

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| ARTICLE | TITLE | PAGE |
|----------------|-------------------------------------------------------------------------|-------------|
| 1 | Choose Town Officers | 6 |
| 2 | Hear and Accept Reports | 7 |
| 3** | COA Enterprise Budget | 8 |
| 4** | Nursing Enterprise Budget | 9 |
| 5** | Septage Disposal Enterprise Budget | 10 |
| 6** | NESWC Enterprise Budget | 11 |
| 7 | Sewer Enterprise Fund | 12 |
| 8** | Section 53E1/2 Self-Funding Programs | 13 |
| 9** | Chapter 90 Highway Reimbursement Program | 14 |
| 10** | Emergency/Disaster Aid Appropriations | 15 |
| 11** | Merriam School Offset Receipts Budget | 16 |
| 12 | Budget Transfer | 17 |
| 13 | Town Operating Budget | 18 |
| 14 | Capital Improvements - Facilities and Equipment | 19 |
| 15 | Capital Improvements - Vehicles | 20 |
| 16 | State Certification of Property Values | 21 |
| 17 | Land Acquisition- Carlisle Road | 22 |
| 18 | Senior Citizen Center Acquisition | 23 |
| 19 | Police/Fire Feasibility Study | 24 |
| 20 | Comprehensive Water Resources Management Plan | 25 |
| 21 | Capital Improvements – Rail Trail Feasibility | 26 |
| 22 | Capital Improvements – Assabet River Rail Trail Design and Construction | 27 |
| 23** | Town Board Support – Special Projects | 28 |
| 24** | Plowing of Private Ways | 29 |
| 25 | Amend Town Bylaw – Section P, Historic District Bylaw | 30 |
| 26 | Economic Development and Industrial Corporation | 31 |
| 27 | Acton Public Schools Budget | 43 |

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| | TITLE | PAGE |
|------|----------------------------------------------------------------------------------------------|-------------|
| 28 | Acton Boxborough Regional School Assessment | 44 |
| 29 | Acton Public Schools Capital Improvement Projects | 45 |
| 30 | A/B Regional Schools Capital Improvement Projects | 46 |
| 31 | Minuteman Regional School Assessment | 47 |
| 32** | Sale of Foreclosed Properties | 48 |
| 33 | Supplemental Assessments | 49 |
| 34 | Amend Town Bylaw – Section E42, Alcohol in Public | 50 |
| 35# | Amend Town Bylaw | 51 |
| 36 | Powder Mill District | 52 |
| 37 | Technology District | 58 |
| 38 | Rezoning of Certain Split Zoned Properties | 62 |
| 39 | Principal Use Definitions and Table, Related Changes | 63 |
| 40 | Senior Residence | 99 |
| 41 | Open Space Development (OSD) and Planned Conservation Residential Community (PCRC) Revisions | 107 |
| 42 | Housekeeping – Corrections, Clarifications, Minor Modifications | 110 |
| 43** | Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986 | 114 |
| 44 | Earth Day Resolution | 115 |
| 45** | Street Acceptance – Carlton Drive Extension | 116 |
| 46 | Street Acceptances – Guswood Road Extension | 117 |
| 47** | Acceptance of Land Gift – 10 Carlisle Road | 118 |
| 48** | Acceptance of Land Gift – Carlton Drive | 119 |
| 49** | Acceptance of Land Gift – 35 Main Street | 120 |
| 50** | Acceptance of Sidewalk Easement – High Street | 121 |
| 51** | Acceptance of Sidewalk Easement – Pope Road at Triangle Farm Lane | 122 |
| 52 | Sewer Easement – 394 Mass Avenue | 123 |
| 53 | Sewer Easement – 400 Mass Avenue | 124 |
| 54 | Sewer Easement – Maple Street | 125 |
| 55 | Use of Funds to Reduce Tax Rate (Free Cash) | 126 |

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

WITH ADJOURNED SESSIONS HELD APRIL 4 AND APRIL 5, 2000
AT THE ACTON-BOXBOROUGH HIGH SCHOOL AUDITORIUM
Number of Registered voters attending Town Meeting
APRIL 3, 735 APRIL 4, 290 APRIL 5, 151

The Moderator, Mr. MacKenzie, called the meeting to order on Monday April 3, 2000 at 7:00pm. He introduced Reverend Frank Gulinello, Jr. Reverend Gulinello gave the invocation.

Mr. MacKenzie introduced Herman Kabakoff, Chairman of the Board of Selectmen. Mr. Kabakoff introduced the members of the Board of Selectmen, the Town Manager, Town Counsel, Town Clerk, Town Accountant and the Assistant Town Manager. Mr. Kabakoff also noted that this was the last meeting where Mr. Friedrichs would attend as a member of the Board of Selectmen and thanked Mr. Friedrichs for his six (6) years of service to the Board and also for serving on several other boards.

Mr. MacKenzie then introduced John Prendiville, Chairman of the Finance Committee. Mr. Prendiville introduced the members of the Finance Committee.

Mr. MacKenzie informed town meeting that they would be voting on the motions that are read, not the articles as written in the warrant. He then explained some basic rules and regulations of the town meeting.

Mr. MacKenzie explained how the CONSENT CALENDAR was voted and proceeded to read the articles on the Consent Calendar:

ARTICLE

CONSENT MOTION

3** Council on Aging Enterprise Budget: Move that the Town raise and appropriate \$50,962 for the purpose of operating the Town of Acton Senior and Handicapped Citizen Van service, and to raise such amount \$40,962 be transferred from the Council on Aging Enterprise Fund, and \$10,000 be raised and appropriated.

4** Nursing Enterprise Fund: Move that the Town raise and appropriate \$494,082 for the purpose of operating the Public Health Nursing Service, and to raise such amount \$494,082 be transferred from the Nursing Enterprise Fund.

5** Septage Disposal Enterprise Budget: Move that the Town raise and appropriate \$175,992 for the purpose of septage disposal, and to raise such amount \$175,992 be transferred from the Septage Disposal Enterprise Fund.

6** NESWC Enterprise Fund: Move that the Town raise and appropriate \$3,136,672 for the purpose of trash disposal, and to raise such amount \$2,469,672 be transferred from the NESWC Enterprise Fund, and \$667,000 be raised and appropriated.

8** Section 53 1/2 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 FY01 in the amounts and for the purposes set forth in the expense column of this article.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

9** 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.

10** Emergency/Disaster Aid Appropriations: Move in the words of the article.

11** Merriam School Offset Receipts Budget: Move that the Town raise and appropriate \$19,480 for the purpose of maintaining the Merriam School Building, and to raise such amount \$19,480 be transferred from the Merriam School Offset Receipts Budget.

23** Town Board Support-Special Projects: Move that the Town raise and appropriate \$5,000 for the on-going expenses of the Acton-Boxborough Cultural Council.

24** Plowing of Private Ways: Move that the Town raise and appropriate \$10,000 to be expended by the Town Manager for plowing of private ways open to public use as designated by the Board of Selectmen.

32** Sale of Foreclosed Properties: Move in the words of the article.

43** Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986: Move in the words of the article.

45** Street Acceptances: Move that the Town accept as a public way the streets 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 plan or described in the Order of Layout.

47** Accept Land Gift – 10 Carlisle Road: Move in the words of the article.

48** Accept Land Gift – Carlton Drive Extension: Move in the words of the article.

49** Accept Land Gift – 35 Main Street: Move in the words of the article.

50** Acceptance of Sidewalk Easement – High Street: Move in the words of the article.

51** Acceptance of Sidewalk Easement – Pope Road: Move in the words of the article.

CONSENT CALENDAR CARRIES UNANIMOUSLY

ARTICLE 1 CHOOSE TOWN OFFICERS
(Majority Vote Required)

To choose all necessary Town Officers and Committees and to fix the salaries and compensation of all the elective officers of the Town as follows:

| | |
|--------------------|----------------------------------|
| Moderator | \$20.00 per Town Meeting session |
| Board of Selectmen | Chairman \$750.00 per year |
| | Member \$650.00 per year |

or take any other action relative thereto.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

MOTION:

Mr. Kabakoff moves that the Town fix the compensation for elected officers as shown in the warrant.

MOTION CARRIES UNANIMOUSLY

Cornelia O. Huber, Chairperson of the Elizabeth White Fund, nominates Francis Joyner for the position of Trustee of the Elizabeth White Fund, term to expire 2003.

MOTION CARRIES UNANIMOUSLY

Joseph A. Conquest nominates Allen H. Nelson for the position of Trustee of the Fireman's Relief Fund, term to expire 2003.

MOTION CARRIES UNANIMOUSLY

Frederick A. Harris, Trustee of the Fireman's Relief Fund of West Acton, nominates Edward Bennett, for the position of Trustee of the Fireman's Relief Fund of West Acton, term to expire 2003.

MOTION CARRIES UNANIMOUSLY

Shirley Towle nominates Mabel Grekula for the position of Trustee of the Charlotte Goodnow Fund, term to expire 2003.

MOTION CARRIES UNANIMOUSLY

The Trustees of the West Acton Citizens' Library nominate Peter J. Guilmette for the position of Trustee of the West Acton Citizens' Library, term to expire 2003.

MOTION CARRIES UNANIMOUSLY

ARTICLE 2 HEAR AND ACCEPT REPORTS
(Majority Vote Required)

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.

MOTION:

Mr. Kabakoff moves that the Town accepts the reports of the various Town Officers and Boards as set forth in the 1999 Town Report and that the Moderator calls for any other reports.

MOTION CARRIES UNANIMOUSLY

Moderator calls for any other reports. There were no other reports.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

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

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$50,962, or any other sum, to operate the Senior Van Service, in accordance with Mass General Laws Chapter 44, Section 53 F1/2, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION:

Mr. Shupert moves that the Town raise and appropriate \$50,962 for the purpose of operating the Town of Acton Senior and Handicapped Citizen Van service, and to raise such amount \$40,962 be transferred from the Council on Aging Enterprise Fund, and \$10,000 be raised and appropriated.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 4 NURSING ENTERPRISE BUDGET**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$494,082, or any other sum, to provide Public Health and Visiting Nurse Services, in accordance with Mass General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION:

Mr. Shupert moves that the Town raise and appropriate \$494,082 for the purpose of operating the Public Health Nursing Service, and to raise such amount \$494,082 be transferred from the Nursing Enterprise Fund.

CONSENT MOTION CARRIES UNANIMOUSLY

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

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$175,992, or any other sum, for the purpose of septage disposal, in accordance with Mass General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION:

Mr. Shupert moves that the Town raise and appropriate \$175,992 for the purpose of septage disposal, and to raise such amount \$175,992 be transferred from the Septage Disposal Enterprise Fund

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 6 NESWC ENTERPRISE BUDGET**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$3,136,672, or any other sum, for the purpose of solid waste disposal, in accordance with Mass

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION:

Mr. Shupert moves that the Town raise and appropriate \$3,136,672 for the purpose of trash disposal, and to raise such amount \$2,469,672 be transferred from the NESWC Enterprise Fund, and \$667,000 be raised and appropriated.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 7 SEWER ENTERPRISE BUDGET

(Majority Vote Required)

To see if the Town will vote to establish a Sewer Enterprise Fund in accordance with Mass General Laws Chapter 44, Section 53F1/2, for the purpose of holding and accounting for all revenues, receipts and funds from any sources for the construction, operation and maintenance of sewer collection and treatment facilities in the town and appropriate the sum of \$94,000, or any other sum, for such purposes and to raise such amount \$94,000 shall be transferred from funds appropriated in the FY01 Budget, or take any other action relative thereto.

MOTION:

Mr. Shupert moves that the Town establish a Sewer Enterprise Fund for the purpose of holding and accounting for all revenues, receipts and funds from any source for the construction, operation and maintenance of sewer collection and treatment facilities in the town, and appropriate \$94,000 for such purposes, and to raise such amount, \$94,000 be transferred from the Sewer Enterprise Fund.

MOTION CARRIES UNANIMOUSLY

ARTICLE 8 SECTION 53E1/2 SELF-FUNDING PROGRAMS**

(Majority Vote Required)

To see if the Town will vote pursuant to Section 53E1/2 of Chapter 44 of the Mass General Laws to continue revolving funds for the Local School system, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services, and Fire Department Fire Alarm Network, or take any other action relative thereto.

| | FUND BALANCE | REVENUE | EXPENSE |
|-------------------------------------------------------------------------------------------------------------|---------------------|----------------|----------------|
| | 6/30/99 | FY2001 | FY2001 |
| School Department | | | |
| Douglas At Dawn | \$-2,474 | \$ 20,000 | \$ 20,000 |
| Merriam Afternoons/Summer | \$ 105 | \$ 20,000 | \$ 20,000 |
| Gates Amazing Mornings | \$3,783 | \$ 20,000 | \$ 20,000 |
| Historic District Commission | \$ 419 | \$ 400 | \$ 600 |
| Building Department | | | |
| (Includes fees for Micro Filming, Electrical Permits, Plumbing Permits Gas Permits, Sign Licenses and | \$30,134 | \$111,000 | \$110,947 |

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| | | | |
|----------------------------------------|----------|-----------|-----------|
| Licenses and Periodic Inspection Fees) | | | |
| Sealer of Weights and Measures | \$ 792 | \$ 7,200 | \$ 7,180 |
| Health Department | | | |
| Food Service Inspections | \$12,287 | \$ 20,500 | \$ 20,163 |
| Hazardous Materials Inspections | \$38,829 | \$ 20,500 | \$ 20,288 |
| Fire Department | | | |
| Fire Alarm Network | \$43,373 | \$ 35,000 | \$ 34,720 |

CONSENT MOTION:

Mr. Friedrichs moves 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 FY01 in the amounts and for the purposes set forth in the expense column of this article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 9 CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money for highway improvements under the authority of Chapter 90 of the Mass General Laws, and any other applicable laws, or take any other action relative thereto.

CONSENT MOTION:

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

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 10 EMERGENCY/DISASTER AID APPROPRIATIONS**
(Majority Vote Required)

To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other unusual occurrences during Fiscal Year 2001, or take any other action relative thereto.

CONSENT MOTION:

Mr. Friedrichs moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 11 MERRIAM SCHOOL OFFSET RECEIPTS BUDGET**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$19,480, or any other sum, for the purpose of maintaining and operating the Merriam School, in

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

accordance with Mass General Laws, Chapter 44, Section 53E, Offset Receipts Law, or take any other action relative thereto.

CONSENT MOTION:

Mr. Friedrichs moves that the Town raise and appropriate \$19,480 for the purpose of maintaining the Merriam School Building, and to raise such amount \$19,480 be transferred from the Merriam School Offset Receipts Budget.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 12 BUDGET TRANSFER
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, an amount of money to be used in conjunction with funds appropriated under the current fiscal year's budgets to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary, or take any other action relative thereto.

MOTION:

Mr. Kabakoff moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

MR. PRENDIVILLE, Chairman of the Finance Committee gave a presentation.

ARTICLE 13 TOWN OPERATING BUDGET
(Majority Vote Required)

To see what sum of money the Town will raise and appropriate, or appropriate from available funds, to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the school budgets, or take any other action relative thereto.

MOTION:

Mr. Kabakoff moves that the Town Budget for the period July 1, 2000 to June 30, 2001, in the amount of \$14,999,292 be raised and appropriated in its entirety, except that \$69,435 be transferred from the Cemetery Trust Funds for Cemetery Use, and that \$8,500 be transferred from the Wetlands Filing Fees for use by the Natural Resources Department, and further that the Town Manager be authorized to sell, trade or dispose of vehicles and equipment being replaced and to expend any proceeds received.

MR. KABAKOFF, Chairman of the Board of Selectmen, gave a presentation on the Municipal Budget.

MOTION CARRIES UNANIMOUSLY

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 14 CAPITAL IMPROVEMENTS, FACILITIES AND EQUIPMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to be expended by the Town Manager for the replacement or improvement of facilities and equipment as listed below:

| | | |
|----|------------------------|------------------|
| A. | Town Hall Roof Repairs | \$ 70,000 |
| B. | Telephone Systems | \$ 30,000 |
| C. | Portable Generator | \$ 15,000 |
| D. | Fork Lift | \$ 26,000 |
| | Total | \$141,000 |

or take any other action relative thereto.

MOTION:

Mr. Hunter moves that the Town raise and appropriate \$141,000 to be expended by the Town Manager for the purpose of purchasing equipment as listed in this article, and further that the Town Manager be authorized to sell, trade or dispose of equipment being replaced and to expend any proceeds received.

MOTION CARRIES UNANIMOUSLY

ARTICLE 15 CAPITAL IMPROVEMENTS - VEHICLES
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to be expended by the Town Manager for the purchase and replacement of vehicles as listed below:

| | | |
|----|----------------------------------|------------------|
| A. | Highway Superintendent's Vehicle | \$27,000 |
| B. | Municipal Properties Vehicle | \$34,000 |
| C. | Fire Vehicle #30 | \$40,000 |
| | Total | \$101,000 |

or take any other action relative thereto.

MOTION:

Mr. Hunter moves that the Town raise and appropriate \$101,000 to be expended by the Town Manager for the purpose of purchasing new vehicles and replacing vehicles as listed in the Article and that the Town Manager be authorized to sell, trade, or dispose of vehicles being replaced and to expend any proceeds received.

MOTION CARRIES UNANIMOUSLY

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 16 STATE CERTIFICATION OF PROPERTY VALUES
(Majority Vote Required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$75,000, or any other sum, for the purpose of establishing the full and fair cash value of all real estate within the jurisdiction of the Town, or take any other action relative thereto.

MOTION:

Mr. Ashton moves that the Town raise and appropriate \$75,000 to be expended by the Town Manager for the purpose of establishing the full and fair cash value of all real estate within the jurisdiction of the Town.

MOTION CARRIES UNANIMOUSLY

ARTICLE 17 LAND ACQUISITION – CARLISLE ROAD
(2/3 Vote Required)

To see if the Town will raise and appropriate, appropriate from available funds, or authorize the Treasurer to borrow a sum of money, which borrowing shall be contingent upon the passage of a Proposition 2 1/2 Debt Exclusion Override, to be expended by the Town Manager for the purpose of acquiring by purchase, eminent domain, or otherwise, all or part of the land on Carlisle Road shown as Parcel 104 on Assessors' Map C-5; Parcels 11, 12, 13 and 14 on Assessors' Map C-6; Parcel 12 on Assessors' Map D-5 and Parcels 1, 2 and 2-1 on Assessors' Map D-6, for conservation, recreation and other general municipal purposes and to authorize the Town Manager to apply for any available State and Federal reimbursements for such purposes, or take any other action relative thereto.

