Board of Selectmen. Many of the potential uses of the Program Fund could create affordable housing units in existing properties without the need for new construction and further sprawl. This Fund could be used in a variety of ways to serve low- and moderate-income households in Acton seeking affordable housing, both rental and homeownership.

Some of the allowable uses of the Fund include acquisition, rehabilitation, and conversion of existing housing stock; new development; refinancing or repurchase of existing affordability restrictions about to expire; purchase of new affordable housing deed restrictions; accessibility modifications of affordable units for persons with disabilities; and assistance to low- and moderate-income buyers with mortgage costs, down payments, site improvements, or closing costs.

The ACHC would keep the Community Preservation Committee and the Board of Selectmen informed about the use of this Fund with periodic reports and would seek guidance if appropriate.

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

#### **D. Jones Tavern Chimney Stabilization**

Jones Tavern in South Acton Village is an important historic and cultural resource in Acton. The pre-revolutionary tavern is on the National Register of Historic Places. Iron Work Farm in Acton, Inc. is an educational non-profit historical corporation, and has owned the property since 1964. The recommended appropriation will provide Iron Work Farm with funds to stabilize and restore the building's four brick chimneys, which date from 1732 to 1845. The work has become necessary due to cracks and deep erosion of the mortar joints, and the disintegration of interior flue partitions. Iron Work Farm has committed \$5,000 in additional funds to the project.

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

#### **E. Town Hall Slate Roof Replacement**

The Acton Town Hall is an important historic and cultural resource and on the National Register of Historic Places. It houses all municipal administrative functions. The slate roof on the historic portion of the building is original to the building, which was constructed in 1862-64. This recommended appropriation will provide the Town with funds to replace roof slates, flashing, deteriorated sheathing boards, and other related work as necessary. The roof began shedding slates some years ago and the failure rate seems to be accelerating. A recent inspection found many broken, cracked, and loose slates, and that the slates are weathered and near the end of their useful life. Additionally, the inspection uncovered open joints between the slates, pinholes on the ridge flashing, and water stains on interior rafters indicating current leakage. If left unattended, more moisture will infiltrate and deteriorate the building's structural members and interior finishes, as has already occurred in the Selectmen's hearing room, Room 204.

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

#### **F. Library Restoration for the Display of Acton's Civil War Artifacts**

This appropriation will restore the original Acton Memorial Library building so as to once again allow the display of Civil War era documents and artifacts that the library has in storage and that were donated by and relating to Acton citizens who fought, and often died, in the Civil War. The original library building

was constructed and donated to the Town in 1890 by William Wilde in memory of Acton citizens who fought in the Civil War. It is on the National Register of Historic Places and the only Civil War memorial in Acton. During the recent library expansion, the old building was reconditioned and space was set aside for the display of the Civil War artifacts in keeping with the buildings original design. The project includes items such as the restoration of three alcoves as exhibit space; design of the exhibit; installation of protective exhibit panels and cases, text, graphics, photos, and appropriate lighting. The Acton Memorial Library Trustees have committed \$4,000 of additional funding to this project.

|                         |                                  |                                 |  |
|-------------------------|----------------------------------|---------------------------------|--|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |  |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |  |

**G. Colonel Francis Faulkner Memorial Plaque Replacement**

Colonel Francis Faulkner was Acton’s longest serving Selectman from 1760 to 1796 during which time he also served as Town Clerk. He distinguished himself in numerous ways throughout his years of service and particularly during the tumultuous times of the American Revolution. In 1925, a bronze tablet in his honor was placed in the new Acton High School building (Towne School) along with several other memorial tablets. All these memorials were stripped and got lost when the building was converted to an elementary school in the 1970s. With the recommended appropriation the Town will obtain a new plaque memorializing Francis Faulkner and place it in the Selectmen’s hearing room, Town Hall Room 204.

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

**H. Pine Hawk Curatorial Display**

This recommended appropriation will fund the creation of a secure, climate controlled curatorial display in the Acton Town Hall of 4000 to 8000 year-old Native American artifacts found at the Pine Hawk Site. These artifacts were discovered on a terrace overlooking the Assabet River during an intensive archeological dig after routine site investigations for the construction of the Fort Pond Brook Sewer District treatment plant suggested the potential presence of historic artifacts. The collection, which includes numerous projectile points, stone tools, charcoal fragments, and stone shards, is federally protected and currently in safe storage at the Public Archeology Lab in Rhode Island. This project will make the collection of artifacts accessible to Acton residents. The display must meet Federal and Massachusetts Historical Commission standards.

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |



This recommend appropriation will help fund the creation of a new and expanded multi-use recreation space at Leary Field. The project will replace the present grass and dirt surface with a larger artificial "Field Turf" surface (or equivalent material) that will accommodate football, full-size soccer and lacrosse, and other sports and community activities. It includes related improvements required for the Field Turf installation, such as grading and drainage, and to support the multi-use purpose of the new Leary Field, such as movable goal posts and new track pits. Field Turf is expected to support usage for 250 or more days in a year. This will allow community-wide use of the new facility. An inter-municipal agreement between the Town of Acton and the Acton-Boxborough Regional School district sets forth the terms by which the new Leary Field will be shared. The vastly extended usage times without the need for rest periods makes the new Leary Field project equivalent to the creation of new play fields elsewhere in Town. Field Turf offers an 8-year warranty. These installations have performed well and reliably for more than a decade and, by all accounts, provide a safer playing surface resulting in fewer injuries. The entire project cost is estimated at \$750,000, with 1/3 from this appropriation of Community Preservation funds, 1/3 from private donations, and 1/3 from the high school expansion capital project fund. Field maintenance will be performed with a multipurpose sweeper/groomer. The estimated annual maintenance cost is approximately \$6,000, as compared to +/- \$50,000 per occurrence for natural sod replacements. The new Leary Field will not require irrigation, fertilizers, herbicides, or pesticides.

**Recommendations:**            **Board of Selectmen**            **Finance Committee**  
    **Recommended**                            **Deferred**

**L. Administrative and Operating Expenses**

The requested appropriation is 5% of the FY 2004 revenues in the community preservation fund as provided in the M.G.L. Ch. 44B, S. 6 (local surcharge plus State trust fund receipt). It reimburses the Town for administrative and legal support services for the Community Preservation Committee and Program.

**Recommendations:**            **Board of Selectmen**            **Finance Committee**  
    **Recommended**                            **Deferred**

Direct Inquiries to: Roland Bartl, AICP, Town Planner  
    planning@acton-ma.gov / (978) 264-9636  
 Selectman assigned: Walter M. Foster: bos@acton-ma.gov

**ARTICLE 18            INTER-MUNICIPAL AGREEMENT – LEARY FIELD**  
 (Majority Vote)

To see if the Town will authorize the Board of Selectmen and the Town Manager to enter into an Inter-Municipal Agreement pursuant to M.G.L. c. 40, § 4A, between the Town of Acton and the Acton-Boxborough Regional School District relative to the construction, funding, use and maintenance of the new Leary Field to be located on the District's Central Campus adjacent to the Acton-Boxborough Regional High School, which agreement shall be substantially in the form of the proposed Agreement on file with the Town Clerk, shall specify the Town's maximum financial liability as \$250,000 for construction of the new Leary Field funded by Community Preservation Act Funds appropriated under Article 17 of the Warrant for this Town Meeting, and shall contain such further terms, conditions and modifications as the Board of Selectmen determine to be appropriate, or take any other action relative thereto.

**[Need Summary]**

Direct inquiries to: Don P. Johnson, Town Manager  
manager@acton-ma.gov / (978) 264-9612  
Selectman assigned: Walter M. Foster: bos@acton-ma.gov

**Recommendations:**      **Board of Selectmen**      **Finance Committee**  
   **Recommended**                      **Deferred**

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**ARTICLE 19 \*      TOWN BOARD SUPPORT**  
(Majority vote)      **ACTON-BOXBOROUGH CULTURAL COUNCIL**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$2,000, or any other sum, to be expended by the Town Manager for the ongoing expenses of the Acton-Boxborough Cultural Council for programs in Acton, or take any other action relative thereto.

**SUMMARY**

The Acton-Boxborough Cultural Council (ABCC) seeks a sum of money to produce cultural activities and programming in Acton. These funds will help to foster collaborations among local artists and cultural organizations and to address the cultural needs of the Town. This will augment the funds received by the ABCC from the State through the Massachusetts Cultural Council.

Direct inquiries to: Don P. Johnson, Town Manager  
manager@acton-ma.gov / (978) 264-9612  
Selectman assigned: William H. Shupert bos@acton-ma.gov

**Recommendations:**      **Board of Selectmen**      **Finance Committee**  
   **Recommended**                      **Deferred**

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**ARTICLE 20      ACTON PUBLIC SCHOOLS BUDGET**  
(Majority vote)

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 Acton Public School System, or take any other action relative thereto.

**SUMMARY**

This article requests funds for fiscal year 2006 (July 1, 2005 through June 30, 2006) for the Town of Acton Local Schools' Operating Budget.

Direct inquiries to: Bill Ryan, Superintendent of Schools  
bryan@mail.ab.mec.edu / (978) 264-4700  
Selectman assigned: Peter K. Ashton bos@acton-ma.gov

**Recommendations:**      **Board of Selectmen**      **Finance Committee**  
   **Recommended**                      **Recommended**

---

**ARTICLE 21      ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT ASSESSMENT**  
(Majority vote)

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 Acton-Boxborough Regional School District, or take any other action relative thereto.

**SUMMARY**

This article requests funds for fiscal year 2006 (July 1, 2005 through June 30, 2006) for the Acton-Boxborough Regional School District Assessment. This assessment, voted by the Acton-Boxborough Regional District School Committee, is governed by the terms of the Acton-Boxborough Regional School District Agreement.

Direct inquiries to: Bill Ryan, Superintendent of Schools  
bryan@mail.ab.mec.edu / (978) 264-4700  
Selectman assigned: Peter K. Ashton bos@acton-ma.gov

**Recommendations:**      Board of Selectmen      Finance Committee  
                                 **Recommended**                      **Recommended**

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**ARTICLE 22      MINUTEMAN REGIONAL SCHOOL DISTRICT ASSESSMENT**  
(Majority vote)

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 Regional Vocational Technical School District, or take any other action relative thereto.

**SUMMARY**

This article requests funds for fiscal year 2006 (July 1, 2005 through June 30, 2006) for the Minuteman Regional Vocational Technical School District Assessment. This assessment, voted by the Minuteman School Committee, is governed by the terms of the Minuteman School District Agreement.

Direct inquiries to: William Callahan, Superintendent  
wcallahan@minuteman.org / (781) 861-6500  
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

**Recommendations:**      Board of Selectmen      Finance Committee  
                                 **Recommended**                      **Deferred**

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To see if the Town will vote to amend the general Bylaws of the Town by adding the following new Chapter T after Chapter S:

**Chapter T "Carry-In" Intoxicating Beverages Bylaw**

**1. Definitions**

For purposes of this bylaw, the following terms shall have the following meanings:

"Board" shall mean the Board of Selectmen acting as the Town's local licensing authority for common victuallers under chapter 140 of the General Laws.

"Bylaw" shall mean this bylaw applicable to Carry-In Permission for intoxicating beverages to restaurants operated by common victuallers.