MOTION:

Mr. Ashton moves that the Town authorize the Board of Selectmen to negotiate a Purchase and Sale Agreement for the acquisition by purchase, eminent domain, or otherwise of all or part of the 234 +/- acres of land on Carlisle Road shown as Parcel 104 on Assessors' Map C-5; Parcels 11, 12, 13 and 14 on Assessors' Map C-6; Parcel 12 on Assessors' Map D-5 and Parcels 1, 2 and 2-1 on Assessors' Map D-6, and that an area not greater than 60 acres be held for recreational purposes, including supporting infrastructure, with the remainder to be held for conservation purposes, to be managed and controlled by the Town of Acton Conservation Commission pursuant to the provisions of G.L. 40, 8C, and that the Town raise and appropriate the sum of \$6,875,000 to be expended by the Town Manager for said acquisition, bond issuance costs, and other costs incidental thereto; and to raise such amount, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$6,875,000 under G.L. Chapter 44; and that the Town raise and appropriate \$225,000 for the payment of interest and costs incidental thereto, and that the Town Manager is authorized to apply for, enter into agreements concerning, accept and expend any Federal and State Grants available for these purposes including but not limited to the Commonwealth's Executive Office of Environmental Affairs Self-Help Grants, provided however, that this vote shall not take effect until the Town obtains two additional appraisals of the property and votes to exempt from the limitation on total taxes imposed by G.L. Chapter 59, Section 21C (Proposition 2 1/2) amounts required to pay the principal and interest on the borrowing authorized by this vote.

TOTAL 657

YES 607

NO 50

MOTION CARRIES

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

MOTION:

Mr. Kabakoff moves to adjourn the town meeting at 10:43 PM until Tuesday, April 4, 2000 at 7:00PM

MOTION CARRIES UNANIMOUSLY

Moderator called the meeting to order at 7:05PM, Tuesday, April 4, 2000

ARTICLE 18 SENIOR CENTER ACQUISITION
(Majority Vote Required)

To see if the Town will vote to authorize the Board of Selectmen to accept as a gift from the Audubon Hill North and Audubon Hill South Condominium Association, a parcel of land and buildings thereon identified as Lot E, as set forth in the lease between the Audubon Hill North Condominium Association, the Audubon Hill South Condominium Association and the Board of Selectmen of the Town of Acton, dated November 1, 1993, and further described in a Comprehensive Development Agreement dated July 25, 1989, and recorded with the Middlesex South Registry of Deeds at Book 19966, Page 008, together with such easements or rights of access as the Board of Selectmen, with advice of Town Counsel, determine to be necessary, provided that such action shall not change the purposes for which this facility may be used as set forth in such agreement, or take any other action relative thereto.

MOTION:

Mr. Shupert moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY

ARTICLE 19 POLICE/FIRE FEASIBILITY STUDY
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$35,000, or any other sum, to be expended by the Town Manager for the purpose of conducting a feasibility study for Public Safety facilities, or take any other action relative thereto.

MOTION:

Mr. Hunter moves that the Town raise and appropriate \$35,000 to be expended by the Town Manager for professional services to conduct a feasibility study for Public Safety facilities, and other costs incidental thereto.

MOTION CARRIES

Mr. MacKenzie informed Town Meeting attendees that "Know Your Town" booklets were being sold for \$8.00 in the lobby by the League of Women Voters.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 20 COMPREHENSIVE WATER RESOURCES MANAGEMENT PLAN
(2/3 Vote Required)

To see if the Town will raise and appropriate, appropriate from available funds or borrow from the Massachusetts Water Pollution Abatement Trust, or otherwise, a sum of money to be expended by the Town Manager for the purpose of completing a comprehensive water resources management plan, including, without limitation, all costs and any related expenses thereof, as defined in Chapter 29C of the Mass General Laws, or take any other action relative thereto.

MOTION:

Mr. Shupert moves that the Town appropriate \$500,000 to be expended by the Town Manager for the purpose of completing a comprehensive water resources management plan, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Town Manager is authorized to enter into a Project Regulatory Agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project as set forth in the article, and that to raise such amount, the Town Manager is authorized to apply for, accept, expend and borrow in anticipation of any Federal and State Grants available for these purposes; and that the Town raise and appropriate \$25,000 for the payment of interest and underwriting costs on such borrowing in Fiscal Year 2001.

TOTAL VOTE 108

YES 100

NO 8

MOTION CARRIES

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 21 CAPITAL IMPROVEMENTS-RAIL TRAIL FEASIBILITY
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$25,000, or any other sum, to be expended by the Town Manager for the purpose of a feasibility study, or any other investigation, into the creation of a rail trail in North and East Acton, or take any other action relative thereto.

MOTION:

Mr. Shupert moves that the Town raise and appropriate \$25,000 to be expended by the Town Manager for the purpose of a feasibility study for the creation of a rail trail in North and East Acton, and other costs incidental thereto.

MOTION CARRIES

ARTICLE 22 CAPITAL IMPROVEMENTSASSABET RIVER RAIL TRAIL DESIGN AND CONSTRUCTION
(2/3 Vote Required)

To see if the Town will raise and appropriate, appropriate from available funds, or borrow, \$900,000, or any other sum, to be expended by the Town Manager for the purpose of financing the planning, design and construction of the Acton portion of the Assabet River Rail Trail, or any portion thereof, including, without limitation, all costs and any related expenses thereof, and to authorize the Town Manager to apply for, accept, expend and borrow in anticipation of any Federal and State Grants available for these purposes, or take any other action relative thereto.

MOTION:

Mr. Shupert moves to take no action.

MOTION TO TAKE NO ACTION CARRIES

ARTICLE 23 TOWN BOARD SUPPORT – SPECIAL PROJECTS**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$5,000, or any other sum, to be expended by the Town Manager for the on-going expenses of the Acton-Boxborough Cultural Council for programs in Acton, or take any other action relative thereto.

CONSENT MOTION:

Mr. Friedrichs moves that the Town raise and appropriate \$5,000 for the purpose of providing on-going expenses of the Acton-Boxborough Cultural Council for programs in Acton.

CONSENT MOTION CARRIES

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 24 PLOWING OF PRIVATE WAYS**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$10,000, or any other sum, to be expended by the Town Manager for the costs associated with the plowing of private ways open to public use as designated by the Board of Selectmen, or take any other action relative thereto.

CONSENT MOTION:

Mr. Ashton moves that the Town raise and appropriate \$10,000 to be expended by the Town Manager for the plowing of private ways open to public use as designated by the Board of Selectmen.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 25 AMEND TOWN BYLAW - SECTION P, HISTORIC DISTRICT BYLAW
(Majority Vote)

To see if the Town will vote to amend the Town Bylaws, Section P1. Purpose, by adding the following sentence at the end of the paragraph:

“However, it is not the intent of this bylaw to limit the contemporary uses of the significant buildings and places, or their settings, beyond that which would otherwise be permitted absent this bylaw.”
such that the revised paragraph reads:

“Section P1. Purpose

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Acton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture. However, it is not the intent of this bylaw to limit the contemporary uses of the significant buildings and places, or their settings, beyond that which would otherwise be permitted absent this bylaw.”

and amend Section P9. Exclusions, subsection 9.1.2, by replacing the period after the word “level” with a comma and adding the following:

“are excluded. Paved or hardened surfaces substantially at original or modified grade levels, intended for off street parking of numbers of non-commercial passenger vehicles which are compatible with the legal uses of the entire lot or property are among the objects considered to be STRUCTURES similar to terraces, walks, driveways and sidewalks and are therefor excluded.”

Such that the revised paragraph reads:

“9.1.2 Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level, are excluded. Paved or hardened surfaces substantially at original or modified grade levels, intended for off street parking of numbers of non-commercial passenger vehicles which are compatible with the legal uses of the entire lot or

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

property are among the objects considered to be STRUCTURES similar to terraces, walks, driveways and sidewalks and are therefor excluded.”

MOTION:

Mr. Hunter moves to take no action.

MOTION TO TAKE NO ACTION CARRIES

ARTICLE 26 ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION
(Majority Vote)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact a special law establishing an Economic Development and Industrial Corporation for the Town of Acton, substantially in the following form:

ACTON ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION

AN ACT establishing the Acton Economic Development and Industrial Corporation.

SECTION 1. As used in this act, the following words and phrases shall, unless a different meaning clearly appears from the context, have the following meanings:

"Corporation", the Acton Economic Development and Industrial Corporation created by section three.

"Cost of a project", all costs, whether incurred prior to or after the issue of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project, interest for up to two years after completion or estimate completion date of any project, planning, engineering and legal service, administrative expense, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

"Economic development area", any blighted open area or any decadent area, as respectively defined in section one of chapter one hundred twenty-one B of the General Laws, which is located in the town of Acton and is zoned for general or restricted manufacturing uses or for general industrial uses whether restricted or not, or for commercial and business uses, or any open and underutilized land which is suitably zoned for the kinds of activities identified in section three, including but not limited to research and development, commercial, light industrial and business_uses and within which there are not more than forty-five dwelling units.

"Economic development plan", a detailed plan, as it may be approved from time to time by town meeting as herein provided, for one or more economic development projects within an economic development area, which plan shall be consistent with local objectives respecting appropriate land uses, and shall be sufficiently complete to indicate the boundaries of the area,

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

such land acquisition, such demolition, removal, and rehabilitation of structures, and such development, redevelopment and general public improvements as may be proposed to be carried out within such area, zoning and planning changes, if any, and proposed land uses, maximum densities and building requirements; provided, however, that without specific approval by town meeting no economic development plan shall propose zoning changes.

"Economic development project", (1) a project to be undertaken in accordance with an economic development plan for acquisition by the corporation of land and the improvements thereon, if any, within an economic development area covered by an economic development plan and for clearance and development of the land so acquired; or (2) a project for the rehabilitation or conservation of an economic development area, or for the demolition, removal, or rehabilitation of improvements on land within an economic development area whenever necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, or eliminate obsolete or other uses detrimental to the public welfare; or (3) for one or more qualifying industrial, commercial and business uses; or (4) a project involving any combination of the foregoing types of project. An economic development project may include improvements necessary for carrying out the objectives of the economic development project, together with such site improvements as are necessary for the preparation of any site for uses in accordance with the economic development plan, and making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including sale, initial leasing or retention by the corporation for industrial, commercial, business or manufacturing uses contemplated by the economic development plan. An economic development project may also include the construction by the corporation of any of the buildings, structures or other facilities for industrial, commercial, business, or manufacturing uses contemplated by the economic development plan and the repair, removal or rehabilitation by the corporation of any of the buildings, structures or other facilities located in the area covered by the economic development plan which, under such plan, are to be repaired, moved or rehabilitated.

"Pollution control facilities", facilities for the prevention, avoidance, reduction, control, abatement or elimination of pollution of air or waters by industrial, commercial, or business establishments by any means.

"Selectmen", the Board of Selectmen of the town of Acton.

"Town", the town of Acton.

"Town Manager", the town manager of the town of Acton.

"Town meeting", town meeting of the town of Acton acting in a lawfully convened session.

SECTION 2. It is hereby declared that decadent or blighted open areas exist in certain portions of the town and that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the town; that each such area constitutes an economic liability, substantially, impairs or arrests the sound growth of the town, and retards the economic well being of the commonwealth; that each decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area in accordance with an economic development plan for the elimination of substandard conditions and the prevention of their recurrence is necessary to retain existing industries, commerce, and businesses, and attract new industries, commerce, and business and promote the sound economic

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

growth of the town; that the menace of such decadent or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aid herein provided; that the acquisition of property for the purpose of eliminating decadent, substandard, or blighted open conditions therein, preventing recurrence of such conditions in the area, the removal of structures and improvements of sites for manufacturing, industrial, commercial and business uses, the disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by the corporation and any assistance which may be given by the town, or any other public body in connection therewith are public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the acquisition, planning, clearance, development, rehabilitation or rebuilding of such decadent and blighted open areas for industrial, manufacturing, commercial and business purposes, are public uses and benefits for which private property may be acquired by eminent domain or regulated by wholesome and reasonable orders, laws and directions and for which public funds may be expended for the good and welfare of the town and of this commonwealth.

It is hereby further found and declared that there exists in the town a condition of substantial underemployment which causes hardship to many individuals and families, wastes vital human resources, increases the public assistance burdens, impairs the security of family life, impedes the economic and physical development of the town and adversely affects the welfare and prosperity of the people; that underemployment has been caused in part by industrial companies moving from the town; that various existing industrial and manufacturing facilities within the town are obsolete and inefficient; that such facilities are underutilized or vacated, thereby creating lack of employment opportunities that the manufacturing and industrial sector of the economy, and commercial and business enterprises, provide the best immediate opportunities for better jobs at higher wages for inhabitants of the town; that new industrial and manufacturing sites, and sites for commercial and business enterprises are required to attract and house new industries and businesses and to retain existing industries in need of expansion space; that the unaided efforts of private enterprise have not provided and cannot provide the necessary industrial, commercial and business sites within the town due to problems encountered in the assembly of suitable building sites, the provision of adequate public services, the unavailability of sufficient private capital for development, and the inability of private enterprise alone to plan, finance and coordinate industrial, commercial and business development projects

It is hereby further found and declared: that there exists considerable open and underutilized land, in large part brownfields land, suitable for industrial, commercial and business development; an adjacent blighted area; that there is substantial underemployment that exists in the town of Acton due to corporate mergers and downsizing of the major employer in Acton; that there has been a significant reduction in commercial and industrial property tax revenue share; that there exists a substantial number of home businesses that have moved out of town when they have outgrown their space within the home due to lack of available industrial, commercial and business building space, and that Acton is experiencing increased formidable competition from nearby areas of rapid economic growth.

SECTION 3. The town of Acton is hereby authorized to organize an economic development corporation to be known as the Acton Economic Development and Industrial Corporation, a public body politic and corporate. No such corporation, however, shall be organized, transact any business, employ any personnel or exercise any powers until the town, at an annual town meeting

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

or a special town meeting called for the purpose, shall by majority vote declare a need for such a corporation.

There shall be seven members of the board of directors of the corporation who shall be appointed by the selectmen. At least one member shall be experienced in industrial or commercial development, one in financial matters, one in real estate matters, one in municipal government, and one member shall be from the community at large. The appointing authority shall designate one of the seven members as chairman and another as vice-chairman. Each of the seven members shall be sworn to the faithful performance of his official duties as a director of the corporation. A majority of the seven directors shall constitute a quorum for the transaction of any business, but the action of a majority of the entire board shall be necessary for any transaction. For the purposes of section eleven A of chapter thirty A of the General Laws, the corporation shall be deemed to be an authority established by the general court to serve a public purpose in the commonwealth.

Of the members of the corporation first appointed, two shall be appointed to serve for one year from the first day of July in the current year, two for two years from said date, and three for three years from said date. Upon the expiration of the term of office of any such member, or of any subsequent member, his successor shall be appointed in like manner for a term of three years. In the event of a vacancy in the office of a member, his successor shall be appointed in like manner to serve for the unexpired term. Unless reappointed, no member of the corporation shall hold office after the expiration of his term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed.

Any member may be removed by the board of selectmen for malfeasance, misfeasance, or willful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived. For purposes of chapter two hundred sixty-eight A of the General Laws, the members of the corporation shall be deemed to be special municipal employees.

Before the issuance of any bonds under the provisions of this act, each member of the corporation shall execute a surety bond with a surety company authorized to transact business in this commonwealth as surety, in the penal sum of fifty thousand dollars conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by the legal counsel of the town and filed in the office of the state secretary. The members of the corporation shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefore.

SECTION 4. The directors of the corporation shall adopt a corporate seal for the corporation, and designate the custodian thereof; may from time to time appoint and at pleasure remove a clerk, a treasurer or such other officers of the corporation as they may deem necessary, and may determine their duties and their compensation, which shall be paid by the corporation; shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation; and shall make a report annually in December to the board of selectmen, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for land purchased or taken and any buildings constructed thereon, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be deemed helpful. The office of treasurer and clerk may be held by the same person. The corporation shall cause an audit of its books and accounts to be made at least once in each fiscal

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

year by certified public accountants and the cost thereof shall be treated as an item of current expense. Except as otherwise provided in this act, the corporation shall have full power to exercise care of its property and the management of its business and affairs, and to sell and convey any real estate or other property not needed for its business or affairs, by deed or other instrument sealed with the corporate seal, signed and acknowledged by a majority of the board of directors or in like manner to authorize such sale and conveyance by any of its officers or agents. The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in this commonwealth as surety, in such sum as the said board may determine, the premium therefore to be paid by the corporation. Neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to any person employed or engaged by the corporation under this act.

SECTION 5. The corporation is hereby authorized:

- (a) To sue and be sued in its own name, and plead and be impleaded.
- (b) To adopt by-laws for the regulation of its affairs and the conduct of its business, and to alter the same at its pleasure.
- (c) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts and attorneys and such other employees, agents and consultants as may be necessary in its judgment, and to fix their compensation.
- (d) To receive and accept from any federal agency, the commonwealth or the town grants, loans or advances for or in aid of an economic development project or projects and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made. The town may borrow outside its debt limits to obtain money for loan to the corporation, or within its debt limits to obtain money for grants to a corporation.
- (e) To borrow money, and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation, for moneys borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights, or privileges of the corporation.
- (f) To issue revenue bonds of the corporation, payable solely from revenues, for the purpose of paying all or any part of the cost of a project or projects, except that the town may, upon request by the corporation, pledge its full faith and credit to the solvency of a corporation.
- (g) To invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in obligations the payment of the principal of, and interest on, which is guaranteed by the government of the United States.
- (h) To provide such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

(i) To prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of economic development projects and from time to time modify such plans, designs, drawings, specifications and estimates.

(j) To finance pollution control facilities in the same manner provided by this act for economic development projects, in which event all provisions of this act which are applicable to economic development projects apply to the pollution control facilities, insofar as such provisions are apt, except as otherwise provided.

(k) Subject to the approval of the town meeting to designate areas of the town as economic development areas.