"Carry-In Permission" shall mean permission granted by the Board to a common victualler under this bylaw to allow intoxicating beverages to be brought by patrons and customers into and consumed in a restaurant which is owned, operated, leased, maintained or otherwise controlled by the common victualler.

"Common Victualler" shall mean a person duly licensed under the provisions of chapter 140 of the General Laws to conduct a restaurant.

"Intoxicating Beverages" shall mean intoxicating beverages as defined in chapter 138, section 1 of the General Laws.

"Restaurant" shall mean a restaurant as defined in chapter 138, section 1 of the General Laws.

**2. General Rules**

No common victualler shall permit intoxicating beverages to be consumed in a restaurant which is owned, operated, leased, maintained or otherwise controlled by the common victualler except pursuant to a valid license issued under the provisions of chapter 138 of the General Laws or pursuant to and in strict conformity with this bylaw and regulations adopted by the Board pursuant to this bylaw.

**3. Carry-In Permission for Intoxicating Beverages**

The Board may grant Carry-In Permission to a common victualler to allow intoxicating beverages to be brought by patrons and customers into and consumed in a restaurant which is owned, operated, leased, maintained or otherwise controlled by the common victualler provided that:

- a. Application for such Carry-In Permission shall be made to the Board at the time of the initial or renewal application for a common victualler's license.
- b. The applicant for such Carry-In Permission shall not be less than twenty-one years of age and must be a person of good character in the Town.
- c. No Carry-In Permission shall be issued to any applicant who has been convicted of a violation of a federal or state narcotic drugs law.

- d. No Carry-In Permission shall be issued to any fast food restaurant.
- e. No Carry-In Permission shall be issued to any applicant who has a license for the restaurant issued under the provisions of chapter 138 of the General Laws.
- f. No Carry-In Permission shall be issued to any applicant whose license for the restaurant issued under the provisions of chapter 138 of the General Laws has been suspended or revoked, or to any person, firm, corporation, association or other combination of persons affiliated, directly or indirectly, with such licensee through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever.
- g. Before approving or renewing Carry-In Permission, the Board may cause an examination or examinations to be made of the premises of the applicant or may otherwise review such evidence as the Board deems credible to determine whether such premises comply in all respects with the appropriate definitions of section one and whether activities conducted on the premises comply in all respects with the provisions of this Bylaw. The Board may deny Carry-In Permission or renewal of Carry-In Permission to any applicant where the premises and/or the activities conducted on the premises do not in the Board's judgment so comply.
- h. The Board may refuse to grant Carry-In Permission in certain geographical areas of the Town, where the character of the neighborhood may warrant such refusal.
- i. The common victualler shall comply with any and all conditions imposed by the Board with respect to such Carry-In Permission, including without limitation conditions with respect to hours and days during which such intoxicating beverages may be consumed in the restaurant and the insurance which shall be carried with respect to operation of the restaurant having Carry-In Permission.
- j. Carry-In Permission under this Bylaw shall be not be transferable between persons or locations except with the advance permission of the Board and then only if consistent with the public interest. Carry-In Permission shall be revocable as provided herein.
- k. Approval of Carry-In Permission under this bylaw shall not create any property rights; rather such permission is authorized solely to serve the public need and in such a manner as to protect the common good.
- l. Every approval of Carry-In Permission under the provisions of this bylaw shall expire on December thirty-first of the year of issue, subject, however, to earlier revocation or cancellation within its term.

**4. Obligations of A Common Victualler Granted Carry-In Permission for Intoxicating Beverages**

Any common victualler approved for Carry-In Permission shall at all times comply with the following requirements:

- a. The common victualler shall not permit any person under the age of twenty-one to consume intoxicating beverages in the restaurant. Any person bringing or accompanying any person bringing intoxicating beverages into a restaurant having Carry-In Permission shall, upon request of the common victualler, an Acton police officer, or an agent of the Board, state his name, age, and address, and produce a valid identification document. The common

victualler shall verify by appropriate picture identification that any patrons and customers consuming such intoxicating beverages in the restaurant are twenty-one years of age or older. Any common victualler, or agent or employee thereof, under this bylaw who reasonably relies on a valid operator's license issued by the registry of motor vehicles pursuant to section eight of chapter ninety, a valid liquor purchase identification card issued pursuant to chapter 138, section 34B, a valid passport issued by the United States government or by the government of a foreign country recognized by the United States government, or a valid United States issued military identification card, for proof of a person's identity and age shall not suffer any modification, suspension, revocation or cancellation of its Carry-In Permission or common victuallers license by virtue of that individual's under-age drinking in the restaurant.

- b. The common victualler shall only allow intoxicating beverages to be consumed in the dining room or dining rooms of the restaurant.
- c. The common victualler shall ensure that intoxicating beverages are not consumed in the restaurant by customers or patrons so as to cause or contribute to their becoming unruly and/or a danger to themselves or others either in the restaurant or on the public ways upon leaving the restaurant. The common victualler is hereby authorized to confiscate all remaining intoxicating beverages from any patrons or customers who appear to present a danger of becoming unruly and/or becoming a danger to themselves or others either in the restaurant or on the public ways by virtue of the consumption of intoxicating beverages. Any customers or patrons of a restaurant with Carry-In Permission shall be deemed at all times to consent to such confiscation if deemed necessary by the common victualler.
- d. The common victualler shall immediately report to the Acton Police Department any situation in which customers or patrons consuming alcohol in the restaurant appear to present a danger to themselves or others either in the restaurant or on the public ways by virtue of the consumption of intoxicating beverages.

## **5. Regulations**

The board may promulgate rules and regulations not inconsistent with the provisions of this bylaw for clarifying, carrying out, enforcing, implementing and preventing violations of, all and any of its provisions. Without limitation, the Board may make regulations (a) limiting the number of approvals for Carry-In Permission to be issued under this Bylaw, (b) determining the fee to be charged for Carry-In Permission under this bylaw, which fee shall not be more than double the license fee for a common victualler's license, (c) determining the method and frequency of inspection of the premises and method of carrying on the business of any common victualler having Carry-In Permission hereunder, and (d) for the proper and orderly conduct of any business having Carry-In Permission hereunder.

## **6. Penalties for Violation**

Violation by a common victualler of this Bylaw or any regulation promulgated by the Board pursuant to this Bylaw shall be punishable by a fine of three hundred dollars per offense. Each day a violation continues shall be considered a separate offense.

Any person bringing intoxicating beverages into or consuming intoxicating beverages in a restaurant having Carry-In Permission shall be punished by a fine of three hundred dollars per offense for any of the following violations of this bylaw: (a) refusing, upon request of the common victualler, an Acton police officer, or an agent of the Board, to state his name, age, and address, and produce a valid identification document, (b) stating in response to such request a false name, age, or address, including a name or



**ARTICLE 24**  
(Majority vote)

**AMEND TOWN BYLAWS**  
**NON-CRIMINAL DISPOSITION FOR ‘CARRY-IN’ BYLAW**

To see if the Town will vote to amend Section E45 (Non-Criminal Disposition) of Chapter E (the General Public Regulations) of the Bylaws of the Town by adding the following to the list of bylaws, rules and regulations included within the scope of the Non-Criminal Disposition bylaw:

Chapter T, sections 1-9: “Carry-In” Intoxicating Beverages Bylaw, and any regulations adopted by the Board of Selectmen pursuant to said bylaw – enforcing person – regular police officer – Fine \$300.00, each offense,

or take any other action relative thereto.

**SUMMARY**

**[Need Summary]**

Direct inquiries to:

Selectman assigned: /  
William H. Shupert bos@acton-ma.gov

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Deferred</b>                  | <b>Deferred</b>                 |

**ARTICLE 25A AMEND ZONING BYLAW – AMATEUR RADIO INSTALLATION**  
 (Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows:

A. Insert under section 3.2 – General Uses, a new use definition as sub-section 3.2.4 as follows:

3.2.4 Amateur Radio Installation – One or more antennas or antenna STRUCTURES owned and used exclusively by an amateur radio operator with a valid and current amateur radio operator’s license issued by the Federal Communications Commission (FCC), subject to the following restrictions and limitations:

- 3.2.4.1 No antennas and antenna STRUCTURES shall be located in the front yard of a principal BUILDING as defined in Section 5.2.4.
- 3.2.4.2 The operator of the Amateur Radio Installation, or the owner of the LOT, shall dismantle and remove the antennas or antenna STRUCTURES within one year after the cessation of a FCC-licensed operator’s ownership or tenancy, or the expiration or rescission of the operator’s FCC license.
- 3.2.4.3 The base of an antenna or antenna STRUCTURE shall be surrounded by a fence with a locked gate or shall be equipped with an effective anti-climb device.

B. Insert under section 3 – Table of Principal Uses, a new line 3.2.4 as follows:

|                         |                            | RESIDENTIAL DISTRICTS |                        |     |      |        | VILLAGE DISTRICTS |       |     |     |     | OFFICE DISTRICTS |      |
|-------------------------|----------------------------|-----------------------|------------------------|-----|------|--------|-------------------|-------|-----|-----|-----|------------------|------|
| PRINCIPAL USES          |                            | R-2<br>R-8<br>R-10    | R-4<br>R-8/4<br>R-10/8 | R-A | R-AA | V<br>R | EAV               | EAV-2 | NAV | SAV | WAV | OP-1             | OP-2 |
| <b>3.2 GENERAL USES</b> |                            |                       |                        |     |      |        |                   |       |     |     |     |                  |      |
| 3.2.4                   | Amateur Radio Installation | Y                     |                        | Y   | Y    | Y      | Y                 | Y     | Y   | Y   | Y   | Y                | Y    |

|                         |                            | BUSINESS DISTRICTS |    |    | INDUSTRIAL DISTRICTS |    |      |    |    | SP. DIST. |           |
|-------------------------|----------------------------|--------------------|----|----|----------------------|----|------|----|----|-----------|-----------|
| PRINCIPAL USES          |                            | KC                 | LB | PM | GI                   | LI | LI-1 | SM | TD | ARC       | SITE PLAN |
| <b>3.2 GENERAL USES</b> |                            |                    |    |    |                      |    |      |    |    |           |           |
| 3.2.4                   | Amateur Radio Installation | Y                  | Y  | Y  | Y                    | Y  | Y    | Y  | Y  | Y         | NR        |

C. Delete section 3.10.3 – Applicability of Special Requirements for Wireless Communication Facilities, and replace it with a new section 3.10.3 as follows:

3.10.3 Applicability – This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996. Nothing in this section shall be construed to regulate or prohibit customary installations for the reception of wireless communication signals at home or business locations, or Amateur Radio Installations as defined in section 3.2.4.

*[Note: Section 3.10.3 currently states as follows:*

*3.10.3 Applicability – This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996. Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of wireless communication*

*signals at home or business locations, and nothing in this Bylaw shall be construed to regulate or prohibit an antenna installed solely for use by a federally licensed amateur radio operator, provided that the height of such antenna does not exceed applicable height limitations and, if freestanding, that it is set back from all LOT lines at least the distance equal to its height, but not less than the otherwise applicable minimum yard requirement.]*

- D. In section 4.3.6.3 – Treatment and Renovation of Runoff, add the following sentence at the end of the section:

“This section shall not apply to Amateur Radio Installations.”

*[Note: Section 4.3.6.3 currently reads:*

*4.3.6.3 Treatment and Renovation of Runoff – All water runoff from IMPERVIOUS COVERS shall be funneled into gas trap catch basins. In addition, the first (1st) inch of every storm event shall be directed into a retention pond(s), where it shall be retained for an average of at least 3 days prior to recharge into the ground or discharge from the site. The retention pond(s) shall be exposed to sunlight, vegetated, and lined with soil featuring a permeability of 0.0001 cm/sec (0.1417 in/hr) or less. A DIVERSION BOX shall direct all water, which falls onto the site in excess of one (1) inch during a single storm event, toward additional storage, direct infiltration, or discharge from the site. Alternate methods of runoff treatment and renovation may be approved by the Special Permit Granting Authority if the Special Permit Granting Authority determines the intent of this Section is met.]*

- E. Insert in section 8 – Nonconforming Lots, Uses, Structures, and Parking; Exemptions; a new subsection 8.10 as follows:

8.10 Exemption for Amateur Radio Installations – The limitations of this Zoning Bylaw pertaining to the height of BUILDINGS and STRUCTURES and the requirements for a minimum number of parking spaces in Section 6.3 shall not apply to Amateur Radio Installations as defined in Section 3.2.4.

- F. Insert in section 9B.4 – Allowed Uses in a Senior Residence Development, a new subsection 9B.4.9 as follows:

9B.4.9 Amateur Radio Installations.

, or take any other action relative thereto.

## SUMMARY

Amateur radio operators, or “hams”, communicate with other stations nearby and all over the world. The ability to communicate both over long and short distances increases with the height of an antenna above the ground. Federal and State governments recognize hams for providing vital communications in the event of emergency or disaster.

This article establishes “amateur radio installation” as a new principal use category allowed in every zoning district and provides certain exemptions for their antennas and antenna structures including an exemption from the otherwise applicable height limitations of the Acton Zoning Bylaw. Standard setback requirements from the lot lines would apply. The article would prohibit the placement of antennas and antenna structures in the front yards of buildings; require their removal within a year of cessation of the use; and mandate fencing or anti-climb devices.

Federal Communications Commission (FCC) regulations state: “... local regulations which involve placement, screening, or height of antennas and antenna structures based on health, safety, or aesthetic considerations must be crafted to accommodate reasonably amateur communications, and to represent the

minimum practical regulation to accomplish the local authority’s legitimate purpose” (47 C.F.R. §97.15(e)); and “a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. State and local regulations of a station antenna structure must not preclude amateur service communications. Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the State or local authority’s legitimate purpose” (47 C.F.R. §97.15(b)). In further clarifications of its Rules, the FCC did not consider it a legitimate local government action to seek a balance between local interest and the needs of an amateur radio operation to achieve effective communications. Rather, the FCC has placed the interest of the amateur radio operator above that of the community and expects the least local regulation necessary for the welfare of the community to accommodate the needs of the amateur radio operators to engage in amateur radio communications. This article reflects the reality of FCC rules, which elevate effective amateur radio operations to a vital national interest and largely preempt local control.

Direct inquiries to: Roland Bartl, AICP, Town Planner  
planning@acton-ma.gov / (978) 264-9636  
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

|                         |                                  |                                 |                              |
|-------------------------|----------------------------------|---------------------------------|------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> | <b><u>Planning Board</u></b> |
|                         | <b>Not Recommended</b>           | <b>Deferred</b>                 | <b>Recommended</b>           |

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## **ARTICLE 25B      AMEND ZONING BYLAW – AMATEUR RADIO INSTALLATION**

(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows:

A. Insert under section 3.8.3 – Accessory Uses permitted in any Zoning District, a new sub-section 3.8.3.6 as follows:

3.8.3.6 Not more than one Amateur Radio Tower, or in the case of a licensed amateur radio operator utilizing a long wire horizontal antenna system not more than two Amateur Radio Towers, on a LOT, inclusive of all antennas, appurtenances, support STRUCTURES, anchors, and guys, subject to the following requirements:

- a) The Tower(s) shall be owned and operated by an amateur radio operator who is licensed by the Federal Communications Commission (FCC).
- b) The operator of the Tower(s) or the owner of the LOT shall dismantle and remove the Tower(s) within one year after the cessation of the FCC-licensed operator's ownership or tenancy, or the expiration or rescission of the operator's FCC license.
- c) Tower height shall not exceed 100 feet from ground level when fully extended, including all antennas and appurtenances.
- d) A Tower is prohibited in the front yard of the principal BUILDING or BUILDINGS on the LOT as defined in section 5.2.4.
- e) In Residential Districts, any Tower shall be set back at least 30 feet from all side and rear LOT lines regardless of the otherwise applicable yard requirements, except when:
  - i. The Tower, even when extended, does not exceed the maximum height limit for STRUCTURES; or
  - ii. The tower is directly attached to the side or rear of the principal BUILDING or BUILDINGS on the LOT and complies with the minimum side and rear yard requirements for STRUCTURES.

Anchors and guys must in all cases only comply with the minimum side and rear yard requirements that are otherwise applicable to STRUCTURES.

- f) The base of any Tower shall be surrounded by a fence with a locked gate or shall be equipped with an effective anti-climb device.
- g) No portion of any Tower shall be utilized as a sign or have signage attached to it.
- h) No portion of any Tower shall be illuminated or have lights attached to it unless required by the Federal Aviation Administration.
- i) The Board of Appeals may, by special permit, on a case-by-case basis, allow more than one Amateur Radio Tower or in the case of a long wire horizontal antenna system more than two Amateur Radio Towers on a LOT (3.8.3.6.a), an Amateur Radio Tower height higher than 100' (3.8.3.6.c), an Amateur Radio Tower or Towers in the front yard of the LOT provided that an alternate location on the LOT is not feasible (3.8.3.6.d), and/or a set back of less than 30 feet from side and/or rear LOT lines (3.8.3.6.e) where such relief is demonstrated by the applicant to be necessary to reasonably and effectively accommodate amateur radio communications by the federally licensed amateur radio owner/operator of the Amateur Radio Tower(s), where such relief would not pose a substantial health, safety, or aesthetic problem to the neighborhood in the vicinity of the Amateur Radio Tower(s), and where denial of such special permit relief would otherwise result in a demonstrated violation of applicable Federal Communications Commission (FCC) regulations and/or Massachusetts General Law Ch. 40A, s. 3. .

B. Delete section 3.10.3 – Applicability of Special Requirements for Wireless Communication Facilities, and replace it with a new section 3.10.3 as follows:

3.10.3 Applicability – This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996. Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of wireless communication signals at home or business locations, and nothing in this Bylaw shall be construed to regulate or prohibit a tower or antenna installed solely for use by a federally licensed amateur radio operator. For regulations on Amateur Radio Towers see section 3.8.3.6 of this Bylaw.

*[Note: Section 3.10.3 currently states as follows:*

*3.10.3 Applicability – This section 3.10 shall apply only to reception and transmission facilities for the purpose of personal wireless communication services identified in the Federal Telecommunications Act of 1996. Nothing in this Bylaw shall be construed to regulate or prohibit customary installations for the reception of wireless communication signals at home or business locations, and nothing in this Bylaw shall be construed to regulate or prohibit an antenna installed solely for use by a federally licensed amateur radio operator, provided that the height of such antenna does not exceed applicable height limitations and, if freestanding, that it is set back from all LOT lines at least the distance equal to its height, but not less than the otherwise applicable minimum yard requirement.]*

Or take any other action relative thereto.

#### **SUMMARY**

The Board of Selectmen does not recommend the text of Article 25A, which was voted by the Planning Board, although it has obviously allowed that Article to be placed on this Warrant for Town Meeting consideration. The Selectmen feel that the Town should continue to benefit from such minimal control (originally proposed by Town Counsel as an 80 foot height by right, with that and other details being subject to waiver by Special Permit) as the law allows in regard to potential erection of very tall amateur radio towers. Article 25A, as proposed here by the Planning Board effectively allows erection of a tower of any height anywhere by a licensed amateur radio operator. Judging from comments made at the Planning Board's hearing and subsequent meeting on the same subject, there is some likelihood that new tall towers may be erected in residential neighborhoods.

The Board of Selectmen does agree that the existing zoning bylaw is deficient where it attempts to address amateur radio antenna towers and requires revision. Town Counsel was asked to make recommendations in that regard and did so. Very late in the Warrant assembly process the Selectmen were advised that the Planning Board's proposed amendment would delete any reference to neighborhood antenna size. Thereupon the Selectmen reviewed the text of the proposed amendment Town Counsel had recommended. It was concluded that Counsel's proposal, the predecessor to what is now this Warrant Article 25B, was more beneficial to the Town than what is now Article 25A. A Selectman attended a recent Planning Board meeting to further discuss the situation with the members of the Planning Board and the amateur radio operators who were notified and in attendance. The Planning Board did, following that further discussion, act to incorporate into their Article 25A two minor parts of the Town Counsel's recommended bylaw draft, relevant to safety and removal of an antenna no longer being used, but again chose not to insert any height criteria, either presumptive or by special permit.

In response to what seemed to be legitimate concerns of several of the amateur radio operators present at the recent Planning Board discussion, Town Counsel was requested by the Selectmen to further liberalize his original Warrant Article recommendation to increase the "by right" tower height to 100 feet and make allowance for a "long wire" type of antenna.

The Board of Selectmen fully recognizes that the scope of the Town's regulatory powers in regard to amateur radio operators is quite limited, but at the same time the Board is of the opinion that retaining some hearing procedure which could stimulate a constructive exchange of concerns and discussion of potential mitigation between neighbors, before the construction of very high structures or towers in the neighborhoods, is in the best interest of all concerned and compatible with the traditions of the Town.

Direct inquiries to: F. Doré Hunter, Chairman, Board of Selectmen  
bos@acton-ma.gov / (978) 264-9611

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

|                         |                                  |                                 |                              |
|-------------------------|----------------------------------|---------------------------------|------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> | <b><u>Planning Board</u></b> |
|                         | <b>Deferred</b>                  | <b>Deferred</b>                 | <b>Deferred</b>              |

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**ARTICLE 26 \* AMEND ZONING BYLAW – HOUSEKEEPING**

(Two-thirds vote)

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

- A. Amend section 2.2 by changing “January 2001” to “April 2005” in the first and fourth bullets.
- B. Delete section 4.4.8.1 (local preference criteria for affordable housing) and replace it with a new section 4.4.8.1 as follows:

4.4.8.1 Local Preference – To the maximum extent practical and subject to applicable Federal or State financing or subsidy programs, the AFFORDABLE DWELLING UNITS shall be initially offered to qualified LOW- and MODERATE-INCOME households that meet local preference criteria established from time to time by the Town of Acton or the Acton Community Housing Corporation. Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Acton or its designee. The local preference restriction shall be in force for 120 days from the date of the first offering of sale or rental of a particular AFFORDABLE DWELLING UNIT. The applicant shall make a diligent effort to locate eligible purchasers or renters for the AFFORDABLE DWELLING UNIT who meet the local preference criteria and the applicable income requirements.