(l) To acquire and hold by bequest, devise, grant, gift, purchase, exchange, lease, judicial order or decree, or otherwise, for any of its objects and purposes, any property, either real or personal, or any interest therein; and without limiting the generality of the foregoing, to acquire by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain following a public hearing and an affirmative two thirds vote at an annual town meeting or a special town meeting called for the purpose, with the provisions of chapter seventy-nine or chapter eighty A of the General Laws in so far as such provisions may be applicable, such private lands, or any interests therein, as it may deem necessary for carrying out the provisions of this act or for providing for the relocation of persons and businesses displaced as a result of carrying out an economic development plan. The provisions of section forty of said chapter seventy-nine shall apply to any taking by the corporation, except that the security therein required shall be deposited with the treasurer of the town and shall be in an amount at least twenty-five per cent higher than the aggregate average assessed valuations in the three previous calendar years of all real estate to be taken by eminent domain. Prior to approval of an economic development plan by the town after such a public hearing and in the manner described in this subsection, the date as of which the value of such lands shall be determined for eminent domain purposes shall be the date on which the said economic development plan was first submitted to town meeting.

(m) To make relocation payments to persons and businesses displaced as a result of carrying out an economic development plan, including such payments on a pro tanto basis.

(n) To procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable.

(o) To clear and improve property acquired by it, and to engage in or contract for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair thereof.

(p) To arrange or contract with the town for the planning, re-planning, opening, grading or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the town of property or property rights or for the furnishing of property or services in connection with a project or projects.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

(q) To sell, convey, mortgage, lease, transfer option, exchange or otherwise dispose of, any property, either real or personal, or any interest therein, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law.

(r) To loan on mortgages, including purchase money mortgages, on real estate and personal property within economic development areas, to foreclose the same when in default, and to bid for and purchase property at any foreclosure or other sale; and in such event, to deal with such property in such manner as may be necessary or desirable to protect the interests of the corporation therein.

(s) To manage any project whether owned or leased by the corporation and to enter into agreements with the commonwealth or the town or any agency or instrumentality thereof or with any person, firm, partnership or corporation either public or private for the purpose of causing any project to be managed.

(t) To act with respect to one or more projects as a corporation organized under section three or section eighteen B of chapter one hundred twenty-one A of the General Laws; provided that the accounts for each project shall be kept separately, and the income of one project shall not be expended upon or for the benefit of another project.

(u) To borrow money for the purposes of aiding in the construction of equipment required by the commonwealth or United States to abate air or water pollution.

(v) To apply to the federal government or to the commonwealth for economic development assistance grants to meet in part the approved economic development projects, to receive and administer such grants, to contract with the commonwealth for financial assistance, to apply for and receive advances for the estimated costs of surveys and plans and administrative expenses in preparation for economic development projects, and to apply for, receive and administer community development action grants, all to the same extent and subject to the same terms and conditions as an urban renewal agency pursuant to sections fifty-three to fifty-seven A, inclusive, of chapter one hundred and twenty-one B of the General Laws.

(w) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

The corporation is hereby directed to pay the reasonable relocation costs of persons and businesses displaced as a result of carrying out an economic development plan as authorized by clause (l) of this section; provided, that the corporation shall not be required hereby to pay or contribute to the payment of such costs of any relocatee in excess of twenty-five thousand dollars.

SECTION 6. No economic development project shall be undertaken until (a) a public hearing relating to the economic development plan covering such project has been held by the corporation after due notice; (b) the economic development plan has been approved by town by an affirmative two thirds vote of an annual town meeting or a special town meeting called for the purpose. If no economic development project covered by an economic development plan is commenced within seven years after the approval of such plan, the approval of such plan shall lapse.

Every economic development plan submitted to the town for approval under this act (i) shall require that every person occupying the whole or any part of the economic development area

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

covered by such plan during the period of forty years after the approval of such plan shall make every reasonable effort, in employing persons in his business, to give to the fullest practicable extent preference to residents of the town and (ii) shall be accompanied by a report on such plan by the planning board of the town to whom such plan shall have been submitted before its submission to the town by a statement of the proposed method for financing each project covered by such plan, by a comprehensive relocation plan and by such other information as the corporation deems advisable.

Notice of the public hearing required by the first paragraph of this section shall be given by the corporation to (1) such persons, groups and organizations as have requested in writing that such notice be given them, (2) any agency, whether of the town or of the commonwealth, likely in the judgment of the corporation to have an actual or potential interest in the economic development plan, (3) the senator for every senatorial district of the commonwealth, and the representative for every representative district thereof, within which the economic development area or any part thereof lies, and (4) each community group supported in whole or in part by public funds, whose territory covers all or part of the economic development area. In the course of preparing an economic development plan, the corporation shall consult with each of the aforesaid so far as in the judgment of the corporation it is practicable.

If an economic development plan is so approved by town meeting, the corporation shall have the powers and duties imposed by this act to undertake and carry out the economic development projects covered by such plan.

SECTION 7. Except as provided herein rents and charges for services or facilities furnished or supplied by the corporation shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or the town, and, if derived from a project in connection with which revenue bonds have been issued, shall, with all other revenues derived from the project, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefore as may be provided for in the resolution authorizing the issuance of the bonds or in the trust agreement, but including such part thereof as may be necessary to provide such reserves for the payment of the principal of and the interest on said revenue bonds as may be provided for in such resolution or trust agreement, and including also the proceeds of any and all sales by the corporation of property within the project area, be set aside at such regular intervals as may be provided for in such resolution or trust agreement, in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest, and (4) the redemption price or the purchase price of bonds retired by call or purchase as therein provided.

SECTION 8. The corporation shall be liable in contract or in tort in the same manner as a private corporation. The directors, employees, officers and agents of the corporation shall not be liable as such on its contracts or for torts not committed or directly authorized by them. The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court, sitting within and for the county in which the corporation is situated, may, by writ of mandamus, direct the treasurer of such agency to pay such judgment. The real estate of the corporation shall not be subject to liens under chapter two hundred fifty-four of the General Laws

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

but the provisions of sections twenty-eight and twenty-nine of chapter one hundred forty-nine of the General Laws shall be applicable to any construction work by the corporation.

SECTION 9. The real estate and tangible personal property of the corporation shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments; provided, that in lieu of such taxes, betterments and special assessments, the town may determine a sum to be paid to it annually in any year or period of years, such sum to be in any year not in excess of the amount that would be levied at the then current tax rate upon the average of the assessed value of such real estate, including buildings and other structures, for the three years preceding the year of acquisition thereof, the valuation for each year being reduced by all abatements thereon.

The town may agree with the corporation upon the payments to be made, or the corporation may make and the town may accept such payments, the amount of which shall not in either case be subject to the foregoing limitation.

Nothing in this act shall be construed to prevent the taxation to the same extent and in the same manner as other real estate is taxed, of real estate acquired by the corporation for an economic development project and sold by it, or the taxation to the same extent and in the same manner as real estate of the commonwealth is taxed, of real estate so acquired by the corporation and leased by it; provided, however, that real estate so acquired by the corporation and sold or leased to an urban redevelopment corporation or other entity operating under chapter one hundred twenty-one A of the General Laws or to an insurance company or savings bank or group of savings banks operating under said chapter, shall be taxed as provided in said chapter and not otherwise.

The corporation and the debentures, revenue bonds and revenue refunding bonds issued under the provisions of this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free from taxation by the commonwealth or any subdivision thereof.

SECTION 10. To provide funds for the general purposes of the corporation, including working capital, the corporation may from time to time issue debentures; provided, however, that such debentures outstanding at any one time shall not exceed five million dollars unless specifically approved. Such debentures unless otherwise authorized by law shall not be deemed to constitute a debt of the commonwealth or of the town or a pledge of the faith and credit of the commonwealth or of the town and shall be subordinated to all other obligations of the corporation and shall be payable at such time or times and in such installments, if any, as the corporation shall determine, but solely out of the net assets of the corporation; and the holders thereof shall be entitled to interest thereon but only out of the net earnings of the corporation, and in no event at a rate higher than the rate specified therein.

Such debentures may be secured by a trust agreement by and between the corporation and a corporate trustee, which shall be located within the commonwealth and shall be a trust company or bank having the powers of a trust company. Such trust agreement shall contain such provisions for protecting and enforcing the rights and remedies of the debenture holders as may be reasonable and proper and not in violation of law. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth which may act as depository under such trust agreement to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Such trust agreement shall set forth the rights and remedies of the

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

debentureholders and of the trustee, and may restrict the individual right of action by debentureholders. In addition to the foregoing, such trust agreement may contain such other provisions as the corporation may deem reasonable and proper for the security of the debentureholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as an item of current expense.

SECTION 11. The town may raise and appropriate or may borrow, or may agree with the corporation or with the federal government or the commonwealth to raise and appropriate or to borrow, in aid of the corporation, such sums as may be necessary to carry out the purposes and powers of the corporation including defraying part of the development, acquisition and operating costs of any project. Indebtedness of the town authorized under this section shall be outside the limit of indebtedness prescribed in section ten of chapter forty-four of the General Laws and shall be payable within twenty years and otherwise subject to sections sixteen to twenty-seven, inclusive, of said chapter forty-four; provided, however, that the total amount of indebtedness of the town, outstanding at any one time under this section and clauses (1), (2), and (4) of section twenty of chapter one hundred twenty-one B of the General Laws shall not exceed five per cent of the town equalized valuation as defined in section one of said chapter forty-four. Indebtedness incurred under this act shall also be subject to approval under section twenty-two of said chapter one hundred twenty-one B of the General Laws in like manner as indebtedness incurred under said section twenty.

SECTION 12. The corporation is hereby authorized to provide by resolution, one time or from time to time, for the issuance of revenue bonds of the corporation for the purposes of paying all or any part of the cost of a project or projects. The principal of and interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rates, and shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the corporation, and may be made redeemable before maturity, at the option of the corporation, at such price or prices and under such terms and conditions as may be fixed by the corporation prior to the issuance of the bonds. The corporation shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may be issued in coupon or registered form or both, as the corporation may determine and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest. The corporation may sell such bonds in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the corporation.

The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects, and shall be disbursed in such manner and under such restrictions, if any, as the corporation may provide. Prior to the preparation of definitive bonds, the corporation may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

shall be destroyed or lost. Revenue bonds may be issued under the provisions of this act subject only to those proceedings, conditions or things which are specifically required by this act.

The corporation is hereby authorized to provide by resolution for issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the corporation, for the additional purpose of constructing or reconstructing any extensions or improvements of the project. The issue of such bonds, the maturities, and other details thereof, the rights of the holders thereof, and the duties of the corporation in respect of the same may be applicable.

While any bonds issued by the corporation remain outstanding, the powers, duties or existence of the corporation shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds.

Revenue and revenue refunding bonds issued under the provisions of this section, unless otherwise authorized by law, shall not be deemed to constitute a debt of the commonwealth or of the town, or a pledge of the faith and credit of the commonwealth or of the town, but such bonds shall be payable solely from the funds herein provided therefore from revenues. In the event that the corporation, or town or commonwealth is not obliged to pay said revenue and revenue refunding bonds, then, and in that event, all such revenue and revenue refunding bonds shall contain on the face thereof a statement to the effect that neither the corporation nor the commonwealth nor the town shall be obliged to pay the same or the interest thereon except from revenues and that neither the faith and credit nor taxing power of the commonwealth or of the town is pledged to the payment of the principal of or the interest on such bonds.

All revenue and revenue refunding bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in section 3-104 of the Uniform Commercial Code of this commonwealth.

SECTION 13. In the discretion of the corporation such revenue bonds or revenue refunding bonds may be secured by a trust agreement by and between the corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. Such trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any project or part thereof.

Either the resolution providing for the issuance of bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including without limiting the generality of the foregoing provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities, and covenants setting forth the duties of, and limitations on, the corporation in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, operation, repair, insurance and disposition of property, the custody, safeguarding, investment, and application of moneys, the use of any surplus bond or note proceeds and the establishment of reserves. Such resolution or trust agreement may also contain covenants by the corporation in relation to, among other things, (a) the establishment, revision and collection of such rents and charges for services of facilities furnished or supplied by the corporation as shall provide revenues sufficient with other revenues of the project, if any, to pay

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

(i) the cost of maintaining, repairing and operating the project and of making renewals and replacements in connection therewith, (ii) the principal of and the interest on said revenue bonds as the same shall become due and payable, (iii) payments in lieu of taxes, betterment and special assessments, and (iv) reserves for all such purposes, (b) the purpose or purposes for which the proceeds of the sale of the bonds will be applied and the use and disposition thereof, (c) the use and disposition of the gross revenues of the corporation from the project, any additions thereto and extensions and improvements thereof, including the creation and maintenance of funds for working capital and for renewals and replacements to the project, (d) the amount, if any, of additional revenue bonds payable from the revenues of the project and the limitations, terms and conditions on which such additional revenue bonds may be issued, and (e) the operation, maintenance, management, accounting and auditing of the project and of the income and revenues of the corporation. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of the proceeds of bonds or of revenues and to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust agreement may contain such other provisions as the corporation may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of the operation of the project. The pledge by any such trust agreement or resolution shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and then held or thereafter received by the corporation shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which pledge is created need be filed or recorded except in the records of the corporation, and no filing need be made under the Uniform Commercial Code.

SECTION 14. Revenue bonds and revenue refunding bonds issued under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section fourteen of chapter one hundred and sixty-seven E of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them; and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section two of chapter one hundred and sixty-seven F of the General Laws. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 15. Any holder of bonds or debentures issued under the provisions of this act or of any coupons appertaining thereto, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under the trust agreement, and may enforce and compel the performance of all

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 26 CONTINUED

duties required by this act or by the trust agreement, to be performed by the corporation or by any officer thereof.

SECTION 16. Insofar as the provisions of this act are inconsistent with the provisions of any other law, general or special, excluding any state or the town building code and the town zoning_bylaw, the provisions of this act shall be controlling.

SECTION 17. This act, being necessary for the welfare of the town and its inhabitants, shall be liberally construed to effect the purpose thereof.

SECTION 18. The provisions of this act are severable; and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 19. If the town shall modify its charter, or if it shall adopt a new charter, then without amendment of this act, those provisions of this act which refer to specific town officials or town bodies shall be understood, upon a charter change, to refer to those who under such change exercise the same or equivalent functions.

SECTION 20. This act shall take effect upon its passage.

or take any other action relative thereto.

MOTION:

Mr. Friedrichs moves that the Town authorize the Board of Selectmen to petition the General Court to enact a special law establishing an Economic Development and Industrial Corporation for the Town of Acton in substantially the form set forth in the article.

MOTION CARRIES

Mr. Kabakoff announces that the Board of Selectmen voted to hold the Special Town Election on May 16, 2000.

Mrs. Ashton introduces six (6) members of the School Committee and thanked both Pamela Harting-Barrat and Lees Stuntz for their service on the School Committee. She also thanked Dr. Isa Zimmerman for her seven (7) years of service as School Superintendent.

ARTICLE 27 ACTON PUBLIC SCHOOLS BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$15,427,073, or any other sum, to defray the necessary expenses of the Local Schools, or take any other action relative thereto.

MOTION:

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

Ms. Ashton moves that the Acton Public School Budget for the period July 1, 2000 to June 30, 2001, in the amount of \$15,427,073 be raised and appropriated in its entirety, except that \$89,600 be transferred from Free Cash.

MOTION CARRIES

ARTICLE 28 ACTON-BOXBOROUGH REGIONAL SCHOOL ASSESSMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$13,084,118, or any other sum, to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

MOTION:

Mrs. Stuntz moves that the Acton-Boxborough Regional School Assessment for the period July 1, 2000 to June 30, 2001 in the amount of \$13,084,118 be raised and appropriated in its entirety.

MOTION CARRIES UNANIMOUSLY

ARTICLE 29 ACTON PUBLIC SCHOOLS CAPITAL IMPROVEMENT PROJECTS
(Health & Safety, Maintenance and Technology)
(Majority Vote Required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$398,324, or any other sum, for the purpose of remodeling and making extraordinary repairs to the Conant, Douglas, Gates and Merriam Schools, and for the purchase of equipment, including any architects' fees and engineering fees and other costs incidental thereto, or take any other action relative thereto.

MOTION:

Mrs. Ashton moves that the Town appropriate \$398,324 to be expended by the Acton School Committee for the purposes set forth in the Article, and to raise such amount, \$398,324 be transferred from Free Cash.

MOTION CARRIES UNANIMOUSLY

ARTICLE 30 ACTON BOXBOROUGH REGIONAL SCHOOLS CAPITAL IMPROVEMENT PROJECTS (Health & Safety, Maintenance and Technology)
(Majority Vote Required)

To see if the Town will vote to appropriate \$302,076, or any other sum, to the Acton-Boxborough Regional School District for the purpose of remodeling and making extraordinary repairs to the regional high school and for the purchase of equipment, including any architects' fees and engineering fees and other costs incidental thereto and determine whether such appropriation shall be raised by taxation or transfer from available funds, or otherwise, or take any other action relative thereto.

MOTION:

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

Mrs. Stuntz moves that the Town appropriate \$302,076 to be expended by the Acton-Boxborough Regional School Committee for the purposes set forth in the Article, and to raise such amount, \$302,076 be transferred from Free Cash, provided however, that this appropriation shall be contingent upon an appropriation by the Town of Boxborough in an amount not less than \$67,526.

MOTION CARRIES UNANIMOUSLY

ARTICLE 31 MINUTEMAN REGIONAL SCHOOL ASSESSMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$608,699, or any other sum, to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

MOTION:

Mr. Olmstead moves that the Town raise and appropriate \$608,699 for the purpose of funding the assessment of the Minuteman Regional Vocational Technical School District for the period of July 1, 2000 to June 30, 2001.

MOTION CARRIES UNANIMOUSLY

MOTION:

Mr. Kabakoff moves to adjourn Town Meeting at 10:53 PM until Wednesday, April 5, 2000 at 7:00PM

MOTION CARRIES UNANIMOUSLY

MODERATOR CALLS TOWN MEETING TO ORDER AT 7:00PM APRIL 5, 2000

ARTICLE 32 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 provisions of the General Laws, or take any other action relative thereto.

CONSENT MOTION:

Mr. Friedrichs moves that the Town authorizes the Treasurer, with the approval of the Board of Selectmen, to sell and convey properties the Town has obtained through tax foreclosure in accordance with General Laws.