*[Note – Section 4.4.8.1 currently reads:*

*4.4.8.1 Preference for Town residents and persons employed within the Town – Unless otherwise prohibited by a federal or state agency under a financing or other subsidy program, at least fifty percent (50%) of the AFFORDABLE DWELLING UNITS donated, rented, leased or sold shall be initially offered to Acton residents, to persons employed within the Town of Acton, and to former residents of the Town as follows:*

*a) Thirty percent (30%) shall be initially offered to current residents of the Town of Acton.*

*b) Ten percent (10%) shall be offered to persons employed within the Town of Acton;*

*c) Ten percent (10%) shall be offered to persons who, although not currently residents of the Town, resided in the Town of Acton for a minimum of five (5) years within the past fifteen (15) years.]*

- C. In Section 5 – Table of Standard Dimensional Regulations, delete from the header paragraph the phrase

“and Planned Conservation Residential Communities (PCRC - Section 9).”,

and replace it with

“, Planned Conservation Residential Communities (PCRC - Section 9), and Senior Residences (Section 9B).”

- D. Amend section 5.3.3 (frontage exceptions) as follows:

- a. In sub-section 5.3.3.1, change “Residential Districts” in the first line to “R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts”.

*[Note – sub-section 5.3.3.1 currently reads:*

*5.3.3.1 FRONTAGE Exception LOTS – In the Residential Districts, the minimum LOT FRONTAGE may be reduced by 50 feet per LOT provided that the minimum LOT area required for each such LOT is doubled.]*

- b. In sub-section 5.3.3.2, change “other Residential Districts” at the end of the sub-section to “R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts”.

*[Note – sub-section 5.3.3.2 currently reads:*

*5.3.3.2 Curved STREET Exception LOTS – Excluding a cul-de-sac, any LOT whose entire FRONTAGE is on the outside sideline of a curved STREET having the radius of 300 feet or less shall be permitted to reduce its minimum FRONTAGE to 125 feet for a LOT located in the R-2 District and 150 feet for a LOT located in the other Residential Districts.]*

- E. Amend the first paragraph of section 5.3.4 by changing “Residential Districts” in the first line to “R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts,”.

*[Note –The first paragraph of section 5.3.4 currently reads:*

*5.3.4 Hammerhead LOTS – In the Residential Districts Hammerhead LOTS may be created subject to the following requirements:]*

- F. Amend section 5.5A.1 (maximum floor area of businesses and industries in village districts), by changing the entry in column EAV, line 3.5.14 – Building Trade Shop, from 5,000 [5,000 square feet] to NR [No Regulation].

- G. Amend section 5.5B.1 (design provisions for the East Acton Village (EAV) District), by deleting the last sentence of sub-section 5.5B.1.2.f)i. and replacing it with the following new sentences:

“No driveways or parking lots shall be located between a pedestrian plaza and a STREET, unless the pedestrian plazas are located in the rear of a BUILDING when viewed from a STREET. No driveway or parking lot shall intersect or be mixed with a pedestrian plaza.”

*[Note – sub-section 5.5B.1.2.f)i. currently reads:*

*i. No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.]*

- H. Renumber and relocate section 6.7.9 to become section 6.10 instead, and change its title from “Bonds, Securities –” to “Parking Lot Bonds and Securities –”.

*[Note – section 6.7.9 currently reads:*

*6.7.9 Bonds, Securities – The Special Permit Granting Authority (if the parking area is related to a permitted USE for which a site plan or other special permit is required) or the Building Commissioner (for other parking areas) or their designee may require a bond or other form of security to ensure the satisfactory planting of required landscaping and to ensure the survival of such landscaping for up to two (2) years following such planting. All required landscaping and plantings must be maintained in a neat, attractive appearance as a condition of the continued PRINCIPAL USE of the LOT.]*

- I. Insert under section 6.9.2 (special provisions for parking in the North Acton Village (NAV) District) the following new section 6.9.2.4:

6.9.2.4 Except as stated in 6.9.2.1 through 6.9.2.3, the parking lot design requirements of Section 6.7 shall apply in the NAV District.

J. Insert under section 6.9.3 (special provisions for parking in the East Acton Village 2 (EAV-2) District), the following new sub-section c):

c) Otherwise, the parking lot design requirements of Section 6.7 shall apply in the EAV-2 District.

K. Amend section 6.9.4 (special provisions for parking in the West Acton Village (WAV) and South Acton Village (SAV) Districts) by inserting in the first paragraph of sub-section 6.9.4.6 after its title and before “Off-STREET parking ...” the following new sentence:

”The parking lot design requirements of Section 6.7 shall not apply in the WAV and SAV Districts.”

*[Note – sub-section 6.9.4.6 currently reads:*

*6.9.4.6 Design Requirements – Off-STREET parking spaces, except parking spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or less residents, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements.]*

L. Amend section 6.9 (special provisions for parking in the Village, Kelley’s Corner, and Powder Mill Districts) as follows:

a. In sub-section 6.9.4.4, change the reference to section 6.9.2.5 to refer to section 6.9.4.5 instead.

b. In sub-section 6.9.4.5, change the reference to section 6.9.2.4 to refer to section 6.9.4.4 instead.

c. In sub-section 6.9.4.6.a), change the reference to section 6.9.2.7 to refer to section 6.9.4.7 instead.

d. In sub-section 6.9.4.6.c), change the reference to section 6.9.2.5 to refer to section 6.9.4.5 instead.

e. In sub-section 6.9.5.3, change the reference to section 6.9.3.4 to refer to section 6.9.5.4 instead.

f. In sub-section 6.9.5.4, change the reference to section 6.9.3.3 to refer to section 6.9.5.3 instead.

g. In sub-section 6.9.6.3, change the reference to section 6.9.4.4 to refer to section 6.9.6.4 instead.

h. In sub-section 6.9.6.4, change the reference to section 6.9.4.3 to refer to section 6.9.6.3 instead.

M. Amend section 8.3 (nonconforming structures) by deleting the word “minimum” from the first line in subsection 8.3.3.

*[Note – section 8.3.3 currently reads:*

*8.3.3 A BUILDING, which is nonconforming with regard to any minimum yard requirement may be extended horizontally within the dimension of its existing nonconformity by special permit from the Board of Appeals, provided that the extension otherwise conforms to all the dimensional requirements of this Bylaw, and provided further that the Board of Appeals finds that such an extension is not substantially more detrimental to the neighborhood than the existing nonconforming condition of the BUILDING.]*

, or take any other action relative thereto.

## SUMMARY

This article makes corrections, clarifications, updates, and minor changes to the zoning bylaw.

Part A updates the zoning map references in the zoning bylaw to the current year.

Part B updates the local preference criteria for purchasers and renters of affordable housing units produced in the Affordable Housing Overlay District to be consistent with recent policy changes of the Acton Community Housing Corporation (ACHC). The ACHC administers the sale and rental of new affordable housing in Acton to eligible households. The proposed new text is identical to the wording that the 2004 Annual Town Meeting adopted for affordable housing in the East Acton Village Zoning District.

Part C inserts a new section cross-reference.

Parts D and E modify the applicability of rules for frontage exception lots and hammerhead lots. The “Residential District” references in the relevant sections of the current bylaw include the R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts, as well as the Village Residential (VR) District in West Acton. Standard minimum frontage requirements are 150 to 250 feet in the R-2 to R-10 Districts, and 50 feet in the VR District. The frontage exception rules allow a reduction of the standard minimum frontages by 25 to 150 feet subject to a variety of conditions and circumstances. Such reductions are not practical in the VR District. With this change, the rules for frontage exception lots, curved street exception lots, and hammerhead lots will no longer apply in the VR District.

Part F corrects the regulations for maximum business floor areas in the East Acton Village (EAV) District. The change reflects the fact that building trade shops are not allowed in the EAV District.

Part G resolves a design conflict for the placement of driveways and required pedestrian amenities for new developments in the EAV District.

Part H amends the zoning bylaw to clarify that the existing section on parking lot construction performance bonds applies to parking lots in all zoning districts. This section authorizes Special Permit Granting Authorities and the Building Commissioner to require bonds or other securities to ensure the completion of parking lots, including the landscaping, in accordance with an approved plan.

Parts I, J and K specify more clearly, which parking lot design standards apply in the various Village Districts. This clarification is consistent with the original intent of the zoning bylaw and the various village plans, which developed village parking standards that are different from parking requirements in other commercial districts. A recent review of the zoning bylaw made it apparent that this clarification would be helpful in order to eliminate inadvertent ambiguities.

Part L corrects section numbering references that were overlooked in zoning changes made at the 2004 Annual Town Meeting.

Part M modifies how the zoning bylaw addresses the expansion of buildings with nonconforming setbacks to lot lines. Section 8.3.3 allows that buildings, which are nonconforming to the minimum setback or “yard” requirement, may be expanded within their present nonconforming setback dimension by special permit from the Board of Appeals. When this section was written, the zoning bylaw required only minimum setbacks. Since then, several zoning amendments for village districts introduced maximum front yard setbacks. The proposed change will allow the Board of Appeals during its special permit review to consider proposed expansions relative to minimum and maximum nonconforming setbacks.

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Selectman assigned: Walter M. Foster: bos@acton-ma.gov

|                         |                                  |                                 |                              |
|-------------------------|----------------------------------|---------------------------------|------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> | <b><u>Planning Board</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 | <b>Recommended</b>           |

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**ARTICLE 27 \* AMEND ZONING BYLAW – REDUCE SPLIT-ZONING OF PARCELS**  
 (Two-thirds vote)

To see if the Town will vote to amend Map No. 1 of the Zoning Map by rezoning the following split-zoned parcels of land as indicated in the table below [*Notes in italic print are not part of the article but are intended for explanation only. Parcel identification numbers are as shown on the 2004 edition of the Acton Town Atlas. Present zoning designations and location identifications are shown for informational purposes only. The present zoning column shows the zoning designation for the parcels’ majority land areas before the “&” symbols*]:

| <b>Parcel Identification</b>  | <b>Proposed Zoning</b> |  | <b><i>Present Zoning</i></b> | <b><i>Location</i></b>      |
|---|------------------------|--|------------------------------|-----------------------------|
| D-4/4*  | R-10/8 & LB            |  | <i>R-10/8 &amp; LB</i>       | <i>352 Great Rd.</i>        |
| D-4/17  | LB                     |  | <i>LB &amp; R-10/8</i>       | <i>346 Great Rd.</i>        |
| D-5/25  | PCRC                   |  | <i>PCRC &amp; R-2</i>        | <i>675 Main St.</i>         |
| D-6/3-2   | R-10/8                 |  | <i>R-10/8 &amp; R-8</i>      | <i>21 Triangle Farm Ln.</i> |
| D-6/3-3   | R-10/8                 |  | <i>R-10/8 &amp; R-8</i>      | <i>10 Triangle Farm Ln.</i> |
| D-6/3-4   | R-10/8                 |  | <i>R-10/8 &amp; R-8</i>      | <i>20 Triangle Farm Ln.</i> |
| E-4/2-1   | R-10/8                 |  | <i>R-10/8 &amp; R-8</i>      | <i>163 Nagog Hill Rd.</i>   |
| E-6/2   | R-8                    |  | <i>R-8 &amp; R-10/8</i>      | <i>376 Pope Rd.</i>         |
| E-6/3   | R-8                    |  | <i>R-10/8 &amp; R-8</i>      | <i>380 Pope Rd.</i>         |
| E-6/4   | R-8                    |  | <i>R-8 &amp; R-10/8</i>      | <i>366 Pope Rd.</i>         |
| H-2/127   | R-8/4                  |  | <i>R-8/4 &amp; R-2</i>       | <i>4 Apple Valley Dr.</i>   |
| * Rezone from LB to R-10/8 only the small portion of D-4/4 that abuts parcel D-4/10. [ <i>Parcel D-4/4 is currently split three-ways, two portions in LB (Limited Business) and one portion in R-10/8; this article will change one of the LB-portions to R-10/8, removing one of the splits.</i> ] |                        |  |                              |                             |

, or take any other action relative thereto.