CONSENT MOTION CARRIES UNANIMOUSLY

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 33 SUPPLEMENTAL ASSESSMENTS
(Majority Vote)

To see if the Town will vote to place a question on a ballot to accept the provisions of Mass General Laws Chapter 59, Section 2D, allowing the Town to modify the real estate tax bill for a parcel of land which has undergone a valuation change of at least 50% since the applicable statutory valuation date and has received an occupancy permit, or take any other action relative thereto.

MOTION:

Mr. Ashton moves to authorize the Board of Selectmen to place a question on the ballot for the purposes set forth in the article

MOTION CARRIES UNANIMOUSLY

Article 30 will be placed on the May 16, 2000 Special Town Election and the law will go into effect January 2001.

ARTICLE 34 AMEND TOWN BYLAW – SECTION E42, ALCOHOL IN PUBLIC
(Majority Vote)

To see if the Town will vote to amend Section E42 of the Town Bylaws by inserting the following after the word “playground”:

“(except that the Board of Selectmen may, if they deem it appropriate, issue a special one-day liquor license for events at the Senior Center and NARA Park)”

such that the revised paragraph reads:

E42. Alcohol in Public

No person shall drink or possess an unsealed container of any alcoholic beverage as defined in Chapter 138, Section 1 of the Massachusetts General Laws while in or upon any public way or any way which the public has a right of access, whether in or upon a vehicle, or on foot, or while in or upon any public place or public building or playground (except that the Board of Selectmen may, if they deem it appropriate, issue a special one-day liquor license for events at the Senior Center and NARA Park), or while in or upon a private parking lot, or a private way to which the public has access as invitees or licensees, or in or upon any private land or place without the written consent of the owner or authorized person in control thereof. A police officer may arrest without a warrant any person who commits a violation of this Bylaw in his presence and may seize the alcoholic beverages, which shall be kept by him and destroyed upon adjudication or returned to the person entitled to lawful possession”.

or take any other action relative thereto.

MOTION:

Mr. Hunter moves to amend Section E42 of the Town Bylaw as set forth in the article.

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- B. Zoning map - Amend the zoning map to rezone to Powder Mill District (PM) the following parcels of land identified by their 1999 Town Atlas map and parcel numbers: *[Note: Street addresses and present zoning designation are provided for reference purposes only.]*

| map | parcel | present zoning | street address |
|-----------------------------------------------------------------------|---------------|-----------------------|------------------------|
| J-3 | 33 * | GI/R-4 | 279 High |
| J-3 | 33-2 | GI | 305 High |
| J-3 | 34-1 | GI | 304 High |
| J-3 | 34-3 | GI | 292 High |
| J-3 | 34-4 | GI | 76 Powder Mill Rd |
| J-3 | 34-5 | R-10 | 16 Knox Tr |
| J-3 | 34-6 | GI | 298 High |
| J-3 | 34-7 | GI | 298 High |
| J-3 | 34-8 | GB | 82 Powder Mill Rd |
| J-3 | 35 | GI | 297 High |
| J-3 | 36 | GI | 298 High |
| J-3 | 38 | GI | 2 Powder Mill Rd, rear |
| J-3 | 39 | GI | 2 Powder Mill Rd |
| J-3 | 41 | GI | 310 High |
| J-3 | 41-1 | GI | 309 High |
| J-3 | 42 | GI | 2 Powder Mill Rd |
| J-3 | 43 | GI | 4 Powder Mill Rd |
| J-3 | 44 | GB | 4 Powder Mill Rd |
| J-3 | 45 | GB | 12 Powder Mill Rd |
| J-3 | 48 | GB | 18 Powder Mill Rd |
| J-3 | 49 | GB | 50 Powder Mill Rd |
| J-3 | 49-1 | GB | 60 Powder Mill Rd |
| J-3 | 50 | GI | 77 Powder Mill Rd |
| J-3 | 51 | GB | 7 Powder Mill Rd |
| J-3 | 53 | GB | 25 Powder Mill Rd |
| J-3 | 54 | GB | 31 Powder Mill Rd |
| J-3 | 55 | GB | 35 Powder Mill Rd |
| J-3 | 56 | GB | 37 Powder Mill Rd |
| J-3 | 58 | GB/GI | 61 Powder Mill Rd |
| J-3 | 59 | GI | 65 Sudbury Rd |
| J-3 | 59-1 | GB | 45 Powder Mill Rd |
| J-3 | 59-2 | GB | 63 Powder Mill Rd |
| J-3 | 59-3 | GI/GB | 12 Sudbury Rd |
| J-3 | 59-4 | GI | 30 Sudbury Rd |
| J-3 | 59-5 | GI | 14 Sudbury Rd |
| J-3 | 60 | GI | 13 Sudbury Rd |
| J-3 | 61 | GI | 40 Sudbury Rd |
| the triangular parcel between parcel J-3/38 and the Maynard town line | | | |
| the rectangular parcel between parcels J-3/59-4 and J-3/61 | | | |

* only the portion of J-3/33 that is currently zoned GI

- C. Amend the zoning map to rezone to Kelley's Corner (KC) the following parcels of land identified by their 1999 Town Atlas map and parcel numbers: *[Note: Street addresses and present zoning designation are provided for reference purposes only.]*

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| map | parcel | present zoning | street address |
|-----|--------|----------------|------------------|
| G-2 | 110-1 | R-2 | 222 Main, behind |
| G-2 | 117 | GB | 222 Main |
| G-2 | 143 | GB | 204 Main |

- D. Amend the zoning map to rezone to West Acton Village (WAV) the following parcels of land identified by their 1999 Town Atlas map and parcel numbers: *[Note: Street addresses and present zoning designation are provided for reference purposes only.]*

| map | parcel | present zoning | street address |
|-----|--------|----------------|----------------|
| E-2 | 187 | GB | 364 Central |
| E-2 | 187-1 | GB | 362 Central |

- E. Zoning bylaw - section 3, Table of Principal Uses. Under the group heading "Business Districts", delete the column entitled "GB" and replace it with a new column entitled "PM" with the use regulations as stated below. *[Note: The columns GB and GI are shown for informational purposes only. Y= use allowed; N= use not allowed; SPA, SPS, SPP = use may be allowed by special permit.]*

| PRINCIPAL USES | | PM | GB | GI |
|-----------------------------------------------------------------|-------------------------------------------|--------|--------|--------|
| 3.2 GENERAL USES | | | | |
| 3.2.1 | Agriculture | Y | Y | Y |
| 3.2.2 | Conservation | Y | Y | Y |
| 3.2.3 | Earth Removal | N | SPA | SPA |
| 3.2.4 | Recreation | N | Y | Y |
| 3.3 RESIDENTIAL USES | | | | |
| 3.3.1 | Single Family Dwelling | Y | Y | N |
| 3.3.2 | Single Family Dwelling with One Apartment | Y | Y(2) | N |
| 3.3.3 | Dwelling Conversions | N | SPA | N |
| 3.3.4 | Multifamily Dwelling | N | N | N |
| 3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES | | | | |
| 3.4.1 | Municipal | Y | Y | Y |
| 3.4.2 | Educational | Y | Y | Y |
| 3.4.3 | Religious | Y | Y | Y |
| 3.4.4 | Nursing Home | SPS | SPS | SPS |
| 3.4.5 | Public or Private Utility Facilities | Y | Y | Y |
| 3.4.6 | Child Care Facility | Y | Y | Y |
| 3.4.7 | Other Public USE | SPS(4) | SPS(4) | SPS(4) |
| 3.4.8 | Full Service Retirement Community | SPS | SPS | SPS |
| 3.4.9 | Assisted Living Residence (8) | SPS | SPS | N |
| 3.4.10 | Wireless Communication Facility (10) | SPP | SPP | SPP |

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| PRINCIPAL USES | | PM | GB | GI |
|----------------------------|----------------------------------------|---------|--------|--------|
| 3.5 BUSINESS USES | | | | |
| 3.5.1 | Retail Store | Y | Y | N |
| 3.5.2 | Business or Professional Office | Y | Y | N |
| 3.5.3 | Financial | Y | Y | N |
| 3.5.4 | Restaurant | SPS (7) | SPS(7) | N |
| 3.5.5 | Hotel, Inn or Motel | SPS | SPS | N |
| 3.5.6 | Combined Business & Dwelling | Y | SPS | N |
| 3.5.7 | Lodge or Club | SPS | Y | Y |
| 3.5.8 | Funeral Home | Y | Y | N |
| 3.5.9 | Veterinary Care | Y | SPS | SPS |
| 3.5.10 | Commercial Kennel | SPS | SPS | SPS |
| 3.5.11 | Services | Y | Y | Y |
| 3.5.12 | Studio | Y | Y | Y |
| 3.5.13 | Building Trade Shop | Y | Y | Y |
| 3.5.14 | Commercial Recreation | SPS (9) | SPS(9) | SPS(9) |
| 3.5.15 | Commercial & Trade School | Y | Y | Y |
| 3.5.16 | Amusement Facility | SPS | SPS | SPS |
| 3.5.17 | Motor Vehicle Service Station | Y | SPS | N |
| 3.5.18 | Motor Vehicle Repair or Body Shop | Y | Y | N |
| 3.5.19 | Light Vehicular & Equipment Sales | Y | Y | N |
| 3.5.20 | Parking Facility | Y | Y | N |
| 3.5.21 | Transportation Services | Y | N | SPS |
| 3.5.22 | Car Wash | Y | SPS | N |
| 3.5.23 | Adult USES | N | N | N |
| 3.6 INDUSTRIAL USES | | | | |
| 3.6.1 | Warehouse | Y | SPS | Y |
| 3.6.2 | Mini-Warehouse | Y | Y | Y |
| 3.6.3 | Construction Yard | N | N | Y |
| 3.6.4 | Lumber Yard | N | N | Y |
| 3.6.5 | Heating Fuel Sales & Service | N | SPS | SPS |
| 3.6.6 | Light Manufacturing | Y | SPS | Y |
| 3.7 PROHIBITED USES | | | | |
| 3.7.1 | Heavy Manufacturing | N | N | N |
| 3.7.2 | Storage | N | N | N |
| 3.7.3 | Amusement | N | N | N |
| 3.7.4 | General | N | N | N |
| 3.7.5 | Heavy Vehicular Sales or Repair Garage | N | N | N |

F. Zoning bylaw, section 3.10 - Special Provisions for Wireless Communication Facilities: In section 3.10.5.2, delete the words "the General Business Districts (GB)" and replace them with "the Powder Mill District (PM)".

G. Zoning bylaw - section 5, Table of Standard Dimensional Regulations. Delete the row entitled "GB" in its entirety and insert a new row entitled "PM" as follows: *[Note: the present dimensional regulations for the GB and GI districts are shown for informational purposes only.]*

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| ZONING DISTRICTS | MINIMUM LOT AREA in sq. ft. | MINIMUM LOT FRONTAGE in ft. | MINIMUM LOT WIDTH in ft. | MINIMUM FRONT YARD in ft. | MINIMUM SIDE & REAR YARD in ft. | MINIMUM OPEN SPACE in percent | MAXIMUM FLOOR AREA RATIO | MAXIMUM HEIGHT in ft. |
|------------------|--------------------------------|--------------------------------|-----------------------------|------------------------------|------------------------------------|----------------------------------|--------------------------|--------------------------|
| PM | 10,000 | 100 | 50 | 30 | 20 | 35% | 0.20 | 40 |
| GB | 10,000 | 100 | 50 | 30 | 30 | 35% | 0.20 | 36 |
| GI | 40,000 | 100 | 50 | 45 | 20 (2) | 35% | 0.20 | 40 |

H. Zoning bylaw - section 6.9, Special Provisions for Parking in the Village and Kelley's Corner Districts.

1. Delete the lead paragraph of section 6.9 and replace it with:

6.9 Special Provisions for Parking in the Village, Kelley's Corner, and Powder Mill Districts

2. Insert a new section 6.9.4 as follows:

6.9.4 PM District - In the Powder Mill District, no BUILDING or STRUCTURE shall be located on a LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:

6.9.4.1 Required off-STREET parking for a USE may be provided on any LOT within the Powder Mill District, but not necessarily on the same LOT as the USE.

6.9.4.2 Connection of Parking - A Site Plan Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent LOTS within the Powder Mill District, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET or a driveway to a STREET leading to another LOT or a driveway connecting such LOTS with each other. See also Section 10.4.3.3 of this Bylaw regarding common driveways.

6.9.4.3 Number of Parking Spaces - The minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1. In the case of collective use of a parking facility in accordance with Section 6.9.4.4, the minimum number of required parking spaces shall be 50% of the requirements in Section 6.3.1.

6.9.4.4 Collective Use of Parking Facilities - Off-STREET parking facilities may serve, collectively or jointly, different USES on LOTS located throughout the Powder Mill District where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; 3) assures ACCESS to and maintenance of the common parking facility, and 4) is filed with the Building Commissioner. Any change to such agreement shall also be filed with the Building Commissioner. The number of parking spaces allocated in the agreement to each participating USE shall be counted toward the minimum required number of parking spaces for such USE as determined under Section 6.9.4.3.

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| | | | |
|-----|------|-------|----------------------------|
| I-3 | 4 | R-8/4 | 38 Independence Rd, behind |
| I-3 | 135 | R-10 | 39 Independence Rd, behind |
| I-3 | 136 | R-10 | 104 Powder Mill Rd, rear |
| I-3 | 149 | IP | 75 Drummer Rd |
| I-4 | 1 | R-8/4 | 42 Independence Rd |
| I-4 | 2 | R-8/4 | 50 Independence Rd |
| I-4 | 4 | IP | 65 Laws Brook Rd |
| I-4 | 5 | IP | 50 Independence Rd |
| I-4 | 6 | IP | 47 Independence Rd |
| I-4 | 7 | IP | 47 Independence Rd |
| I-4 | 9 | GI | 54 Knox Tr |
| I-4 | 9-1 | GI | 63 Knox Tr |
| I-4 | 9-2 | GI | 50 Knox Tr |
| I-4 | 9-3 | GI | 55 Knox Tr |
| I-4 | 9-4 | GI | 52 Knox Tr |
| I-4 | 9-5 | GI | 51 Knox Tr |
| I-4 | 9-6 | GI | 55 Knox Tr, behind |
| I-4 | 10 | R-10 | 42 Knox Tr, behind |
| J-3 | 21-1 | R-10 | 30 Knox Tr |
| J-3 | 21-2 | GI | 3 Knox Tr |
| J-3 | 37 | GI | 112 Powder Mill Rd |
| J-4 | 1 | GI | 48 Knox Tr |
| J-4 | 2 | GI | 49 Knox Tr |
| J-4 | 3 | GI | 42 Knox Tr |
| J-4 | 4 | GI | 45 Knox Tr |
| J-4 | 5 | GI | 36 Knox Tr |
| J-4 | 5-1 | GI | 36 Knox Tr |
| J-4 | 6 | GI | 37 Knox Tr |
| J-4 | 7 | GI | 29 Knox Tr |
| J-4 | 8 | GI | 36 Knox Tr |

- C. Zoning map - Amend the zoning map to rezone to Agriculture Recreation Conservation (ARC) the following parcels of land identified by their 1999 Town Atlas map and parcel numbers: *[Street addresses are provided for reference purposes only.]*

| map | parcel | present zoning | street address |
|-----|--------|----------------|----------------------------|
| I-3 | 135-1 | R-10 | 39 Independence Rd |
| I-3 | 136-1 | R-10 | 104 Powder Mill Rd, behind |
| I-3 | 145 | R-10 | 25 Independence Rd |
| I-3 | 145-1 | R-10 | 25 Independence Rd, behind |

- D. Zoning map - Amend the zoning map by removing the Affordable Housing Overlay District - Sub-District A designation from the following parcels of land identified by their 1999 Town Atlas map and parcel numbers: *[Street addresses and present zoning designation are provided for reference purposes only.]*

| map | parcel | street address |
|-----|--------|----------------------------|
| H-3 | 251 | 88 Parker |
| H-4 | 142 | 31 Laws Brook Road |
| H-4 | 151-1 | 25 Laws Brook Road |
| H-4 | 159 | 44 Independence Rd |
| I-3 | 4 | 38 Independence Rd, behind |
| I-4 | 1 | 42 Independence Rd |

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| | | |
|-----|---|--------------------|
| I-4 | 2 | 50 Independence Rd |
|-----|---|--------------------|

E. Zoning bylaw - section 3, Table of Principal Uses. Under the group heading “Industrial Districts”, delete the column entitled “IP” and replace it with a new column entitled “TD” with the use regulations as stated below. *[Note: The columns for the GI and IP districts are shown for informational purposes only. Y= use allowed; N= use not allowed; SPA, SPS, SPP = use may be allowed by special permit.]*

| PRINCIPAL USES | | TD | GI | IP |
|-----------------------------------------------------------------|-------------------------------------------|---------|--------|--------|
| 3.2 GENERAL USES | | | | |
| 3.2.1 | Agriculture | Y | Y | Y |
| 3.2.2 | Conservation | Y | Y | Y |
| 3.2.3 | Earth Removal | N | SPA | SPA |
| 3.2.4 | Recreation | N | Y | Y |
| 3.3 RESIDENTIAL USES | | | | |
| 3.3.1 | Single Family Dwelling | N | N | N |
| 3.3.2 | Single Family Dwelling with One Apartment | N | N | N |
| 3.3.3 | Dwelling Conversions | N | N | N |
| 3.3.4 | Multifamily Dwelling | N | N | N |
| 3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES | | | | |
| 3.4.1 | Municipal | Y | Y | Y |
| 3.4.2 | Educational | Y | Y | Y |
| 3.4.3 | Religious | Y | Y | Y |
| 3.4.4 | Nursing Home | SPS | SPS | SPS |
| 3.4.5 | Public or Private Utility Facilities | Y | Y | Y |
| 3.4.6 | Child Care Facility | Y | Y | Y |
| 3.4.7 | Other Public USE | SPS (4) | SPS(4) | SPS(4) |
| 3.4.8 | Full Service Retirement Community | SPS | SPS | SPS |
| 3.4.9 | Assisted Living Residence (8) | N | N | N |
| 3.4.10 | Wireless Communication Facility (10) | SPP | SPP | SPP |
| 3.5 BUSINESS USES | | | | |
| 3.5.1 | Retail Store | N | N | N |
| 3.5.2 | Business or Professional Office | Y | N | N |
| 3.5.3 | Financial | N | N | N |
| 3.5.4 | Restaurant | SPS | N | N |
| 3.5.5 | Hotel, Inn or Motel | SPS | N | N |
| 3.5.6 | Combined Business & Dwelling | N | N | N |
| 3.5.7 | Lodge or Club | N | Y | N |
| 3.5.8 | Funeral Home | N | N | N |
| 3.5.9 | Veterinary Care | N | SPS | SPS |
| 3.5.10 | Commercial Kennel | N | SPS | SPS |
| 3.5.11 | Services | N | Y | N |
| 3.5.12 | Studio | Y | Y | N |
| 3.5.13 | Building Trade Shop | Y | Y | Y |
| 3.5.14 | Commercial Recreation | SPS (9) | SPS(9) | SPS(9) |
| 3.5.15 | Commercial & Trade School | Y | Y | Y |
| 3.5.16 | Amusement Facility | N | SPS | SPS |
| 3.5.17 | Motor Vehicle Service Station | N | N | N |
| 3.5.18 | Motor Vehicle Repair or Body Shop | N | N | N |
| 3.5.19 | Light Vehicular & Equipment Sales | N | N | N |
| 3.5.20 | Parking Facility | Y | N | N |
| 3.5.21 | Transportation Services | Y | SPS | SPS |
| 3.5.22 | Car Wash | N | N | N |
| 3.5.23 | Adult USES | SPS | N | SPS |

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

SM Districts in accordance with this Section and M.G.L., Ch. 40A, s.9. *[Note: This section currently reads: 9A.3 Special Permit - The Planning Board may grant a special permit for the development and construction of a PUD in the Village, Business and Industrial Districts, and in the OP-1 District in accordance with this Section and M.G.L., Ch. 40A, s.9.]*

or take any other action relative thereto.

MOTION:

Mr. Tolley moves in the words of the article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 38 REZONING OF CERTAIN SPLIT ZONED PROPERTIES
(2/3 vote required)

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

[Notes in italic print are not part of the Article but are intended for explanation only.]

- A. Amend the zoning map by rezoning to NAV the following parcels of land identified by their 1999 Town Atlas map and parcel numbers: *[Note: Street addresses and current zoning designations are provided for reference purposes only.]*

| map | parcel | current zoning | street address |
|------------|---------------|-----------------------|-----------------------|
| C-5 | 46-1 | NAV, R-10/8 | 10 Granite Rd |
| C-5 | 90-5 | NAV, R-10/8 | 76 Harris St |
| C-5 | 90-4 | R-10/8 | 72 Harris St |

- B. Amend the zoning bylaw by inserting a new section 5.5.5 as follows:

5.5.5 In the NAV District, a Special Permit or Site Plan Special Permit Granting Authority may require the reservation of STREET rights of way for all purposes, for which public STREETS and ways are used in the Town of Acton. It may further require that new STREETS be constructed following approval in accordance with MGL Ch. 41, s. 81K - 81GG and the Acton Subdivision Rules and Regulations to connect with existing approved STREETS. Where such STREET rights of way are reserved, the FLOOR AREA RATIO on the remaining land shall be calculated by including the rights of way reserved hereunder, including any necessary easements, in the DEVELOPABLE SITE AREA.

- C. Amend the zoning map by rezoning to OP-1 the following parcel of land identified by its 1999 Town Atlas map and parcel number: *[Note: Street address and current zoning designation is provided for reference purposes only.]*

| map | parcel | current zoning | street address |
|------------|---------------|-----------------------|-----------------------|
| B-5 | 7 | OP-1, R-10/8 | 80 Nagog Park Dr |

or take any other action relative thereto.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

MOTION:

Mr. Shgia-Hughes moves in the words of the article.

Mr. Cady moves to remove Section C in its entirety

AMENDMENT CARRIES

AMENDED MOTION CARRIES UNANIMOUSLY

ARTICLE 39 PRINCIPAL USE DEFINITIONS AND TABLE, RELATED CHANGES
(2/3 vote required)

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

[Notes in italic print are not part of the Article but are intended for explanation only.]

- A. Section 3 - Principal Use Definitions: Delete sections 3.2 through 3.7 in their entirety and replace them with new sections 3.2 through 3.7 as follows: *[Notes in italic and brackets show existing language, and indicate deletions and other changes; n/c means no change.]*

3.2 General USES

- 3.2.1 Agriculture –On a parcel of more than five acres: Agriculture, including the boarding, keeping or raising of livestock; horticulture; floriculture; or viticulture; the use of buildings and structures for the primary purpose of these activities, including the sale of farm products. All of the aforesaid shall be in conformance with the definitions and requirements for these activities of MGL Ch. 40A, s. 3. On a parcel of two acres or more: Cultivating, harvesting and storing of field crops, produce or fruit, and storage of farm equipment that is necessary for these activities; the boarding, keeping and raising of not more than one horse, goat or sheep, plus its offspring up to one year of age. *[Note - this section currently reads: 3.2.1 Agriculture - Cultivating, harvesting and storing crops including the storage of necessary farm equipment on parcels of less than five acres. The boarding, keeping or raising of livestock on parcels of more than five acres; except that the boarding, keeping and raising of not more than one horse, goat or sheep, plus its offspring up to one year of age, shall be permitted on parcels of two acres or larger.]*
- 3.2.2 Conservation - The USE of land in its natural state or improved with trails or resource management programs that do not significantly alter its natural state. *[n/c]*

[Note: Present section 3.2.3 Earth Removal is deleted. See section 3.7 of this article, prohibited uses.]

- 3.2.3 Recreation – A pool or recreation center owned and operated by a neighborhood association, the use of which is limited to members of the association and their guests.
[Note - this section currently reads: 3.2.4 Recreation - Non-commercial outdoor facilities for activities such as horseback riding, skiing, ice skating, swimming and tennis.]

3.3 Residential USES -Not more than one BUILDING for dwelling purposes shall be located upon a LOT, except *[n/c]*

- a) in the following Districts: Village Districts (EAV, NAV, SAV, WAV); Residence A District (R-A); Residence AA District (R-AA); *[n/c]*

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- b) for the following USES: Nursing Home; Full Service Retirement Community; Assisted Living Residence as defined in this Bylaw or in MGL Ch. 19D; and *[n/c]*
 - c) where a special permit has been granted for the following: a Planned Conservation Residential Community (PCRC) under section 9 of this Bylaw; a Planned Unit Development (PUD) under section 9A of this Bylaw; an AFFORDABLE Housing Development under section 4.4 of this Bylaw; a single FAMILY dwelling with one Apartment in a detached BUILDING under section 3.3.2.2.10 of this Bylaw. *[n/c except section reference was to 3.3.2.9 b]*
- 3.3.1 Single FAMILY Dwelling - A detached DWELLING UNIT designed as the residence of one FAMILY. *[n/c]*
- 3.3.2 Single FAMILY Dwelling with One Apartment - A single FAMILY Dwelling, the BUILDING of which was in existence on or before January 1, 1990, to be altered and used for not more than two DWELLING UNITS, the Principal Unit plus one Apartment, provided that: *[n/c]*
- 3.3.2.1 The GROSS FLOOR AREA of the Apartment shall not exceed the lesser of fifty percent of the GROSS FLOOR AREA of the Principal Unit or 800 square feet. *[n/c]*
 - 3.3.2.2 There shall be no more than two bedrooms in the Apartment. *[n/c]*
 - 3.3.2.3 The Apartment shall be clearly and distinctly separated from the Principal Unit by separate entrances either from the exterior of the BUILDING or from a common hallway located within the BUILDING. *[n/c]*
 - 3.3.2.4 Any stairways to an Apartment located above the ground floor of a BUILDING shall be enclosed within the exterior walls of the BUILDING. *[n/c]*
 - 3.3.2.5 There shall be not more than one driveway or curb cut providing ACCESS to the DWELLING UNITS, except for half circular or horseshoe driveways located in the front of the BUILDING. *[n/c]*
 - 3.3.2.6 A minimum of one additional parking space shall be provided for the Apartment. *[n/c]*
 - 3.3.2.7 The owner of the property shall occupy either the principal DWELLING UNIT or the Apartment. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes. *[n/c]*
 - 3.3.2.8 The Apartment shall not be held in, or transferred into separate ownership from the Principal Unit under a condominium form of ownership, or otherwise. *[n/c]*
 - 3.3.2.9 The minimum LOT area for a Single FAMILY Dwelling with One Apartment shall be the minimum LOT area required in the zoning district or, if the LOT is nonconforming, it shall comply with the standards for nonconforming LOTS under section 8, provided, however, that:
 - a) In the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts a Special Permit from the Board of Appeals shall be required for a Single FAMILY Dwelling with One Apartment on a nonconforming LOT with less than 15,000 square feet in LOT area.
 - 3.3.2.10 The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 1950 and has not been expanded or enlarged after July 1st, 1991. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.

- a) However, in the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Board of Appeals.

[Note: The above sections 3.3.2.9 and 3.3.2.10 replace current section 3.3.2.9. Section 3.3.2.9 currently reads: 3.3.2.9 A Special Permit from the Board of Appeals shall be required: a) if the Single FAMILY dwelling with one Apartment is to be located on a LOT with less than 15,000 square feet in LOT area; or b) if the Apartment is to be located within a detached BUILDING located on the same LOT as the BUILDING containing the Principal Unit. Such Special Permit shall only be issued, if the BUILDING in which the Apartment is to be located has been continuously in existence since prior to 1950. In granting such Special Permit, the Board of Appeals may authorize an apartment with a GROSS FLOOR AREA of up to 2000 square feet (not including attic or basement areas) and with up to three (3) bedrooms, provided that the detached secondary BUILDING in which the Apartment is to be located has not been and shall not be expanded or enlarged after July 1st, 1991. A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.]

- 3.3.2.11 No Apartment permitted under this Section shall be constructed and occupied without Building and Occupancy Permits issued by the Building Commissioner. *[This section is presently numbered 3.3.2.10]*

- 3.3.3 Dwelling Conversions - A single FAMILY dwelling or other residential BUILDING in existence prior to April 1, 1971 with less than four DWELLING UNITS may be altered and used for not more than four DWELLING UNITS if the LOT on which the BUILDING is located contains not less than 10,000 square feet per DWELLING UNIT and if one of the units is occupied by the owner of the property. In the R-A, R-AA, VR, SAV, WAV, NAV, EAV and KC Districts the preceding requirement that the LOT on which the BUILDING is located shall contain not less than 10,000 square feet per DWELLING UNIT shall not apply. *[Note: The last sentence of this section presently reads: In the WAV and SAV Districts the preceding requirement that the LOT on which the BUILDING is located shall contain not less than 10,000 square feet per DWELLING UNIT shall not apply. Otherwise no substantive changes.]*

- 3.3.4 Multifamily Dwelling - A BUILDING for residential USE, other than a dwelling conversion, containing more than two DWELLING UNITS. A BUILDING or STRUCTURE, housing an ACCESSORY USE to a multifamily dwelling USE, owned and operated by the owner or the residents of a multifamily dwelling USE located on the same LOT or on an adjacent LOT, such as building and grounds maintenance facilities, wastewater disposal facilities, recreation facilities, or club houses. *[n/c]*

3.4 Governmental, Institutional and Public Service USES

- 3.4.1 Municipal - USE of land, BUILDINGS, and STRUCTURES by the Town of Acton and the Water Supply District of Acton. *[n/c]*

- 3.4.2 Educational - USE of land, BUILDINGS and STRUCTURES for providing instruction or education in a general range of subjects, on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a nonprofit educational entity. Such USE may include museums, libraries, auditoria, athletic facilities, dormitories, administrative offices, or similar facilities and activities whose purpose is substantially related to the educational purposes of the owner. *[Note - this section currently reads: 3.4.2 Educational - USE of land, BUILDINGS and STRUCTURES for providing learning in a general range of subjects on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic; or by a religious sect or denomination; or by a nonprofit educational entity.]*

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- 3.4.3 Religious - USE of land, BUILDINGS, and STRUCTURES for religious purposes by a religious sect or denomination, which may include religious instruction, maintenance of a convent, parish house and similar facilities and activities whose purpose is substantially related to the religious purposes of such sect or denomination. *[Note - this section currently reads: 3.4.3 Religious - USE of land, BUILDINGS, and STRUCTURES for religious purposes by a religious sect or denomination.]*
- 3.4.4 Nursing Home - An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care. *[n/c]*
- 3.4.5 Public or Private Utility Facilities - Facilities, equipment, and STRUCTURES necessary for conducting a service by a public service corporation. *[n/c]*
- 3.4.6 Child Care Facility - A day care or school age child care center or program as defined in MGL, Chapter 40A. *[n/c]*
- 3.4.7 Other Public USE - USE of land, BUILDINGS and STRUCTURES for a public purpose, other than educational USE, by any town or local agency, except the Town of Acton and the Water Supply District of Acton. *[n/c]*
- 3.4.8 Full Service Retirement Community - A facility that is designed and operated to provide its elderly or impaired residents with a broad range of accommodations and services to meet their needs, including at least two of the following: independent living in single or multi-unit dwellings; assisted living in single or multi-unit dwellings; a Nursing Home. A Full Service Retirement Community shall provide a continuum of care by providing its residents varied levels of care and assistance in daily living on an as needed basis within the facility. A Full Service Retirement Community may include support services that are necessary to meet the needs of its residents such as but not limited to skilled nursing, medical and other health services, recreation and leisure facilities, a community center, a place of worship, or food services. In addition, a Full Service Retirement Community may include convenience services for its residents, such as a Retail Store, a Restaurant, and Services. A Nursing Home by itself, or an Assisted Living Facility by itself as defined in this Bylaw or in MGL Ch. 19D, or independent living accommodations by themselves such as single FAMILY residences or apartments shall not be considered a Full Service Retirement Community. *[n/c]*
- 3.4.9 Assisted Living Residence - Any entity, however organized, which meets all of the following three criteria: Provides room and board to residents who do not require 24-hour skilled nursing care; provides assistance with activities of daily living; and collects payments for the provision of these services; all as further defined in MGL Ch. 19D, s. 1, as amended from time to time. A unit as defined in MGL Ch. 19D, s. 1 shall be a DWELLING UNIT under this Bylaw. *[n/c]*
- 3.4.10 Wireless Communication Facility - A facility for the reception and transmission of personal wireless communication signals operated by a public utility or commercial entity licensed by the Federal Communications Commission. A Wireless Communication Facility shall include reception and transmission equipment and fixtures, such as antennae and satellite dishes, and associated electronic and mechanical equipment, any tower or other STRUCTURE designed or used primarily to support or elevate such fixtures, and any accessory STRUCTURE or BUILDING necessary to shelter the equipment. *[n/c]*
- 3.4.11 Commercial Education or Instruction – A private, for-profit business engaged in providing instruction or training in skills of any kind, including business, data processing, programming, arts and crafts. *[Proposed new section.]*

3.5 Business USES

- 3.5.1 Retail Store - An establishment with not more than 60,000 square feet in NET FLOOR AREA selling merchandise within a BUILDING to the general public. Said merchandise is not intended for resale.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

A Retail Store may have one or more vendors within it and may occupy one whole BUILDING or a portion of a BUILDING. If a Retail Store occupies a portion of a BUILDING, its retail space shall be separated from other Retail Stores by complete walls or partitions, and customers must pay for purchases and exit the Retail Store before entering another Retail Store. A garden center, florist, or commercial greenhouse may have open-air display of horticultural products. *[Note - this section currently reads: 3.5.1 Retail Store - An establishment engaged in displaying and selling goods or merchandise within a BUILDING to the general public or to business establishments which goods or merchandise are not intended for resale; except that a garden center, florist or commercial greenhouse may have open air display of horticultural products.]*

- 3.5.2 Office - A business or professional office such as corporate offices or the offices of an attorney, doctor, dentist, architect, engineer, real estate agency, loan agency, or similar professional. *[Note - this section currently reads: 3.5.2 Business or Professional Office - A business or professional office; a medical office or out-patient clinic, including laboratories incidental thereto.]*

[Note: Present section 3.5.3 Financial eliminated. Proposed as part of 3.5.12 Services.]

- 3.5.3 Health Care Facility - A walk-in clinic, rehabilitation center, medical lab, dental lab, weight loss clinic, or similar facility. *[Proposed new section.]*
- 3.5.4 Hospital, Medical Center – A facility providing medical or surgical services to persons, including ambulatory and emergency services, and accessory facilities and functions that are an integral part of the facility such as laboratories, out-patient departments, training, staff offices, and similar adjunct facilities and functions. *[Proposed new section.]*

Note: If Article 37 - Technology District is adopted, adopt Alternate 1 of proposed section 3.5.5, otherwise adopt Alternate 2.

Alternate 1:

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

Alternate 2:

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

[Note - this section currently reads: 3.5.4 Restaurant - Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) on a patio closed on all sides with entrance to the patio normally available only from the BUILDING, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above. In the OP-2 District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA, and no individual restaurant in the OP-2 District shall exceed 25,000 square feet measured in NET FLOOR AREA.]

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

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

currently reads: 3.5.6 Combined Business and Dwelling - A LOT or a BUILDING on such LOT used for business USES and for not more than four DWELLING UNITS except as otherwise provided for in the NAV and EAV Districts.]

3.5.7 Hotel, Motel, Inn, Conference Center - A facility providing transient lodging accommodations to the general public or a facility for corporate meetings and conferences, which may include restaurants, swimming pool, exercise rooms, and banquet halls. Such a facility may also include small retail stores, and financial and other services that shall serve primarily the guests of the facility, and that shall not exceed a combined total of 1000 square feet in NET FLOOR AREA. In the NAV, EAV, and WAV Districts, the number of guestrooms shall not exceed five, and in the SAV District, the number of guestrooms shall not exceed eight. *[Note - this section currently reads: 3.5.5 Hotel, Inn or Motel - A facility providing transient lodging accommodations to the general public. A hotel, inn or motel, including a bed & breakfast accommodation in the NAV, EAV and WAV Districts shall have not more than five (5) guest rooms, and in the SAV District not more than eight (8) guest rooms.]*

3.5.8 Bed and Breakfast - A private owner-occupied dwelling where not more than eight rooms are let and a breakfast is included in the rent. *[Proposed new section.]*

[Note: Present section 3.5.8 - Funeral Home is deleted - see proposed section 3.5.12 Services.]