**SUMMARY**

This article performs “clean-up” changes to the zoning map. It consolidates base zoning to a single zoning district on parcels that presently have two zoning districts on them (split-zoned parcels). Split zoning on parcels occurs in two possible ways. First, Town Meeting has in the past established zoning district boundaries along lines that follow brooks or streams, or that follow a line that parallels a street sideline with a defined offset distance, for example 200 feet. This article does not change those zoning boundary lines. Second, Town Meeting has in the past established zoning district boundaries along then-existing parcel lines. Subsequently, the owner(s) have changed or removed parcel boundary lines. Part A of this article includes such parcels, and moves the zoning boundaries on the listed parcels to coincide with their new boundaries. Minimizing the number of split-zoned parcels eases the maintenance and upkeep of the Acton zoning map. For the selected parcels the zoning consolidation does not appear to change the original intent of the zoning map, result in new non-conformities, or measurably change the build-out potential of the parcels.

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Selectman assigned: Walter M. Foster: bos@acton-ma.gov

**Recommendations:**      **Board of Selectmen**              **Finance Committee**              **Planning Board**  
    **Recommended**                      **Deferred**                      **Recommended**

**ARTICLE 28 \*      AMEND ZONING BYLAW**  
 (Two-thirds vote)      **CONSOLIDATE AFFORDABLE HOUSING OVERLAY DISTRICT**

To see if the Town will vote to amend Map No. 4 of the Zoning Map (Affordable Housing Overlay District Map) by removing from the Affordable Housing Overlay Sub-Districts A and B the following parcels, or any of its portions in such districts, as listed in the table below [*Notes in italic print are not part of the article but are intended for explanation only. Parcel identification numbers are as shown on the 2004 edition of the Acton Town Atlas. Present overlay zoning sub-districts and location identifications are shown for informational purposes only*]:

| <b>Parcel Identification</b>           | <b>Present Overlay Zoning Sub-District</b> | <b>Location</b>  |
|--|--|--|
| B-5/3                                  | <i>B</i>                                   | <i>25 Westford Ln.</i>   |
| B-5/14-1                               | <i>A</i>                                   | <i>Off Quarry Rd. (end)</i>  |
| B-5/19                                 | <i>B</i>                                   | <i>100 Nagog Pk.</i>   |
| B-5/ 23 and 24                         | <i>A</i>                                   | <i>111 and 115 Quarry Rd.</i>  |
| B-5/ 28 and 29                         | <i>A</i>                                   | <i>107 and 119 Quarry Rd.</i>  |
| B-6/20 and<br>B-6/20-1 through 20-5    | <i>A</i>                                   | <i>31(rear),39,41, and 43 Carlisle Rd.<br/>&amp; 2 Marshall Path</i>   |
| C-4/21 and<br>C-4/21-5 through 21-92   | <i>A</i>                                   | <i>All parcels in the Acorn Park<br/>subdivision (Acorn Park Drive and side<br/>streets)</i>                       |
| C-4/27-1 and<br>C-4/27-4 through 27-9  | <i>A</i>                                   | <i>2-8 Palmer Ln.</i>  |
| C-5/10 and<br>C-5/10-2 trough 10-18    | <i>A</i>                                   | <i>1-18 Captain Handley Rd.</i>  |
| C-5/26 and<br>C-5/26-1 through 26-5    | <i>B</i>                                   | <i>42,46,50,54,60, and 64 Quarry Rd.</i>   |
| C-6/ 8 and 9                           | <i>A</i>                                   | <i>27 Marshall Path (rear)</i>   |
| C-6/ 15 through 37                     | <i>A</i>                                   | <i>25 Carlisle Rd. and all parcels in the<br/>Marshall Crossing subdivision<br/>(Marshall and Blueberry Paths)</i> |
| D-3/5 and<br>D-3/5-7 through 5-9       | <i>A</i>                                   | <i>208,214,220, and 226 Newtown Rd.</i>  |
| D-4/10                                 | <i>A</i>                                   | <i>350 Great Rd.</i>   |
| D-4/12                                 | <i>A</i>                                   | <i>363 Great Rd.</i>   |
| D-4/ 17 and 17-1                       | <i>A</i>                                   | <i>346 and 348 Great Rd.</i>   |
| D-4/19                                 | <i>A</i>                                   | <i>361 Great Rd.</i>   |
| D-4/ 23 and 24                         | <i>A</i>                                   | <i>592 Main St. (rear)</i>   |
| D-4/39                                 | <i>A</i>                                   | <i>354 Great Rd.</i>   |
| D-5/1                                  | <i>A</i>                                   | <i>Meyer Hill Dr.</i>  |
| D-5/19 and<br>D-5/19-1 through 19-5    | <i>A</i>                                   | <i>687,689,693,697,701,and 705 Main St.</i>  |
| D-5/25                                 | <i>A</i>                                   | <i>675 Main St.</i>  |
| D-5/31                                 | <i>A</i>                                   | <i>362 Pope Rd. (rear)</i>   |
| E-2/237 and<br>E-2/237-1 through 237-9 | <i>A</i>                                   | <i>All parcels in the Kennedy Est.<br/>subdivision (Kennedy Ln.) &amp; 110<br/>Arlington St.</i>                   |
| E-2/ 238 and 238-1                     | <i>A</i>                                   | <i>78 and 80 Charter Rd.</i>   |

| <b>Parcel Identification</b>           | <b>Present Overlay Zoning Sub-District</b> | <b>Location</b>  |
|--|--|--|
| E-2/257-1 and 257-2                    | A  | 76 and 78(rear) Charter Rd.  |
| E-2/261-2 and 261-3                    | A  | 121 and 131 Hayward Rd.  |
| E-2/ 262, 272 and 273                  | A  | 121 Hayward Rd.  |
| E-3/63 and<br>E-3/63-1 through 63-9    | A  | All parcels in the Washington Drive Ext. subdivision (8-10 Washington Dr. and McKinley Dr.)                    |
| E-3/87 and<br>E-3/87-65 through 87-68  | A  | All parcels in the Glenbrook Run subdivision (Monroe Dr.)  |
| E-3/101                                | A  | 75 Hayward Rd.   |
| E-3/109                                | A  | 65 Charter Rd. (side)  |
| E-4/45                                 | A  | 520 Main St.   |
| E-4/75                                 | A  | 514 Main St. (rear)  |
| E-4/ 85 and 85-1                       | A  | 521 and 523 Main St.   |
| E-5/15-3 through 15-33                 | A  | Parcels in the Bellows Farm subdivision (off Bellows Farm Rd., Briar Hill Rd.)                                 |
| E-5/16 and<br>E-5/16-1 through 16-18   | A  | All parcels in the Hearthstone Farm subdivision (Jay Ln.), 85,89, and 97-118 Strawberry Hill Rd., 186 Pope Rd. |
| E-5/35                                 | A  | 49 Strawberry Hill Rd.   |
| E-5/35-3                               | A  | 88 Esterbrook Rd.  |
| E-5/51-54 and 51-55                    | A  | Parcels in the Bellows Farm subdivision (off Bellows Farm Rd.)   |
| E-6/ 2 through 4                       | A  | 366,376 and 380 Pope Rd.   |
| E-6/7                                  | A  | 362 Pope Rd.   |
| F-1/6                                  | B  | 647 Massachusetts Ave.   |
| F-1/74-1 through 74-19<br>and F-1/132  | A  | All parcels within the Maple Creek Farm subdivision (Woodfield Rd. & Shady Ln.) and 130 Summer St.             |
| F-1/ 109 and 109-1                     | A  | 116 and 118 Summer St.   |
| F-2/106 and<br>F-2/106-1 through 106-5 | A  | 463-471 and 477 Massachusetts Ave.   |
| F-2A/11-1 through 11-3                 | B  | 1-3 Gregory Ln.  |
| F-2A/118                               | B  | 294 Arlington St.  |
| F-3/70 and<br>F-3/70-17 through 70-26  | A  | 351 and 353 Main St. &<br>1 and 3-12 Stacy's Way   |
| F-3/90                                 | A  | 349 Main St. (rear)  |
| F-3/ 122 and 122-1                     | A  | 15 Barker Rd. & 2 Stacy's Way  |
| F-3/140                                | B  | 248 Main St.   |
| F-3A/56-1 and 56-2                     | A  | 13 and 19 Wood Ln.   |
| F-4/13-1                               | A  | 22 Esterbrook Rd.  |
| F-4/34                                 | A  | 116 Concord Rd.  |
| F-4/ 37 and 37-5                       | B  | 145 Great Rd.  |
| F-4/40 and<br>F-4/40-1 through 40-4    | A  | All parcels in the Concord Place subdivision   |
| F-4/43                                 | A  | 73 Concord Rd.   |
| F-4/69-1                               | B  | 125 Great Rd.  |
| F-5/11-4                               | A  | 7 Proctor St.  |

| <b>Parcel Identification</b>                                 | <b>Present Overlay Zoning Sub-District</b> | <b>Location</b>   |
|--|--|---|
| F-5/ 51 through 59   | A  | 138-160,170 and 180 Pope Rd. & 93 Strawberry Hill Rd.   |
| G-1/ 94 and<br>G-1/94-1 through 94-11                        | A  | Parcels in the Colonial Acres IV subdivision (126 Summer St & 1-5, 7,9,11, 13,15 and 17-21 Squirrel Hill Rd.) |
| G-1/ 95 and 96   | A  | 6 and 8 Squirrel Hill Rd.   |
| G-1/107  | A  | 10 Squirrel Hill Rd.  |
| G-1/ 120 and 121   | A  | 23 and 25 Squirrel Hill Rd.   |
| G-1/ 123 and 133   | A  | 12 and 14 Squirrel Hill Rd.   |
| G-1/ 152 and 152-1   | A  | 20 and 22 Squirrel Hill Rd.   |
| G-1/153  | A  | 16 Squirrel Hill Rd.  |
| G-1/ 172 & 173   | A  | 16 (side) and 18 Squirrel Hill Rd.  |
| G-2/192 and<br>G-2/192-1 through 192-4                       | A  | All parcels n the McGovern Estates subdivision (21-26 Overlook Dr. & 69 Robbins St.)                          |
| G-2/193 and<br>G-2/193-1 through 193-14                      | A  | Parcels in the Meadow View subdivision (14-18, Prescott Rd. & 7-19 Overlook Dr.)                              |
| G-2/194-1, 194-2 and 194-4                                   | A  | Parcels in the Meadow View subdivision (7rear, 11 rear, and 13 rear Overlook Dr)                              |
| G-2A/11-1 through 11-3                                       | A  | Parcels in the Tupelo Place subdivision (3-6 Tupelo Way)  |
| G-2A/18 and<br>G-2A/18-1 through 18-5                        | A  | Parcels in the Tupelo Place subdivision (7-13 Tupelo Way)   |
| G-3/1  | B  | 246 Main St.  |
| G-3/12   | A  | 332 Massachusetts Ave.  |
| G-3/ 13 and 13-1   | A  | 10 and 12 Barker Rd.  |
| G-3/14   | A  | 16 Barker Rd.   |
| G-3/65   | A  | 84 Piper Rd.  |
| G-3/65-1 through 65-17                                       | A  | Parcels in the Piper Ridge subdivision (4-14 Farmstead Way & 1-6 Anders Way)                                  |
| G-3/66   | A  | 92 Piper Rd.  |
| G-3/69   | A  | 80 Piper Rd.  |
| G-3/69-1 and 69-2  | A  | 2 and 4(side) Farmstead Way   |
| G-3/ 73 through 75   | A  | 2A and 2B Farmstead Way & 74 Piper Rd.  |
| H-2/7,<br>H-2/7-4 through 7-6, 7-8<br>through 7-15, and 7-17 | A  | Parcels in the Meadow View subdivision (1-12 Prescott Rd. & 1-5 Overlook Dr.)                                 |
| H-3/ 73 and<br>H-3/73-1 and 73-2                             | A  | Parcels in the Maddy Lane subdivision (220 School St. & 4 and 6 Maddy Ln.)                                    |
| H-3B/72  | B  | 61 Main St.   |
| H-3B/81  | B  | 59 Main St.   |
| H-3B/83  | B  | 2 Farley Ln.  |

| <b>Parcel Identification</b>                              | <b>Present Overlay Zoning Sub-District</b> | <b>Location</b>   |
|---|--|---|
| H-3B/88 and H-3B/88-4 through 88-9                        | B  | 83 High St, 9-13 Conant St., & 3 and 4 Farley Ln.   |
| H-4/68 and H-4/68-1 through 68-5                          | A  | Parcels in the Maddy Lane subdivision (222 School St. & 1,3,5,7, and 8 Maddy Ln.)                           |
| H-4/73 and H-4/73-1 through 73-9                          | A  | All parcels in the Lupine Path subdivision (Guswood Rd. & 244 and 246 School St.), & 230 and 234 School St. |
| H-4/116-3, H-4/ 127 and 128, and H-4/128-1 through 128-55 | A  | All parcels in the Laws Brook Village subdivision (Lexington Dr.)   |
| I-2/ 8 through 10   | B  | 45, and 47(rear) Main St.   |
| I-2/ 62, 62-1, and 62-2                                   | A  | 44,46, and 48 Conant St.  |
| I-3/32 and I-3/32-1 through 32-3                          | A  | All parcels in the Parmley Dr. subdivision  |
| I-3/101 and I-3/101-1 through 101-10                      | A  | 176,180,186,190,194,198,202,204, and 206 High St. & 177 and 181 Parker St.                                  |
| I-3/ 124 and 124-1  | A  | 183 and 185 Parker St.  |
| J-3/60 and J-3/60-1 through 60-16                         | B  | All parcels in the Westside Village subdivision (Westside Dr.)  |

, or take any other action relative thereto.

### SUMMARY

This article performs “clean-up” changes to the zoning map. It removes the Affordable Housing Overlay District designation from land that was developed without using the optional affordable housing provisions of the zoning bylaw, has become subject to a conservation restriction, became Town property for conservation or recreation purposes, or otherwise became unavailable for further development. The Affordable Housing Overlay District, with its Sub-Districts A and B, was adopted in 1990 in an effort to encourage the production of affordable housing through local zoning incentives. Many land areas included in the Affordable Housing Overlay District were developed without using the affordable housing incentive. Where land is now fully developed without reliance on the Affordable Housing Overlay District, the overlay district designation no longer makes sense. It is confusing to homeowners, potential home buyers, and real estate agents. Parcels with remaining development potential and parcels that were developed with the use of the Affordable Housing Overlay District incentives are not included in this article and stay within the Affordable Housing Overlay District.

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Selectman assigned: William H. Shupert: bos@acton-ma.gov

|                         |                                  |                                 |                              |
|-------------------------|----------------------------------|---------------------------------|------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> | <b><u>Planning Board</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 | <b>Recommended</b>           |

**ARTICLE 29 \* AMEND ZONING BYLAW – REDUCE SPLIT-ZONING OF PARCELS IN THE AFFORDABLE HOUSING OVERLAY DISTRICT**  
 (Two-thirds vote)

To see if the Town will vote to amend Map No. 4 of the Zoning Map (Affordable Housing Overlay District Map) by reassigning the Affordable Housing Overlay Sub-District designation of the following parcels of land as indicated in the table below [*Notes in italic print are not part of the article but are intended for explanation only. Parcel identification numbers are as shown on the 2004 edition of the Acton Town Atlas. Present overlay zoning sub-districts and location identifications are shown for informational purposes only. “Partial” means that the majority of the parcel’s land area is in the denoted zoning district.*]:

| <b>Parcel Identification</b> | <b>Proposed Overlay Zoning Sub-District</b> | <b>Present Overlay Zoning Sub-District</b> | <b>Location</b>             |
|------------------------------|---|--|-----------------------------|
| C-5/90-5                     | B   | <i>B (partial)</i>                         | <i>76 Harris St.</i>        |
| D-6/3-2                      | A   | <i>A (partial)</i>                         | <i>21 Triangle Farm Ln.</i> |
| D-6/3-3                      | A   | <i>A (partial)</i>                         | <i>10 Triangle Farm Ln.</i> |
| D-6/3-4                      | A   | <i>A (partial)</i>                         | <i>20 Triangle Farm Ln.</i> |
| E-4/2-1                      | A   | <i>A (partial)</i>                         | <i>163 Nagog Hill Rd.</i>   |
| F-2/138                      | B   | <i>B (partial)</i>                         | <i>10 Hennessey Dr.</i>     |
| F-2A/11-4                    | A   | <i>B</i>                                   | <i>4 Gregory Ln.</i>        |
| H-2/66                       | A   | <i>A (partial)</i>                         | <i>116 Stow St.</i>         |
| H-2/127                      | A   | <i>A (partial)</i>                         | <i>4 Apple Valley Dr.</i>   |
| J-3/15-1                     | A   | <i>A (partial)</i>                         | <i>12 Dunham Ln.</i>        |
| J-3/15-4                     | A   | <i>A (partial)</i>                         | <i>13 Dunham Ln.</i>        |
| J-3/15-6                     | A   | <i>A (partial)</i>                         | <i>11 Dunham Ln.</i>        |
| J-3/15-7                     | A   | <i>A (partial)</i>                         | <i>9 Dunham Ln.</i>         |
| J-3/15-8                     | A   | <i>A (partial)</i>                         | <i>7 Dunham Ln.</i>         |
| J-3/15-10                    | A   | <i>A (partial)</i>                         | <i>5 Dunham Ln.</i>         |

, or take any other action relative thereto.

**SUMMARY**

This article performs “clean-up” changes to the zoning map. It consolidates zoning on split-zoned parcels in the Affordable Housing Overlay District (Sub-District A or Sub-District B) to include them entirely within that District. Since the adoption of the Affordable Housing Overlay District, split zoning occurred as a result of the relocation or elimination of parcel boundaries. The zoning consolidation on the selected parcels does not appear to change the original intent of the zoning map, result in new non-conformities, or measurably change the build-out potential of the parcels. One parcel (F-2A/11-4) is changed from Sub-District B to Sub-District A reflecting its incorporation into an abutting development that used the parcel’s additional acreage to create affordable housing under Sub-District A standards.

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Selectman assigned: William H. Shupert: bos@acton-ma.gov

**Recommendations:**      Board of Selectmen      Finance Committee      Planning Board  
    **Recommended**                      **Deferred**                      **Recommended**

**ARTICLE 30 \*      STREET ACCEPTANCE**  
(Two-thirds vote)      **RELOCATION AND LAYOUT OF A PORTION OF ELM STREET**

To see if the Town will authorize the Board of Selectmen to acquire or take, on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept a deed of a fee simple or easement interest in Parcel 8B consisting of approximately 251 square feet, more or less, of land in the Town of Acton shown on a plan of land entitled "Plan of the Relocation of a Portion of Elm Street in Acton, Massachusetts, as Laid Out by Order of the Board of Selectmen, 2005," prepared by David F. Abbt, R.L.S. 28511, on file with the Acton Town Clerk (the "Plan"), said parcel to become a portion of the town way known as Elm Street at the intersection of Central Street, as laid out and relocated by the Board of Selectmen according to said Plan and as described in more detail in the Order of Layout and Relocation therefor, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

**SUMMARY**

Many years ago, a small portion of the existing sidewalk on Elm Street was inadvertently built on the abutter's property. The current owner of this land has generously offered to convey this small parcel containing 251 square feet to the Town at no cost for incorporation into the public right-of-way of Elm Street. Because of Local Initiative Program ("LIP") regulatory agreements or similar project documents applicable to the land of which this parcel is a part, the article authorizes the Selectmen to acquire this parcel in an appropriate manner so that it is not encumbered by the LIP regulatory agreements or similar project documents.

Direct inquiries to: Bruce M. Stamski, P.E., Town Engineer  
engineering@acton-ma.gov / (978) 264-9628  
Selectman assigned: Robert Johnson: bos@acton-ma.gov

**Recommendations:**      Board of Selectmen      Finance Committee  
   **Recommended**                      **Deferred**

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**ARTICLE 31 \*      SIDEWALK EASEMENT – ESKER WAY**  
(Majority vote)

To see if the Town will vote to accept as a gift from Bentley Building Corp., a permanent sidewalk easement at 28B Minot Avenue and being shown as "Proposed 7' Wide Sidewalk Easement, 675 S.F." on a plan entitled "Sidewalk Easement Plan, Esker Way, Acton, MA, Prepared for Bentley Building Corp. by Landtech Consultants, Inc.", dated January 11, 2005, and as described more fully in a Grant of Easement to the Town of Acton, both to be recorded at the Middlesex South District Registry of Deeds, Cambridge MA, or take any other action relative thereto.

**SUMMARY**

The donation of this easement is for a sidewalk at this location required as a condition of approval of the Esker Way Subdivision by the Acton Planning Board in Decision 03-03 of February 11, 2003.

Direct inquiries to: Roland Bartl, Town Planner  
planning@acton-ma.gov  
Selectman assigned: Robert Johnson: bos@acton-ma.gov

**Recommendations:**      Board of Selectmen      Finance Committee  
   **Recommended**                      **Deferred**

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**ARTICLE 34 \* LAND ACCEPTANCE – DUNHAM PARK SUBDIVISION**

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept the deed of a fee simple interest in a certain parcel of vacant land on Dunham Lane shown as Open Space Parcel A, Common Land 4.66 acres, on a plan recorded at the Middlesex South District Registry of Deeds as Plan No.827 of 2001, and shown on Map J-3 of the Town Atlas as Parcel 15-1, for purposes of passive recreation and watershed protection, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

**SUMMARY**

This open space parcel is to be donated to the Town pursuant to Planning Board Decision 01-01 of April 11, 2001 for the Dunham Park Definitive Subdivision and Open Space Development Special Permit. Parcel A provides access to and abuts land of the Acton Water District. The parcel is associated with the recent subdivision known as Dunham Park located on High Street in South Acton. Because a portion of the Dunham Park Project may be governed by regulatory agreements or similar project documents, the article authorizes the Selectmen to acquire this parcel in an appropriate manner so that it is not encumbered by the regulatory agreements or similar project documents.