3.5.9 Lodge or Club - A private organization such as a fraternal, civic, alumni, or sports club, to which membership is limited or controlled. *[Note - this section currently reads: 3.5.7 Lodge or Club - A facility used by a non-commercial organization which is characterized by formal written membership requirements.]*

3.5.10 Veterinary Care - A facility where animals are given medical or surgical treatment, and short term boarding of animals within a fully enclosed BUILDING when incidental to the medical or surgical treatment. *[Note - this section currently reads: 3.5.9 Veterinary Care - A facility where animals are given medical or surgical treatment and where boarding of animals is limited to short term care incidental to the medical or surgical treatment.]*

3.5.11 Animal Boarding – Indoor or outdoor establishment where dogs, cats, or other pets are kept for the purpose of sale, training, breeding, or boarding care, including an animal shelter, and other activities related thereto. *[Note - this section currently reads: 3.5.10 Commercial Kennel - Establishment where dogs, cats or other pets are kept for the purpose of sale, breeding or boarding care.]*

3.5.12 Services - Establishments providing services directly to the consumer such as a bank, credit union, barber shop, beauty salon, laundry, dry-cleaning, funeral home, shoe repair, clothing rental shop, equipment rental or leasing, or similar USES or establishments. *[Note - this section currently reads: 3.5.11 Services - Establishments providing services such as a barber shop, laundry or dry-cleaning, diaper service, shoe repair, tailor, weight loss clinic, clothing rental shop, equipment rental and leasing, building cleaning, photocopying, telephone answering, word processing, secretarial services, computer service bureau, music instruction, appliance and office equipment repair, bicycle repair, repair of lawn mowers and similar small equipment, and food catering.]*

[Note: The present section 3.5.12 Studio is deleted. See proposed section 3.5.13 Repair Shops, Technical Shops, Studios.]

3.5.13 Repair Shop, Technical Shop, Studio - Repair and service of appliances, computers, office equipment, bicycles, lawn mowers, or similar small equipment; diaper service; building cleaning service; photocopying; secretarial service; tailor; food catering; photography or film studio; art studio; artisan's studio; music instruction or practice room; or similar USES or establishments. *[Proposed new section]*

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- 3.5.14 Building Trade Shop - An establishment for use by the practitioner of a building trade such as a carpenter, welder, plumber, electrician, builder, mason, landscaping contractor, lawn care service, or similar occupation. *[n/c, presently section 3.5.13]*
- 3.5.15 Commercial Recreation - A facility operated as a business, open to the public for a per-visit or membership fee, and designed and equipped for the conduct and instruction of sports and recreation such as ice skating, roller skating, racquet ball, tennis, swimming, body building, fitness training, steam baths, sauna, aerobics, yoga, dancing, martial arts, bowling, horseback riding, skiing, ball games, golf course, country club, miniature golf, golf driving range, or similar customary and usual sports and recreational activities. *[Note - this section currently reads: 3.5.14 Commercial Recreation - A facility operated as a business, open to the public for a per-visit or membership fee, and designed and equipped for the conduct and instruction of sports and recreation such as ice skating, roller skating, racquet ball, swimming, body building, fitness training, steam baths, sauna, aerobics, yoga, dancing, martial arts, bowling, horseback riding, skiing, ball games, golf, miniature golf, or other customary and usual sports and recreational activities.]*

[Note: Present section 3.5.15 Commercial and Trade School is deleted. See proposed section 3.4.11 Private Education.]

- 3.5.16 Commercial Entertainment – An indoor facility such as a theatre, cinema, performing arts center, or video arcade. In the SAV District, only cinemas, theaters, or performing arts center shall be allowed. *[Note - this section currently reads: 3.5.16 Amusement Facility - Indoor facilities open to the public for a fee or admission charge such as a theater, cinema, or video arcade. In the SAV District, only cinemas, theaters, or performing arts shall be allowed.]*
- 3.5.17 Golf Course in Residential Districts – In the R-2, R-4, R-8, R-8/4, R-10/8, and R-10 Districts a commercial 18-hole golf course of at least 5,500 linear yards and at least 75 acres with customary and incidental ACCESSORY USES including vehicular parking, a clubhouse, a pro shop for sale of golf related items only, an administrative office, and a restaurant. The total NET FLOOR AREA for such ACCESSORY USES shall not exceed 2,500 square feet unless entirely within a STRUCTURE in existence at the time of adoption of this Bylaw, but in no case shall the total NET FLOOR AREA devoted to such ACCESSORY USES exceed 5,000 square feet. In addition, one DWELLING UNIT may be located on the premises of the golf course. Such USE shall comply with the following requirements:
- 3.5.17.1 No tee, green, fairway, new BUILDING including improvements to existing BUILDINGS for golf related activities, and new parking area shall be within fifty feet of any property line.
- 3.5.17.2 New BUILDINGS and improvements to existing BUILDINGS for golf-related activities and new parking areas shall be screened year round from adjacent property by evergreens and other vegetative growth of mixed variety.
- 3.5.17.3 Except for irrigation, the operation of the course, including ACCESSORY USES, shall be limited to the hours between one-half hour before sunrise and one-half hour after sunset.
- 3.5.17.4 A contiguous area of at least forty percent of the parcel(s) devoted to the golf course and ACCESSORY USES shall be placed under a conservation restriction enforceable by the Town of Acton. Such restriction shall be for a period of not less than thirty years in duration, shall be renewable by the Town of Acton, and shall be evidenced by a deed in proper form and duly recorded with the Middlesex South District Registry of Deeds or Land Court. The area placed under a conservation restriction shall not contain a greater percentage of wetlands, as defined in MGL Ch. 131, Section 40, than the percentage of wetlands found in the overall tract of land on which the golf course is to be located.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- 3.5.17.5 A State licensed person shall be responsible for applying pesticides and herbicides on the golf course site. Results from an approved laboratory of surface and GROUNDWATER samples shall be periodically provided to the Board of Health, the locations and frequency of testing to be determined by the Board of Health.
- 3.5.17.6 If a golf course is proposed on contiguous land within a residential district and a non-residential district, only fairways and greens shall be located within the residential district. In such instance, the minimum tract of land size, length of golf course, and number of holes shall not apply, but the forty percent set-aside of land under conservation restriction as set forth in 3.5.17.4 shall apply to the residential district portion of the golf course. For administrative and permitting purposes, such a golf course shall be considered as Commercial Recreation and require a special permit and site plan special permit from the Board of Selectmen.
- 3.5.17.7 If a special permit is sought for a golf course in a residential district that abuts a golf course in an adjacent town, the minimum tract of land size, length of golf course and number of holes shall not apply. In such instance, only tees, fairways, and greens may be located within the Town of Acton, and the special permit granting authority shall be the Planning Board. *[3.5.17 with its subsections is a proposed new section.]*
- 3.5.18 Cross-Country Skiing in Residential Districts – In the R-2, R-4, R-8, R-8/4, R-10/8, and R-10 Districts, commercial cross-country ski courses on at least 25 acres of land with customary and incidental ACCESSORY USES including vehicular parking, a clubhouse, a store for the rental and sale of ski related items only, an administrative office, and a restaurant. The total NET FLOOR AREA for such ACCESSORY USES shall not exceed 2,500 square feet unless entirely within a STRUCTURE in existence at the time of adoption of this Bylaw, but in no case shall the total NET FLOOR AREA devoted to such ACCESSORY USES exceed 5,000 square feet. In addition, one DWELLING UNIT may be located on the premises of the cross-country ski courses. Such USE shall comply with the following requirements:
- 3.5.18.1 The operation of the cross-country skiing facility, including ACCESSORY USES, trail grooming and maintenance equipment, shall be limited to the hours between one-half hour before sunrise and one-half hour after sunset.
- 3.5.18.2 New BUILDINGS, including improvements to existing BUILDINGS for ski-related activities and new parking areas shall be screened year round from the adjacent property by evergreens and other vegetative growth of mixed variety.
- 3.5.18.3 No trail or new BUILDING including improvements to existing BUILDINGS for ski related activities and new parking area shall be located within fifty feet of any property line.
- 3.5.18.4 No so-called snowmobiles shall be permitted except for emergency or maintenance purposes. *[3.5.18 with its subsections is a proposed new section.]*
- 3.5.19 Vehicle Service Station - Sale of motor vehicle fuel and related products and services, including a convenience store if an integral part of the motor vehicle service station; or a car wash. All maintenance and service, other than minor service and emergency repairs, shall be conducted entirely within a building. No vehicle service station or car wash shall be located within 1,300 feet of another vehicle service station or car wash. *[Note - this section currently reads: 3.5.17 Motor Vehicle Service Station - Facility for outdoor sale of motor vehicle fuels, related products and services provided that all major maintenance and servicing of vehicles shall be conducted entirely within a BUILDING.]*

[Note: Current section 3.5.18 is to be deleted and replaced with proposed sections 3.5.20 and 3.5.21. Current section 3.5.18 describes motor vehicle repair and body shops in one definition as follows: 3.5.18 Motor Vehicle Service Station - Facility for outdoor sale of motor vehicle fuels, related products and services

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

provided that all major maintenance and servicing of vehicles shall be conducted entirely within a BUILDING.]

- 3.5.20 Vehicle Repair – Establishment where the principal service is the mechanical repair, excluding body work, of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles, having a maximum gross vehicle weight of 10,000 pounds and a wheel base no larger than 135-inches, provided that all but minor repairs shall be conducted entirely within a BUILDING. *[see previous note]*
- 3.5.21 Vehicle Body Shop - Establishment where the principal service is the repair and painting of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles having a maximum gross vehicle weight of 10,000 pounds and a wheel base no larger than 135-inches, provided that all but minor repairs shall be conducted entirely within a BUILDING. *[see previous note]*
- 3.5.22 Vehicle Sale, Rental – Facility for the rental, leasing or sale of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles having a maximum gross vehicle weight of 10,000 pounds and a wheel base no larger than 135-inches; including open-air display. The open-air display area shall comply with the standards of Section 6.7 of this Bylaw. *[Note - this section currently reads: 3.5.19 Light Vehicular and Equipment Sales or Leasing - Salesroom and related facilities, including but not limited to open air display, for the sale and long term lease of automobiles, light trucks with a maximum of two axles, motorcycles, one axle trailers, recreational vehicles, and similar vehicles; boats; or light industrial or farm equipment.]*

[Note: Present section 3.5.22 Car Wash is deleted, See proposed section 3.5.19 Vehicle Service Station.]

- 3.5.23 Parking Facility - Commercial parking open to the public for automobiles and similar light motor vehicles. *[currently section 3.5.20; n/c]*
- 3.5.24 Transportation Services - The parking or storage of ground transportation vehicles including buses, ambulances, limousines, taxies, liveries, wagons, or carriages. The primary purpose of the business shall be to provide transportation services to passengers. All vehicles stored or parked upon the premises shall be registered or licensed. *[currently section 3.5.21; n/c]*
- 3.5.25 Adult USES - An establishment having a substantial or significant portion of its stock in trade or other materials for sale, rental or display, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct as defined in MGL Ch. 272, s. 31, such as but not limited to an adult bookstore, adult paraphernalia store, adult video store, or adult motion picture theater. Also, adult entertainment, which shall be an establishment in which workers or performers appear in a state of nudity or in a manner intended to arouse sexual excitement, as defined in MGL Ch. 272, s.31, for a substantial or significant portion of the time the establishment is open for business, or which derives a substantial or significant portion of its revenues from such occasions. The terms "substantial or significant portion" as used herein shall mean either ten percent or more of the business inventory or stock of merchandise for sale or rental at any point in time; or ten percent or more of the annual number of sales, rentals or other business transactions; or ten percent or more of the annual business revenue; or ten percent or more of the hours during which the establishment is open to the public. No Special Permit for an Adult USE shall be issued to any person convicted of violating the provisions of MGL, Ch. 119, s. 63 or Ch. 272, s. 28. *[currently section 3.5.23; n/c]*

3.6 Industrial USES

- 3.6.1 Warehouse - A BUILDING for the enclosed storage of goods and materials, including office, administrative, and support facilities related to the foregoing, but not a distribution plant; a personal self-storage facility or mini-warehouse. *[Note - this section currently reads: 3.6.1 Warehouse - A*

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

BUILDING for the enclosed storage of goods and materials where the wholesale of goods or materials is permitted provided it is incidental to the warehouse USE.]

[Note: Present section 3.6.2 Mini-Warehouse deleted. See proposed section 3.6.1 Warehouse.]

[Note: Present sections 3.6.3 Construction Yard, 3.6.4 Lumber Yard, and 3.6.5 Heating Fuel Sales and Service deleted.]

3.6.2 Distribution Plant - Establishment for the temporary storage of merchandise, products, or equipment and its wholesale, distribution or re-distribution to the market, usually in smaller lots, or its sale directly to the consumer via remote sales, such as sales conducted via telephone or Internet; and support services for the foregoing, such as office and laboratory. *[Proposed new section.]*

3.6.3 Manufacturing – A manufacturing facility, such as a printing or publishing plant; manufacturing of building systems and components; fabrication and assembly of electronic components, precision instruments, or other high technology products; manufacturing of metal products or office supplies; software or hardware development or manufacturing; research or testing of new and emerging technologies and technological devices; establishments engaged in services related to the environment; or similar USES and activities; including office, administrative, laboratory, and support facilities related to the foregoing; but excluding scientific USE as defined in section 3.6.4. All operations shall confine disturbing smoke, fumes, dust, noise, and other emissions within the premises. No research or testing shall be conducted outside of a BUILDING. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a Manufacturing USE shall not exceed 10,000 square feet. *[Note - this section currently reads: 3.6.6 Light Manufacturing - Printing or publishing plant; manufacturing of BUILDING systems and components; fabrication and assembly of electronic components, precision instruments, or other high technology products; manufacture of light metal products, hardware and office supplies; or similar light manufacturing plants and facilities. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a Light Manufacturing USE shall not exceed 10,000 square feet.]*

3.6.4 Scientific - Research and development in the fields of biotechnology, medical, pharmaceutical, physical, environmental, biological, or behavioral sciences and technology; wildlife medicine; genetic engineering; comparative medicine; bioengineering; cell biology; human and animal nutrition; and veterinary medicine; including the production of equipment, apparatus, machines or other devices for research, development, manufacturing advance, and practical application in any such field or area, and including offices, administrative, laboratory, and support facilities related to any of the foregoing activities. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a Scientific USE shall not exceed 10,000 square feet. *[Proposed new section.]*

3.7 Prohibited USES - All USES that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare are expressly prohibited in all zoning districts. In addition, the following USES are expressly prohibited in all zoning districts:

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Aircraft assembly; landing or takeoff of motorized aircraft | Amusement park |
| Asphalt, block, or concrete plant | Billboard |
| Bottling plant | Chemical storage and production facility |
| Commercial extraction of earth products such as sand, gravel, soil, loam, rock, ore, or minerals, except when connected with the construction of BUILDINGS, STREETS, ways or other improvements to land in accordance with applicable laws and regulations. | Commercial or private dump, landfill, refuse incinerator, or other commercial or private solid waste disposal or processing facility |
| Commercial or private sludge storage or disposal facility | Drive-in or outdoor cinema |

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Fertilizer plant | Heating fuel sales, service and storage |
| Manufacture, use, storage, transport or treatment, disposal and/or processing of explosive, toxic or hazardous materials as a principal activity | Lumber Yard |
| Mobile home; mobile home park; mobile home sales | Meat packing and pet food plants, slaughterhouses |
| Nuclear power generation | Motor vehicle assembly |
| Paper or pulp mill | Privately owned cemetery |
| Radioactive waste disposal or reprocessing of radioactive materials | Refinery |
| Repair facility for trucks, buses, construction and industrial equipment | Reclamation and Reprocessing of asphalt and/or concrete |
| Retail Store larger than 60,000 sq. ft. | Sale of heavy vehicles, equipment or buses |
| Salvage yard and all open air storage of salvage materials and debris | Stadium, coliseum, sports arena, race track |
| Storage or reprocessing of waste products and salvage materials such as non-operable vehicles or appliances | Storage yard, contractor's yard or other open air establishment for storage, distribution, or sale of materials, merchandise, products or equipment |
| Tanneries, smelting or rendering plants, gelatin factory | Trailer camp |
| Truck or trailer cleaning, washing facility or terminal | Water resources development for private commercial sale |

[Note - this section currently reads:

3.7 **Prohibited USES** - In addition to the USES listed below all USES that pose a present or potential hazard to human health, safety, welfare or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard or glare are expressly prohibited in all zoning districts. 3.7.1 Heavy Manufacturing - Asphalt, block, bottling, concrete or fertilizer plants; monument works; paper or pulp mill; refinery; rendering or smelting plants; slaughterhouses. 3.7.2 Storage - Non-municipal dump; salvage materials yard including non-operable motor vehicles; tank farm. 3.7.3 Amusement - Amusement park; outdoor cinema; stadium or coliseum. 3.7.4 General - Rental of autos, trucks or trailers, including truck-trailers; development of water resources for private commercial sale; landing or takeoff of motorized aircraft; hospital; mobile home; mobile home park; mobile home sales; privately owned cemetery; trailer camp; facility for truck or trailer cleaning and washing; or truck terminal. 3.7.5 Heavy Vehicular Sales or Repair Garage - Salesroom and related facilities, including but not limited to open air display of trucks, buses, construction and industrial equipment; establishments for the repair of trucks, buses, construction and industrial equipment.]

B. Section 3 - Table of Principal Uses: Delete the Table of Principal Uses in its entirety and replace it with a new Table of Principal Uses as follows:

[Notes:

- Y indicates that the principal use is allowed. N indicates that the principal use is not allowed. SPA, SPS, SPP indicate that the principal use may be allowed by special permit. In the column entitled Site Plan an R means that a Site Plan Special Permit is required, a NR means it is not required.
- Where changes are proposed to the regulations of principal uses the present regulations are shown in [ITALIC BRACKETS]. Proposed new principal use categories are shown in **bold Italics**. For current principal use categories proposed for deletion or relocation see Part A of this article.
- Districts: R-2 through R-10/8 - single family residential districts; R-A & R-AA - multifamily districts; VR - Village Residential district (West Acton area); SAV, WAV, NAV, EAV - South -, West -, North -, and East Acton Village districts; OP-1 - office district at Nagog Park; OP-2 - office district on Rt. 2 (Piper to Hosmer); GB - General Business district (scattered areas); LB - Limited Business district (Rt. 2A); KC - Kelley's Corner business district; LI - Light Industrial district (Craig Road and

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

scattered sites); GI - General Industrial district (Haartz plant, Powder Mill Road area); LI-1 - Light Industrial district (Acton Center, Post Office Square); IP - Industrial Park district (W.R. Grace and Airco properties); SM - Small Manufacturing district (North Acton, East Acton); ARC - Agriculture, Recreation, Conservation district.]

- ***If Article 36 is adopted, adopt in the table below column "PM" and discard column "GB", otherwise adopt column "GB" and discard column "PM".***
- ***If Article 37 is adopted, adopt in the table below column "TD" and discard column "IP", otherwise adopt column "IP" and discard column "TD".***

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

TABLE OF PRINCIPAL USES

PRINCIPAL USES listed in this Table are subject to provisions in corresponding Section 3.

| PRINCIPAL USES | RESIDENTIAL DISTRICTS | | | | VILLAGE DISTRICTS | | | | OFFICE DISTRICTS | | BUSINESS DISTRICTS | | | | INDUSTRIAL DISTRICTS | | | | | SITE PLAN | | |
|-----------------------------------------------------------------|-------------------------------------------|----------------|--------------|--------------|----------------------------|--------------|------------|----------------|------------------|----------|--------------------|-----|-------------|-------------|----------------------|----------|----------|-----|----------|-----------|----------|-----------|
| | R-2, R-4, R-8, R-8/4, R-10 & R-10/8 | R-A | R-AA | VR | SAV | WAV | NAV | EAV | OP-1 | OP-2 | PM | GB | LB | KC | LI | GI | LI-1 | TD | IP | | SM | ARC |
| 3.2 GENERAL USES | | | | | | | | | | | | | | | | | | | | | | |
| 3.2.1 | Agriculture | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | NR |
| 3.2.2 | Conservation | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | NR |
| 3.2.3 | Recreation | SPP [SPS] | SPP [SPS] | SPP [SPS] | SPP [SPS] | N [Y] | N [SPS] | N [SPS] | N [SPS] | N [Y] | N | N | N [Y] | N [Y] | N [Y] | N [Y] | N [Y] | N | N [Y] | N [Y] | N [Y] | NR [R] |
| 3.3 RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | | | |
| 3.3.1 | Single FAMILY Dwelling | Y | Y | Y | Y | Y | Y | Y | Y | N | N | Y | Y | Y | Y | N | N | N | N | N | N | NR |
| 3.3.2 | Single FAMILY Dwelling with One Apartment | Y(1) [Y(2)] | Y [Y(2)] | Y | Y | Y | Y | Y [Y(2)] | Y [Y(2)] | N | N | Y | Y [Y(2)] | Y [Y(2)] | Y [Y(2)] | N | N | N | N | N | N | NR |
| 3.3.3 | Dwelling Conversions | SPA | SPA | SPA | SPA | SPA [Y] | SPA [Y] | SPA | SPA | N | N | N | SPA | SPA | SPA | N | N | N | N | N | N | NR |
| 3.3.4 | Multifamily Dwelling | N | SPS | Y | SPA(2) Y(5) [SPA(5)] | Y(2) Y(5) | Y | N(3) [N(1)] | N(3) [N(1)] | N | N | N | N | N | N | N | N | N | N | N | N | R |
| 3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES | | | | | | | | | | | | | | | | | | | | | | |
| 3.4.1 | Municipal | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | NR |
| 3.4.2 | Educational | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | NR |
| 3.4.3 | Religious | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | NR |
| 3.4.4 | Nursing Home | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | R |
| 3.4.5 | Public or Private Utility Facilities | N | N | N | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | R |
| 3.4.6 | Child Care Facility | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | NR [R] |

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

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| 3.4.7 | Other Public Use (4) | SPS | N | R |
| 3.4.8 | Full Service Retirement Community | SPS | N | R |
| 3.4.9 | Assisted Living Residence (5) <i>[presently note (8)]</i> | SPS | N | N | SPS | SPS | SPS | SPS | N | N | N | N | N | N | N | R |

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| | | RESIDENTIAL DISTRICTS | | | | VILLAGE DISTRICTS | | | | OFFICE DISTRICTS | | BUSINESS DISTRICTS | | | | INDUSTRIAL DISTRICTS | | | | | | | |
|--------------------------|-----------------------------------------------------------|-------------------------------------------------------|----------|----------|--------------------|-------------------|------------|------------|------------|------------------|------------|--------------------|------------|------------|------------|----------------------|------------|------------|------------|------------|------------|----------|--------------|
| PRINCIPAL USES | | R-2, R-4, R-8, R-8/4, R-10 & R-10/8 | R-A | R-AA | VR | SAV | WAV | NAV | EAV | OP-1 | OP-2 | PM | GB | LB | KC | LI | GI | LI-1 | TD | IP | SM | ARC | SITE PLAN |
| 3.4.10 | Wireless Communication Facility (6) [presently note (10)] | SPP | SPP | N | N | N | N | N | N | SPP | SPP | SPP | SPP | SPP | N | SPP | SPP | SPP | SPP | SPP | SPP | SPP | NR |
| 3.4.11 | Commercial Education or Instruction | N | N | N | N | SPS | SPS | SPS | SPS | Y | Y | Y | Y | Y | SPS | Y | Y | Y | Y | Y | Y | N | R |
| 3.5 BUSINESS USES | | | | | | | | | | | | | | | | | | | | | | | |
| 3.5.1 | Retail Store | N | N | N | Y(7) [Y(6)] | Y | Y | Y | Y | N | N | Y | Y | Y | Y | N | N | N | N | N | N | N | R |
| 3.5.2 | Office | N | N | N | Y(7) [Y(6)] | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | R |
| 3.5.3 | Health Care Facility | N | N | N | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | R |
| 3.5.4 | Hospital, Medical Center | N | N | N | N | N | N | N | N | SPS | SPS | SPS | SPS | SPS | N | SPS | SPS | SPS | SPS | SPS | SPS | N | R |
| 3.5.5 | Restaurant (8) [presently note(7)] | N | N | N | SPS(7) [SPS(6)] | SPS | SPS | SPS | SPS | N | SPS | SPS | SPS | SPS | SPS | N | N | N | SPS | SPS | N | N | R |
| 3.5.6 | Combined Business & Dwelling | N | N | N | Y(7) [Y(6)] | Y | Y | Y | Y | N | N | Y | Y | Y | Y | N | N | N | N | N | N | N | R |
| 3.5.7 | Hotel, Motel, Inn, Conference Center | N | N | N | N [SPS] | SPS | SPS | SPS | SPS | N | SPS | SPS | SPS | SPS | SPS | N | N | N | SPS | SPS | N | N | R |

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

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| 3.5.8 | Bed & Breakfast | SPS | SPS | SPS | SPS | Y | Y | Y | Y | N | N | Y | Y | Y | Y | N | N | N | N | N | N | N | R |
| 3.5.9 | Lodge or Club | N | N | N | N | SPS | SPS | SPS | SPS | N | N | SPS | SPS | SPS | SPS | N | N | N | N | N | N | N | R |
| 3.5.10 | Veterinary Care | N | N | N | SPS(7)) [SPS (6)] | SPS | SPS | N | N | N | N | Y | Y | Y | Y | Y | Y | Y | N | N | SPS | N | R |
| 3.5.11 | Animal Boarding | N | N | N | N | N | N | N | N | N | N | SPS | SPS | SPS | N | SPS | SPS | SPS | N | N | SPS | N | R |

| | | RESIDENTIAL DISTRICTS | | | | VILLAGE DISTRICTS | | | | OFFICE DISTRICTS | | BUSINESS DISTRICTS | | | | INDUSTRIAL DISTRICTS | | | | | | | |
|----------------|------------------------------------------------------|-------------------------------------------------------|-----|------|----------------|-------------------|-----|-----|-----|------------------|------|--------------------|-----|-----|-----|----------------------|-----|------|-----|-----|-----|-----|------------------|
| PRINCIPAL USES | | R-2, R-4, R-8, R-8/4, R-10 & R-10/8 | R-A | R-AA | VR | SAV | WAV | NAV | EAV | OP-1 | OP-2 | PM | GB | LB | KC | LI | GI | LI-1 | TD | IP | SM | ARC | SITE PLA N |
| 3.5.1 2 | Services | N | N | N | Y(7) [Y(6)] | Y | Y | Y | Y | N | N | Y | Y | Y | Y | N | N | N | N | N | N | N | R |
| 3.5.1 3 | Repair Shop, Technical Shop, Studio | N | N | N | Y(7) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | R |
| 3.5.1 4 | Building Trade Shop | N | N | N | N | Y | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | R |
| 3.5.1 5 | Commercial Recreation (9) | N | N | N | N | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | SPS | R |
| 3.5.1 6 | Commercial Entertainment | N | N | N | N | SPS | SPS | N | N | N | N | SPS | SPS | SPS | SPS | N | N | N | N | N | N | N | R |
| 3.5.1 7 | Golf Course in Residential Districts | SPP | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | NR |
| 3.5.1 8 | Cross-Country Skiing in Residential Districts | SPP | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | NR |

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

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| 3.5.1 9 | Vehicle Service Station | N | N | N | N | N | N | N | SPS | N | N | Y | Y | Y | SPS | N | N | N | N | N | N | N | R |
| 3.5.2 0 | Vehicle Repair | N | N | N | N | N | SPS | N | N | N | N | Y | Y | Y | SPS | Y | N | N | N | N | Y | N | R |
| 3.5.2 1 | Vehicle Body Shop | N | N | N | N | N | N | N | N | N | N | Y | Y | Y | N | Y | N | N | N | N | Y | N | R |
| 3.5.2 2 | Vehicle Sale, Rental | N | N | N | N | N | N | N | N | N | N | Y | Y | Y | N | N | N | N | N | N | N | N | R |
| 3.5.2 3 | Parking Facility | N | N | N | N | N | Y | Y | Y | N | N | Y | Y | Y | Y | N | N | N | Y | Y | N | N | R |
| 3.5.2 4 | Transportation Services | N | N | N | N | N | N | N | N | N | SPS | Y | Y | N | N | N | SPS | N | Y | Y | N | N | R |
| 3.5.2 5 | Adult Uses | N | N | N | N | N | N | N | N | SPS | N | N | N | N | N | N | N | N | SPS | SPS | N | N | R |
| 3.6 INDUSTRIAL USES | | | | | | | | | | | | | | | | | | | | | | | |
| 3.6.1 | Warehouse | N | N | N | N | N | N | N | N | Y | Y | Y | Y | N | N | Y | Y | Y | Y | Y | Y | N | R |
| 3.6.2 | Distribution Plant | N | N | N | N | N | N | N | N | N | SPS | SPS | SPS | N | N | N | N | N | N | SPS | N | N | R |
| 3.6.3 | Manufacturing | N | N | N | N | SPS | SPS | N | N | Y | Y | Y | SPS | N | SPS | Y | Y | Y | Y | Y | Y | N | R |
| 3.6.4 | Scientific | N | N | N | N | N | N | N | N | SPS | N | R |

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

And, delete the Notes for Table of Principal Uses and replace them with the following new notes:

NOTES FOR TABLE OF PRINCIPAL USES

- (1) A Single FAMILY Dwelling with one Apartment shall require a Special Permit from the Board of Appeals, if located on a LOT with less than 15,000 square feet in LOT area, or if the Apartment is located in a detached BUILDING. See Sections 3.3.2.9 and 3.3.2.10 of USE Definitions. *[Presently note (2). Only the section references are adjusted.]*
- (2) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling. At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. In the VR District a Site Plan Special Permit shall not be required. *[Presently note (5). Note: The last sentence is a proposed addition.]*
[Present note (3) - 'Telephone answering, word processing or secretarial services, and computer service bureaus shall be permitted' - to be deleted. Services added as accessory use in part C of this article.]
- (3) Multifamily dwellings created under the provisions of Section 5.4 and Section 5.5 shall be permitted. *[Presently note (1).]*
- (4) If the proposed USE will be located in the Floodway Fringe, as defined in Section 4.1, or Zones 1, 2 or 3 of the Groundwater Protection District, as defined in Section 4.3, before granting a special permit under this Section the applicant shall submit the information required under Sections 4.1 or 4.3 and the Board of Selectmen shall find that the proposed USE complies with the requirements of Sections 4.1.8.1 and 4.1.9, and 4.3.8 through 4.3.10 respectively. *[Presently note (4).]*
- (5) Assisted Living Residences with 10 or fewer residents shall not require a Special Permit or Site Plan Special Permit. *[Presently note (8).]*
- (6) Refer to Section 3.10 for specific standards for Wireless Communication Facilities and for certain categorical exemptions from the requirements set forth in the Table of PRINCIPAL USES. *[Presently note (10).]*
- (7) Provided that the owner of the property resides on the property, the business USE is limited to 500 square feet of NET FLOOR AREA, and all parking spaces are provided to the rear or side of the BUILDING. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. The business USE hereunder shall not be deemed a home occupation. Home occupations are authorized separately under Section 3.8.1.2. Site Plan Special Permit shall not be required. Hours of business operation shall be limited to 7 AM to 9 PM Monday through Saturday, except hours of retail sale shall be limited to 7 AM to 7 PM Monday through Saturday. Exterior lighting fixtures for the business USE shall not be illuminated except during hours of business operation. *[Presently note (6).]*
- (8) No Special Permit shall be required for a Restaurant with 10 seats or less. *[Presently note (7).]*
- (9) No Special Permit shall be required for Commercial Recreation facilities with a NET FLOOR AREA of less than 2,000 square feet. *[Presently note (9).]*
- C. Section 3 - Table of Principal Uses: Delete the first sentence after the title of section 3.1 and replace it with the following new sentence:

"No land, STRUCTURE, or BUILDING shall be used except for the purposes permitted in the district as set forth in this section, except where other regulations apply due to overlay districts or special permit provisions as set forth in this Bylaw." *[Note - this sentence currently reads: No land, STRUCTURE or*

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

BUILDING shall be used except for the purposes permitted in the district as set forth in this section unless otherwise permitted in this Bylaw.]

- D. In section 3.8, Accessory Use Regulations, delete sections 3.8.2, 3.8.3, and 3.8.4 and replace them with a new section 3.8.2 as follows:

3.8.2 ACCESSORY USES permitted in the Office, Business, and Industrial Districts.

3.8.2.1 Truck or trailer cleaning and washing provided that the trucks or trailers are necessary for the conduct of the PRINCIPAL USE.

3.8.2.2 Drive-up facilities in a bank.

3.8.2.3 An employee food service area established exclusively to serve employees of the PRINCIPAL USE.

3.8.2.4 Facilities for training employees of the PRINCIPAL USE.

3.8.2.5 The following ACCESSORY USES, provided that their combined NET FLOOR AREA does not exceed 5% of the total NET FLOOR AREA that is occupied by the PRINCIPAL USE, and that they are conducted primarily as a service for employees, customers and clients of the PRINCIPAL USE:

- a) The retail sale of goods and merchandise.
- b) Services as listed in section 3.5.12.
- c) The sale of food and beverages, other than an employee food service area under section 3.8.2.3.

3.8.2.6 In the Industrial Districts only, outdoor storage of materials, goods, and equipment provided that all outdoor storage areas are completely screened from view from adjacent and nearby STREETS and properties.

[Note: Sections 3.8.2, 3.8.3, and 3.8.4 currently read as follows:

3.8.2 ACCESSORY USES Permitted in the General Business, Limited Business and Kelley's Corner Districts.

3.8.2.1 The rental of automobiles, light trucks or trailers, and similar light motor vehicles provided that such rental is secondary to the operation of 1) a Motor Vehicle Service Station allowed under section 3.5.17, 2) a USE permitted under section 3.5.11 - Services, or 3) Light Vehicular and Equipment Sales or Leasing allowed under section 3.5.19.

3.8.2.2 Truck or trailer cleaning and washing provided that the trucks or trailers are necessary for the conduct of the PRINCIPAL USE.

3.8.2.3 Drive-up facilities in a bank.

3.8.3 ACCESSORY USES Permitted in the Industrial Districts

3.8.3.1 USES necessary in connection with scientific research or scientific development or related production may be authorized by special permit from the Board of Selectmen.

3.8.3.2 Truck or trailer cleaning and washing provided that the trucks or trailers are necessary for the conduct of the PRINCIPAL USE of the property.

3.8.4 ACCESSORY USES allowed in the Office and Industrial Districts:

3.8.3.3 An employee food service area established exclusively to serve employees of the PRINCIPAL USE.

3.8.3.4 The following ACCESSORY USES, provided that their combined NET FLOOR AREA does not exceed 5% of the total NET FLOOR AREA that is occupied by the PRINCIPAL USE, and that they are conducted primarily as a service for employees, customers and clients of the PRINCIPAL USE:

- a) The retail sale of goods and merchandise.*
- b) Financial Services.*

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- c) *The sale of food and beverages, other than an employee food service area under section 3.8.4.1.]*

And, renumber section 3.8.5 to become section 3.8.3.