Direct inquiries to: Roland Bartl, Town Planner  
planning@acton-ma.gov  
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

**Recommendations:**      **Board of Selectmen**      **Finance Committee**  
   **Recommended**                      **Deferred**

**ARTICLE 35 \* STREET ACCEPTANCE – DUNHAM LANE**

(Two-thirds vote)

To see if the Town will accept as a public way the following street, or any portion thereof, as laid out by the Board of Selectmen according to plans 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, sidewalk or other purposes as shown on said plans or described in the Order of Layout;

In the DUNHAM PARK SUBDIVISION

DUNHAM LANE- from the easterly sideline of High Street a distance of 543 feet, more or less, in a generally easterly direction to the end of a T-shaped turnaround, including the turnaround, this being the entire road.

, or take any other action relative thereto.

**SUMMARY**

This article is to accept streets as town ways that have been built to Planning Board standards. In order to create a new street, a developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer’s contractor then constructs the street according to this plan and the rules and regulations of the Planning Board. The Engineering Department inspects the street during construction to insure compliance with these standards. Upon completion of the street, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the street 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 street. Following town meeting, the Selectmen obtain title to the street by deed or eminent domain. Such streets are built and donated to the Town at no cost; however, the Town will assume future maintenance costs as with any town way. The subdivision process is contained in Massachusetts General Law, Chapter 41, and the layout of town ways is in Chapter 82. Dunham Lane has followed this process, and is now ready for acceptance.

Direct inquiries to: Corey York, Engineering Assistant  
engineering@acton-ma.gov / (978) 264-9628  
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

|                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| <b>Recommendations:</b> | <b><u>Board of Selectmen</u></b> | <b><u>Finance Committee</u></b> |
|                         | <b>Recommended</b>               | <b>Deferred</b>                 |

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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 fourteenth day of March, 2005.

F. Doré Hunter, Chairman  
Peter Ashton, Vice-Chairman  
Robert A. Johnson, Clerk  
William H. Shupert, III  
Walter M. Foster

***Board of Selectmen***

A true copy, Attest:

\_\_\_\_\_  
***Constable of Acton***

## Glossary

### Terms Commonly Used in Municipal Finance

**Abatement:** A complete or partial cancellation of a tax bill 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 that is appropriated may be encumbered.

A warrant article 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 revenues are 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 Town 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 debt.

**Encumbrance:** Obligations such 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 and may be supplemented by taxes.

**Equalized Valuation:** The value of all property as determined by the Commissioner of Revenue biennially, to place all property in the state upon an equal footing, regardless of date of assessment.

**Excess And Deficiency:** Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts. The calculation is based on a year-end balance sheet which is submitted to the Department of Revenue by the district's auditor, accountant, or comptroller as of June 30. The regional school committee must apply certified amounts exceeding five percent of the district's prior year operating and capital costs to reduce the assessment on member cities and towns.

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

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

**Fiscal Year ("FY"):** 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; for example, FY04 or FY 2004 is the fiscal year which ends June 30, 2004.

**Free Cash:** Certified each July 1 by the State, this is the portion of Undesignated 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 that is segregated for the purpose of carrying on identified 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.

**Joint Labor Management Negotiation Process:** A negotiation process available to Police and Fire Unions, which utilizes Commonwealth of Massachusetts' mediators and arbitrators. If an arbitration decision is issued, it is binding upon the Executive Branch (The Board of Selectmen and Management Staff). Further, the Executive Branch must fully support such an arbitration decision before Town Meeting, even if they believe such a decision is not in the best interest of the Town.

**Overlay:** The amount raised from the property tax levy in excess of appropriations and other charges. It is used to cover abatements and exemptions granted locally or on appeal, and cannot exceed an amount deemed reasonable by the Commissioner of Revenue.

**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 Bill:** 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:      | \$ 3,000   |  |

**Raise:** A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other local receipt.

**Reserve Fund:** A fund appropriated each year that 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 of the assets listed as “accounts receivable” may be taxes receivable and uncollected. (See Free Cash)

**Warrant:** A list of matters to be acted on by Town Meeting.

# **Parliamentary Procedure**

## **Acton Town Meeting Procedures**

Town Meeting is an old and honored tradition in New England. After more than 200 years we can say it still works – it does its job – and hopefully it’s more than a little enjoyable for you, the voters. It’s also the only form of government where the leaders must face the citizenry directly to answer all reasonable queries – and perhaps even some not so reasonable! However, to work well it must have rules of order – and it does. Town Meetings operate under what is generally called “parliamentary procedure” – in our case, as spelled out in Town Meeting Time. Unfortunately, this wonderful little book is widely read only by Moderators, Town Clerks, Town Counsels and a few others with unusual tastes. In addition to such formal procedures Town Meetings also are subject to relatively arbitrary rules of order set forth by the Moderator and precedent. The following information puts forth the most widely used of these “rules of the road” as an effort to help you enjoy and participate in our Town Meetings.

### **Moderator’s Rules**

These are quite arbitrary, but hopefully are consistently applied:

1. Any registered voter may speak to any article, but all must speak politely and respectfully to other voters and members of town boards. Civility is not an option.
2. Since many voters may wish to speak, brevity of comment is appreciated. In addition, speakers are encouraged to add new points to the debate as opposed to repeating what others have already stated.
3. Voters may speak to an issue more than once, but generally “first time” speakers will be recognized before “repeaters”.
4. Remember to listen closely to the motion as stated. The motion puts the warrant article “in play” and it is the motion that is voted on, not the article as written in the warrant. However, there should be a strong similarity between motion and article.
5. Most motions must be “seconded”. Seconding motions is an easy way for newcomers to participate in the meeting. One does not even need to stand or be directly recognized. Generally calling out “second” at the right time will suffice.
6. Voting is most often done by voice. As the Moderator’s hearing fails, “standing” counts may be taken. The last resort, due to time constraints, is to take a counted vote by teller.
7. Although not encouraged, the Moderator’s judgment can be questioned as to the accuracy of the vote as announced. If seven (7) people request a “recount” of a voice or standing votes, it shall be done.
8. The Moderator will generally accept the motion to “move the previous question”, or more easily understood, “to cut off debate.” Many people think this motion is somewhat unfair, but it has been my experience that, more often than not, it is passed unanimously or by overwhelming numbers. In the past, the moderator has been accused of knowing who plans to make such a motion – generally such accusations are accurate!
9. After a motion has been made and seconded, the mover of the motion speaks first, followed by the appropriate Town Boards (generally the Selectmen and the Finance Committee) who state their opinions. The motion is then available for general discussion – pro, con, or questions.

10. Other than when seconding a motion or requesting a point of order, speakers must be recognized by the Moderator before they launch into their point or question. For the most part this “rule of the road” is rigorously enforced.

### More Formal Parliamentary Procedure

There are many types of motions that may come before a meeting. The table below is far from all-inclusive, but indicates the most commonly used motions.

| Motion                            | Second Required | Debatable | Amendable        | Vote Required | May Recon-Sider | May Interrupt |
|-----------------------------------|-----------------|-----------|------------------|---------------|-----------------|---------------|
| <b>Dissolve</b>                   | Yes             | No        | No               | Majority      | No              | No            |
| <b>Fix the Time to Adjourn</b>    | Yes             | Yes       | Yes              | Majority      | Yes             | No            |
| <b>Lay on the Table</b>           | Yes             | No        | No               | Two-thirds    | Yes             | No            |
| <b>Previous Question</b>          | Yes             | No        | No               | Two-thirds    | No              | No            |
| <b>Limit Debate</b>               | Yes             | No        | No               | Two-thirds    | Yes             | No            |
| <b>Postpone to a Time Certain</b> | Yes             | Yes       | Yes              | Majority      | Yes             | No            |
| <b>Amend</b>                      | Yes             | Yes       | Yes <sup>1</sup> | Majority      | Yes             | No            |
| <b>Postpone Indefinitely</b>      | Yes             | Yes       | No               | Majority      | Yes             | No            |
| <b>Point of Order</b>             | No              | No        | No               | None          | No              | Yes           |
| <b>Main Motion</b>                | Yes             | Yes       | Yes              | Varies        | Yes             | No            |
| <b>Reconsider<sup>2</sup></b>     | Yes             | Yes       | No               | Two-thirds    | No              | No            |

1 In Acton, we generally do not accept amendments to amendments – too confusing.

2 Controlled by Town bylaw – 2/3 Vote same night; 3/4 Vote, plus posting ensuing nights.

Some of the motions listed above may not be totally understandable in table form only. The following elaboration may help.

The motion to *dissolve* ends the Town meeting and is appropriate only when all business is completed.

*Fix the time to adjourn* is a motion often made by the Selectmen and indicates when a given Town Meeting session will end and when the next session will begin.

*Lay on the table* is a motion used to end debate temporarily or permanently on a given motion. A motion laid on the table may remain there forever, or may be retrieved by the appropriate “take from the table” vote.

*The previous question* cuts off debate immediately and causes a vote on the article or amendment under discussion.

*Limit debate* is a motion generally used to put a specific time limit on a motion or time limits on individual speakers.

***Postpone to a time certain*** is a motion generally used to rearrange the order of the articles (or a single article) in the warrant.

***Amend*** – Many types of motions can be amended or altered to bring them to an even higher state of perfection. Of course, since amendments are a little like “beauty being in the eye of the beholder,” they sometimes fail to pass. In any event, after the amendment is disposed of by a vote, the primary motion, either so amended or not, comes back to the assemblage for further discussion and vote.

***Postpone Indefinitely*** serves the same basic purpose as laying a motion on the table except that it is debatable and requires only a majority vote. If the postpone motion carries, the motion to which it applies is dead – in parliamentary terms, at least.

***Point of Order*** – Anyone at any time may rise to a point of order and interrupt the speaker, simply stating, “Point of order, Mr. Moderator.” The Moderator will immediately stop discussion, listen to the point of order and rule on its validity. Points of order may relate to many issues, for example, the right of a speaker to the floor, proper procedures, indecorous conduct or rarely, but within the realm of possibility, some error that the moderator is committing.

***Main Motions*** are made when no other business is pending and are the devices used to bring the warrant articles to the Town Meeting floor for discussion.

***Reconsideration*** may be used to bring an article (or motion) which has already been disposed of back for a second time. If reconsideration is passed, it nullifies the previous vote and the article is re-discussed and re-voted. Many people feel that reconsideration is unfair, but it is a valid procedure and is occasionally used. In Acton, a Town Bylaw controls the vote quantum rather than Town Meeting Time. Anyone who wishes to reconsider a motion, particularly on a different night from the original vote, would be well advised to consult the Town Clerk on proper procedures.

Parliamentary procedure is not really complex, but the rules, like the rules of golf, do not always make sense. However, they should be consistently applied. If they are, then the Town Meeting can conduct its business in both an orderly and a fair fashion.

I hope this small treatise is helpful to you and adds to your understanding and enjoyment of a most precious night – TOWN MEETING.

Don MacKenzie  
Town Moderator



## Internet References

Town of Acton  
472 Main Street  
Acton, MA 01720  
E-mail [it@acton-ma.gov](mailto:it@acton-ma.gov)

### Information Technology

Official Town of Acton Web Site

[www.acton-ma.gov](http://www.acton-ma.gov)

The Town maintains electronic mail (“E-mail”) distribution groups for all Boards, Committees and Commissions, as well as Departments. These groups are commonly referred to as “shells.”

E-mails sent to shells are automatically forwarded to all members of the committee who have provided their e-mail address to the Town.

**Using e-mail does *not* satisfy Open Meeting Law requirements (Massachusetts General Laws, Chapter 39, Section 23B). Please direct questions regarding this law to the Town Clerk.**

To use a shell, send your e-mail to the address listed in the right-hand column of this table. When replying to an e-mail sent to a shell, it is recommended that you use the "Reply to All" function of your e-mail program so that all members are copied on your reply.

|   |  |
|---|--|
| Acton Community Housing Corporation         | <a href="mailto:achc@acton-ma.gov">achc@acton-ma.gov</a>                 |
| Acton Leadership Group                      | <a href="mailto:alg@acton-ma.gov">alg@acton-ma.gov</a>                   |
| Acton-Boxborough Cultural Council           | <a href="mailto:abcc@acton-ma.gov">abcc@acton-ma.gov</a>                 |
| Appeals, Board of                           | <a href="mailto:boa@acton-ma.gov">boa@acton-ma.gov</a>                   |
| Assessor Department                         | <a href="mailto:assessor@acton-ma.gov">assessor@acton-ma.gov</a>         |
| Assessors, Board of                         | <a href="mailto:bas@acton-ma.gov">bas@acton-ma.gov</a>                   |
| Building Department                         | <a href="mailto:building@acton-ma.gov">building@acton-ma.gov</a>         |
| Cable Advisory Committee                    | <a href="mailto:cac@acton-ma.gov">cac@acton-ma.gov</a>                   |
| Cemetery Department                         | <a href="mailto:cemetery@acton-ma.gov">cemetery@acton-ma.gov</a>         |
| Citizens' Library Department                | <a href="mailto:wacl@acton-ma.gov">wacl@acton-ma.gov</a>                 |
| Clerk Department, Town                      | <a href="mailto:clerk@acton-ma.gov">clerk@acton-ma.gov</a>               |
| Collector Department                        | <a href="mailto:collector@acton-ma.gov">collector@acton-ma.gov</a>       |
| Commission on Disability                    | <a href="mailto:cod@acton-ma.gov">cod@acton-ma.gov</a>                   |
| Community Preservation Committee            | <a href="mailto:cpc@acton-ma.gov">cpc@acton-ma.gov</a>                   |
| Conservation Commission                     | <a href="mailto:conscom@acton-ma.gov">conscom@acton-ma.gov</a>           |
| Council on Aging                            | <a href="mailto:coa@acton-ma.gov">coa@acton-ma.gov</a>                   |
| Council on Aging Department (Senior Center) | <a href="mailto:seniorcenter@acton-ma.gov">seniorcenter@acton-ma.gov</a> |
| East Acton Village Planning Committee       | <a href="mailto:eav@acton-ma.gov">eav@acton-ma.gov</a>                   |
| Economic Development Committee              | <a href="mailto:edc@acton-ma.gov">edc@acton-ma.gov</a>                   |
| Emergency Management Agency, Acton          | <a href="mailto:ema@acton-ma.gov">ema@acton-ma.gov</a>                   |
| Engineering Department                      | <a href="mailto:engineering@acton-ma.gov">engineering@acton-ma.gov</a>   |
| Fair Housing Committee                      | <a href="mailto:fhc@acton-ma.gov">fhc@acton-ma.gov</a>                   |
| Finance Committee                           | <a href="mailto:fincom@acton-ma.gov">fincom@acton-ma.gov</a>             |
| Finance Department                          | <a href="mailto:finance@acton-ma.gov">finance@acton-ma.gov</a>           |
| Fire Department                             | <a href="mailto:fire@acton-ma.gov">fire@acton-ma.gov</a>                 |
| Hanscom Field Advisory Committee            | <a href="mailto:hfac@acton-ma.gov">hfac@acton-ma.gov</a>                 |
| Health Department                           | <a href="mailto:health@acton-ma.gov">health@acton-ma.gov</a>             |
| Health, Board of                            | <a href="mailto:boh@acton-ma.gov">boh@acton-ma.gov</a>                   |
| Highway Department                          | <a href="mailto:highway@acton-ma.gov">highway@acton-ma.gov</a>           |
| Historic District Bylaw Study Committee     | <a href="mailto:hdbsc@acton-ma.gov">hdbsc@acton-ma.gov</a>               |
| Historic District Commission                | <a href="mailto:hdc@acton-ma.gov">hdc@acton-ma.gov</a>                   |

|   |                           |
|---|---------------------------|
| Historical Commission                       | hc@acton-ma.gov           |
| Human Resources Department                  | hr@acton-ma.gov           |
| Information Technology Department           | it@acton-ma.gov           |
| Joint Technology Advisory Committee         | jtac@acton-ma.gov         |
| Land Stewardship Committee                  | lsc@acton-ma.gov          |
| Manager Department, Town                    | manager@acton-ma.gov      |
| Memorial Library Department                 | library@acton-ma.gov      |
| Metropolitan Advisory Planning Council      | mapc@acton-ma.gov         |
| Municipal Properties Department             | mp@acton-ma.gov           |
| Natural Resources Department                | nr@acton-ma.gov           |
| Nursing Department                          | nursing@acton-ma.gov      |
| Open Space and Recreation Committee         | osrc@acton-ma.gov         |
| Outdoor Lighting Advisory Committee         | olac@acton-ma.gov         |
| Parking Clerk                               | parkingclerk@acton-ma.gov |
| Personnel Board                             | peb@acton-ma.gov          |
| Planning Board                              | pb@acton-ma.gov           |
| Planning Department                         | planning@acton-ma.gov     |
| Police Department                           | police@acton-ma.gov       |
| Public Ceremonies Committee                 | pcc@acton-ma.gov          |
| Public Safety Facilities Building Committee | psfbc@acton-ma.gov        |
| Recreation Commission                       | reccom@acton-ma.gov       |
| Recreation Department                       | recreation@acton-ma.gov   |
| School Committee, Acton-Boxborough Regional | abrsc@acton-ma.gov        |
| School Committee, Acton Public              | apsc@acton-ma.gov         |
| Selectmen, Board of                         | bos@acton-ma.gov          |
| Senior Taxation Aid Committee               | stac@acton-ma.gov         |
| South Acton Revitalization Committee        | sarc@acton-ma.gov         |
| Town Report Committee                       | trc@acton-ma.gov          |
| Transportation Advisory Committee           | tac@acton-ma.gov          |
| Treasurer's Advisory Committee              | trac@acton-ma.gov         |
| Volunteer Coordinating Committee            | vcc@acton-ma.gov          |
| Wastewater Advisory Committee               | wac@acton-ma.gov          |

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*Volunteer Coordinating Committee*

# *Volunteer Application*

Town of Acton  
472 Main Street  
Acton, MA 01720  
E-mail [vcc@acton-ma.gov](mailto:vcc@acton-ma.gov)  
Telephone: (978) 264-9612  
Fax: (978) 264-9630

Residents interested in serving on a Town Board, Committee or Commission are asked to complete this form and forward it to the Office of the Town Manager at Town Hall.

(Please print or type)

Date \_\_\_\_\_

**Name** Title (Mr., Mrs., Dr., etc.) / First / Last / Suffix (Sr., Jr., III, etc.)

**Address** Number / Street

**Contact** E-mail Address / Telephone Number(s) (Home, Business, Cell, etc.)

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee or Commission that is of interest to you: \_\_\_\_\_

Have you previously been a member of a Board, Committee or Commission (either in Acton or elsewhere)? If so, please list the Board name and your approximate dates of service: \_\_\_\_\_

Do you have any time restrictions? \_\_\_\_\_ Are you a United States Citizen? \_\_\_\_\_

How long have you lived in Acton? \_\_\_\_\_ In Massachusetts? \_\_\_\_\_

Present occupation and employer (Optional: Attach résumé) \_\_\_\_\_

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? \_\_\_\_\_

Education or special training: \_\_\_\_\_

Please list below any additional information or comments that may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interest/hobbies, etc.:

TOWN OF ACTON VOLUNTEER BOARDS, COMMITTEES AND COMMISSIONS

- |                                     |  |
|-------------------------------------|--|
| Acton Community Housing Corporation | Historic District Commission               |
| Acton-Boxborough Cultural Council   | Historical Commission                      |
| Aging, Council on                   | Joint Technology Advisory Committee        |
| Appeals, Board of                   | Metropolitan Advisory Planning Council     |
| Assessors, Board of                 | Minuteman Home Care                        |
| Cable Advisory Committee            | Minuteman Vocational School Representative |
| Cemetery Commission                 | Personnel Board                            |
| Community Preservation Committee    | Planning Board                             |
| Conservation Commission             | Public Ceremonies Committee                |
| Disability, Commission on           | Recreation Commission                      |
| Fair Housing Committee              | South Acton Revitalization Committee       |
| Finance Committee                   | Town Report Committee                      |
| Hanscom Field Advisory Committee    | Transportation Advisory Committee          |
| Health, Board of                    | Volunteer Coordinating Committee           |

*Thank you.* If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee. Current membership may be obtained through the Town Manager's office at Town Hall, (978) 264-9612.

The space below is for use by the Volunteer Coordinating Committee and the appointing body to record the status of your application.

| <b>VCC Interview</b>                              | <b>Appointing Body</b>          |
|---|---------------------------------|
| Applicant Called _____                            | Selectmen / Manager / Moderator |
| Schedule Date & Time _____                        | Interview Date _____            |
| Recommendation _____                              | Appointed Date _____            |
|   | Term _____                      |
| Board, Committee or Commission                    |                                 |
| _____   | Member / Alternate / Associate  |
| _____   | Member / Alternate / Associate  |
| _____   | Member / Alternate / Associate  |
| _____   | Member / Alternate / Associate  |
|   | Notification of Appointment     |
| Recommendation Sent _____                         | Received by VCC _____           |
|   | Committee Notified _____        |
| <input type="checkbox"/> No openings at this time | Applicant Notified _____        |

VCC 4/5/05

## Proposed Town Meeting Booklet

As I mentioned a year ago at Town Meeting, I plan to put together a series of thoughts or vignettes on town meeting during the latter part of the Twentieth and the first few years of the Twenty-First Centuries. No such work presently exists – But I’ll need your help.

I’d very much appreciate your writing a few thoughts on town meeting – the “good” or the “less than good” about the process, a fond (particularly humorous) memory, a good or otherwise decision made, or anything in general you’d like to have included and be attributed to you in the booklet.

Please mail your submission to me at 12 Wilson Lane, Acton. I’d like to receive 100 or more different ideas for inclusion. Thank you.

Don MacKenzie  
Town Moderator

### Thoughts or Comments on Town Meeting

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(Please continue on reverse side)



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