- E. In Section 3.9, Special Provisions Applicable to Nonresidential Uses, delete section 3.9.2 and renumber current section 3.9.3 to become section 3.9.2.
[Note - section 3.9.2 currently reads: 3.9.2 Outdoor storage of materials, goods and equipment shall not be allowed except in the General Industrial and Industrial Park Districts. However, the open air display for the sale of automobiles, light trucks, recreational vehicles or similar vehicles shall be permitted wherever light vehicular and equipment sales is a permitted USE, provided that the open air display area complies with the standards of Section 6.7 of this Bylaw.]
- F. In Section 3.9, Special Provisions Applicable to Nonresidential Uses, delete section 3.9.3 and replace it with a new section 3.9.3 as follows: *[Note: The current section 3.9.3 is renumbered to 3.9.2 in Part E of this article]*

3.9.3 Nonresidential USES in the KC District - On LOTS in the KC District where the FLOOR AREA RATIO exceeds 0.20, only the following USES may be located on the ground floor side of the BUILDING that is facing a STREET: Retail Store; Restaurant; Hotel, Motel Inn, Conference Center; Bed & Breakfast; Lodge or Club; Services; Commercial Entertainment; real estate agency; insurance agency; travel agency; law office; medical and dental offices; walk-in clinic; small equipment repair service; tailor; and photography studio. All other USES shall be located on BUILDING floors other than the ground level floor, on the ground level floor in a rear portion of a BUILDING, or in a BUILDING situated in the rear of other BUILDINGS that face one or more STREETS, and be hidden or screened so as to be unobtrusive when viewed from a STREET.
[Note - this section currently reads: 3.9.3 Nonresidential USES in the KC District - On LOTS in the KC District where the FLOOR AREA RATIO exceeds 0.20, only the following USES may be located on the ground floor side of the BUILDING that is facing a STREET: Retail Store; Financial; Restaurant; Hotel, Inn or Motel; Lodge or Club; Veterinary Care; Personal Services; General Services; Studio; Amusement Facility; real estate agencies; insurance agencies; travel agencies; law offices and medical and dental offices. All other USES shall be located on BUILDING floors other than the ground level floor, on the ground level floor in a rear portion of a BUILDING, or in a BUILDING situated in the rear of other BUILDINGS that face one or more STREETS, and be hidden or screened so as to be unobtrusive when viewed from a STREET]

- G. In Table 4.3.7.2 (Section 4.3), Use Regulations within the Groundwater Protection District, delete items 3. and 4. and replace them with new items 3. and 4. as follows: *[Current language in [brackets].]*

| | ZONE 1 Well Protection Area | ZONE 1 Recharge Protection Area | ZONE 1 Aquifer Protection Area |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------|-----------------------------------------|
| 3. Vehicle Repair or Vehicle Body Shop <i>[Motor Vehicle Repair Facility]</i> | N | N | Y |
| 4. Vehicle STORAGE for the purposes of leasing, rental, sale, resale, parts recovery, or similar USES <i>[Motor vehicle STORAGE for the purposes of leasing, rental, sale, resale, parts recovery, or similar USES]</i> | N | N | Y |

- H. In section 5.3.11, dimensional standards for Full Service Retirement Communities, delete the last row in the table of section 5.3.11.1 and replace it with the following new row:

| | | |
|------------------------------------------------------------------------------------------------------|---|-------------------------------------------------------------------------|
| Maximum total NET FLOOR AREA occupied by allowed Business USES such as Retail Store, Restaurant, and | - | the smaller of 10,000 sq. ft. or 10% of the total NET FLOOR AREA in the |
|------------------------------------------------------------------------------------------------------|---|-------------------------------------------------------------------------|

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| | |
|----------|-----------------------------------|
| Services | Full Service Retirement Community |
|----------|-----------------------------------|

*[Note - this row currently reads:
 Maximum total NET FLOOR AREA occupied by allowed Business USES such as Retail Store, Financial, Restaurant, and Services - the smaller of 10,000 sq. ft. or 10% of the total NET FLOOR AREA in the full service retirement community]*

- I. In section 5.5, Special Provisions for Village Districts, delete section 5.5.2 in its entirety and replace it with a new section 5.5.2 as follows:

5.5.2 Maximum Floor Area of Businesses and Industries - The maximum NET FLOOR AREA of an individual business or industrial establishment shall not exceed the following (all limits expressed in square feet): *[Note: Where changes are proposed the present language and regulation are shown in [brackets]; proposed additions are shown on **bold**; proposed deletions are shown in ~~strikethrough~~.]*

| PRINCIPAL USES | VILLAGE DISTRICTS | | | |
|-------------------------------------------------------------|-------------------|------------------|------------------|------------------|
| | SAV | WAV | NAV | EAV |
| 3.5.1 Retail Store | 3,000 | 5,000 | 5,000 | 5,000 |
| 3.5.2 Office <i>[Business or Professional Office]</i> | 3,000 | 5,000 | 5,000 | 5,000 |
| 3.5.3 Financial | 3,000 | 5,000 | 5,000 | 5,000 |
| 3.5.3 Health Care Facility | 3,000 | 5,000 | 5,000 | 5,000 |
| 3.5.5 Restaurant | 5,000 | 5,000 | 5,000 | 5,000 |
| 3.5.9 Lodge or Club | 5,000 | 5,000 | NR | NR |
| 3.5.10 Veterinary Care | 3,000 | 3,000 | NR | NR |
| 3.5.12 Services | 3,000 | 3,000 | 5,000 | 5,000 |
| 3.5.12 Studio | NR | 3,000 | NR | NR |
| 3.5.13 Repair Shop, Technical Shop, Studio | 3,000 | 3,000 | 5,000 | 5,000 |
| 3.5.14 Building Trade Shop | 5,000 | 5,000 | 5,000 | 5,000 |
| 3.5.15 Commercial Recreation | NR | 5,000 | NR | NR |
| 3.5.16 Commercial Entertainment <i>[Amusement Facility]</i> | NR | 5,000 | NR | NR |
| 3.6.3 <i>[Light]</i> Manufacturing | 5,000 | 5,000 | NR | NR |
| NR = No Regulation | | | | |

- J. In section 5.6, Special Provisions for Kelley's Corner District, delete section 5.6.3.4.f) and replace it with a new section 5.6.3.4.f) as follows:

f) On the BUILDING fronts, the ground floor shall be occupied, or designed to be available for occupancy, by Retail Stores; Restaurants; Hotel, Motel, Inn, Conference Center; Lodges or Clubs; Bed & Breakfast; Services; Commercial Entertainment; real estate agencies; insurance agencies; travel agencies; law offices; medical and dental offices; walk-in clinics; small equipment repair services; tailors; or photography studios.

[Note - this section currently reads: f) On the BUILDING fronts, the ground floor shall be occupied, or designed to be available for occupancy, by Retail Stores, Financial services, Restaurants, Hotel, Inn or Motel, Lodges or Clubs, Veterinary Care providers, Personal Services, General Services, Studios, Amusement Facilities, real estate agencies, insurance agencies, travel agencies, law offices, or medical and dental offices.]

- K. In section 6.3, Minimum Parking Space Requirements by Use, delete sections 6.3.1.6, 6.3.1.7, 6.3.1.9, 6.3.1.12, 6.3.1.14, and 6.3.1.15 and replace them with new sections as set forth below: *[Note: Present language is shown in brackets.]*

| | | |
|---------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| 6.3.1.6 | Retail Stores and Services not listed below; Repair Shop, Technical Shop, Studio; Restaurants without seating | One space for each 300 square feet of NET FLOOR AREA. |
|---------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

| | | |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <i>[Retail Stores not listed below; Services; Studio; Restaurant without seating]</i> | |
| 6.3.1.7 | Bank; Credit Union; Convenience Store; Shopping Center with two or more Retail Stores <i>[Financial; Convenience Store; Shopping Center (two or more retail stores)]</i> | Three spaces per 1000 s.f. of NET FLOOR AREA. |
| 6.3.1.9 | Office <i>[Business; Professional Office]</i> | One space for each 250 square feet of NET FLOOR AREA. |
| 6.3.1.12 | Hotel, Motel, Inn, Conference Center <i>[Hotel, Inn or Motel]</i> | One space for each bedroom, plus one space per 4 persons of rated capacity of conference rooms, banquet halls, restaurants, and other adjunct facilities <i>[One space for each bedroom.]</i> |
| 6.3.1.14 | Commercial Recreation; Commercial Entertainment; Auditorium <i>[Commercial Recreation; Amusement Facility; Auditorium]</i> | One space per four seats or one space per 200 s.f. of NET FLOOR AREA or one space per 4 persons of rated capacity, whichever is greater. |
| 6.3.1.15 | Vehicle Service Station; Vehicle Repair; Vehicle Body Shop <i>[Motor Vehicle Service Station; Motor Vehicle Repair or Body Shop; Car Wash]</i> | Two spaces plus three spaces for each service bay. |

L. In section 7, Signs and Advertising Devices, insert a new section 7.11 as follows:

7.11 SIGNS for Golf Courses and Cross-Country Skiing in Residential Districts - One FREESTANDING SIGN may be ERECTED for a Golf Course or a Cross-Country Skiing course that is located in a residential district. The FREESTANDING SIGN shall have a maximum height of 5 feet and the DISPLAY AREA shall not exceed 8 square feet. In addition, said USES may erect one WALL SIGN on the main building with a maximum DISPLAY AREA of 20 square feet.

And

Renumber current sections 7.11 and 7.12 to become sections 7.12 and 7.13 respectively.

Also, in Section 7.6, delete the words "Sections 7.7 through 7.12" and replace them with the new words "Sections 7.7 through 7.13".

M. In section 8.2, Nonconforming Uses, delete section 8.2.2 and replace it with a new section 8.2.2 as follows:

8.2.2 Changing a Nonconforming USE - A nonconforming USE may not be changed to another nonconforming USE except in accordance with the following requirements. The Board of Appeals may authorize by special permit a change from a nonconforming USE to another nonconforming USE provided the Board of Appeals finds that the proposed USE is in harmony with the character of the neighborhood and the applicable requirements of the zoning district, and provided further that in the Residential, Village and Office Districts the Board of Appeals may authorize a change only to one of the following other nonconforming USES (all USES as listed in the Table of Principal USES): *[n/c]*

- a) In Residential Districts: Multifamily Dwelling; Commercial Education or Instruction; Retail Store; Office; Veterinary Care; Services; Repair Shop, Technical Shop, Studio; except that a nonconforming Multifamily Dwelling may not be changed to another nonconforming USE.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

b) In Village Districts: Multifamily Dwelling, Veterinary Care, Commercial Entertainment, Manufacturing.

c) In Office Districts: Hotel, Motel, Inn, Conference Center.

[Note - Subsection a) through c) currently read: a) In Residential Districts: Multifamily Dwelling, Retail Store, Business or Professional Office, Financial, Veterinary Care, Personal Services, General Services, Studio, Commercial & Trade School; except that a nonconforming Multifamily Dwelling may not be changed to another nonconforming USE; b) In Village Districts: Multifamily Dwelling, Funeral Home, Veterinary Care, Amusement Facility; Light Manufacturing; and c) In Office Districts: Hotel, Inn or Motel.]

N. In section 9A, Planned Unit Development (PUD), delete section 9A.7.1 and replace it with a new section 9A.7.1 as follows: *[Note: Where changes are proposed the present use titles are shown in [italic brackets]; proposed deletions are shown in ~~strikethrough~~; proposed additions are shown in **italic bold**.]*

9A.7.1 Permitted USES - The following USES are permitted in a PUD. As listed hereinafter, the permitted USES correspond to the listing in the Table of PRINCIPAL USES in Section 3, and except as provided otherwise in this Section, the definitions of PRINCIPAL USES as set forth in Section 3 shall apply.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

3.2 GENERAL USES

- 3.2.1 Agriculture
- 3.2.2 Conservation
- 3.2.3 Recreation

3.3 RESIDENTIAL USES

- 3.3.1 Single Family Dwelling
- 3.3.2 Single Family Dwelling with Apartment
- 3.3.3 Dwelling Conversions
- 3.3.4 Multifamily Dwelling

3.4 GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES

- 3.4.1 Municipal
- 3.4.2 Educational
- 3.4.3 Religious
- 3.4.4 Nursing Home
- 3.4.5 Public or Private Utility Facilities
- 3.4.6 Child Care Facility
- 3.4.7 Other Public Use
- 3.4.8 Full Service Retirement Community
- 3.4.9 Assisted Living Residence
- 3.4.10 Wireless Communication Facility
- 3.4.11 **Commercial Education or Instruction**

3.5 BUSINESS USES

- 3.5.1 Retail Store
 - 3.5.2 Office [*Business or Professional*]
 - ~~3.5.3 Financial~~
 - 3.5.3 Health Care Facility**
 - 3.5.4 Hospital, Medical Center**
 - 3.5.5 Restaurant
 - 3.5.6 Combined Business and Dwelling
 - 3.5.7 Hotel, Motel, Inn, Conference Center**
 - 3.5.8 Bed & Breakfast**
 - 3.5.10 Veterinary Care**
 - ~~3.5.12 Studio~~
 - 3.5.12 Services
 - 3.5.13 Repair Shop, Technical Shop, Studio**
 - 3.5.14 Building Trade Shop**
 - 3.5.15 Commercial Recreation
 - ~~3.5.15 Commercial or Trade School~~
 - 3.5.23 Parking Facility
- 3.6 INDUSTRIAL USES
- 3.6.1 Warehouse
 - 3.6.2 Distribution Plant**
 - 3.6.3 [*Light*] Manufacturing
 - 3.6.4 Scientific**

or take any other action relative thereto.

MOTION:

Ms. Rosenzweig moves in the words of the article, provided however, that the text of Alternate 2 on page 81 of the Warrant is deleted in its entirety and the columns PM and TD on page 89 are adopted and GB & IP are deleted.

MOTION CARRIES UNANIMOUSLY

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 40 SENIOR RESIDENCE
(2/3 vote Required)

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

[Notes in italic print are not part of the Article but are intended for explanation only.]

A. Amend section 1.3, Definitions, to insert the following definition:

SENIOR - An individual who is 55 years of age or older.

And renumber the present sections 1.3.15 through 1.3.19 to become 1.3.16 through 1.3.20 respectively.

B. In the beginning of section 3.3, delete paragraph c) and replace it with the following new paragraph c):

c) where a special permit has been granted for the following: a Planned Conservation Residential Community (PCRC) under section 9 of this Bylaw; a Planned Unit Development (PUD) under section 9A of this Bylaw; an Independent SENIOR Residence under section 9B of this Bylaw; an AFFORDABLE Housing Development under section 4.4 of this Bylaw; a single FAMILY dwelling with one Apartment in a detached BUILDING under section 3.3.2.9.b) of this Bylaw.

(Note: The beginning of section 3.3 presently reads as follows: 3.3 Residential USES -Not more than one BUILDING for dwelling purposes shall be located upon a LOT, except a) in the following Districts: Village Districts (EAV, NAV, SAV, WAV); Residence A District (R-A); Residence AA District (R-AA); b) for the following USES: Nursing Home; Full Service Retirement Community; Assisted Living Residence as defined in this Bylaw or in MGL. ch. 19D; and c) where a special permit has been granted for the following: a Planned Conservation Residential Community (PCRC) under section 9 of this Bylaw; a Planned Unit Development (PUD) under section 9A of this Bylaw; an AFFORDABLE Housing Development under section 4.4 of this Bylaw; a single FAMILY dwelling with one Apartment in a detached BUILDING under section 3.3.2.9.b) of this Bylaw.)

C. Insert a new Section 9B, SENIOR RESIDENCE, as set forth below:

SECTION 9B

SENIOR RESIDENCE

9B.1 **Purpose** - The purpose of SENIOR Residence is to enhance the public welfare by:

- a) encouraging the development of choices of independent living accommodations for SENIORS in general;
- b) encouraging the development of housing that is suitable for SENIORS with disabilities;
- c) encouraging the development of affordable housing for SENIORS with low and moderate income;

While:

- d) protecting Acton's New England character by development of land in clusters and villages, which is in greater harmony with Acton's historic development patterns and less demanding on its natural resources;
- e) preserving land for conservation, open space, recreation, agriculture and forestry;

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- f) preserving significant land and water resources, natural areas, scenic vistas, and historic or archeological sites;
 - g) reducing the typical costs of providing municipal services to residential developments.
- 9B.2 **Special Permit** - The Planning Board may grant special permits for the development and construction of a SENIOR Residence development in the R-2, R-4, R-8, R-8/4, and R-10/8 Districts in accordance with this Section and MGL, Ch. 40A, s.9.
- 9B.2.1 Application for a Special Permit - Any person who desires a SENIOR Residence Special Permit shall submit a written application with a site plan that meets the requirements set forth herein and in the Rules and Regulations for SENIOR Residence special permits.
- 9B.2.2 Subdivision - If a SENIOR Residence development requires approval under the Subdivision Control Law, MGL, Ch. 41, the application shall contain a definitive subdivision plan as required by the Acton Subdivision Rules and Regulations. The applications for a SENIOR Residence special permit and a definitive subdivision approval plan shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time.
- 9B.3 **Planning Board Action** - In evaluating a proposed SENIOR Residence development, the Planning Board shall consider the general objectives of this bylaw and of this section 9B in particular; the existing and probable future development of surrounding areas; and the appropriateness of the proposed site plan in relation to the topography, soils and other characteristics and resources of the TRACT OF LAND in question. The Planning Board may grant a special permit for a SENIOR Residence development if it finds that it:
- a) protects and enhances Acton's New England character, its environmental and historic resources, and scenic vistas;
 - b) provides Common Land that benefits the residents of the Town and the SENIOR Residence development;
 - c) provides quality housing for SENIORS with a range of incomes and physical abilities;
 - d) provides for the safety of vehicular movement, and for the safety and convenience of pedestrians in a manner that is compatible with Acton's New England character and the needs of SENIORS;
 - e) is consistent with the Acton Master Plan as amended;
 - f) is in harmony with the purpose and intent of this bylaw;
 - g) will not be detrimental or injurious to the neighborhood in which it is to take place;
 - h) is appropriate for the site in question;
 - i) complies with the applicable requirements of the bylaw; and
 - j) meets the purpose of this section 9B.

The Planning Board may require changes to the SENIOR Residence site plan and impose additional conditions, safeguards and limitations as it deems necessary to secure the objectives of this bylaw.

- 9B.4 **Allowed USES** - Only the following USES shall be allowed in a SENIOR Residence development:
- 9B.4.1 Single FAMILY dwellings.
 - 9B.4.2 Single FAMILY dwellings with one apartment.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- 9B.4.3 Multifamily dwellings.
 - 9B.4.4 ACCESSORY USES typically associated with residential USES.
 - 9B.4.5 Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, recreation and leisure facilities, a community center, or food service.
 - 9B.4.6 Convenience services intended primarily for its residents, such as Retail Stores, Banks, Restaurants, and Services provided that not more than 10% of the total NET FLOOR AREA of the development is dedicated to such uses.
 - 9B.4.7 Allowed USES on the Common Land as set forth herein.
- 9B.5 **Dimensional Regulations** - A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:
- 9B.5.1 Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.
 - 9B.5.2 Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.
 - 9B.5.3 Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET, way or common drive within the site; 30 feet from any lot line and the Common Land boundary.
 - 9B.5.4 Minimum separation of BUILDINGS: 20 feet.
 - 9B.5.5 Maximum height of BUILDINGS and STRUCTURES: 36 feet.
 - 9B.5.6 Maximum number of DWELLING UNITS per BUILDING: 4.
 - 9B.5.7 Maximum horizontal dimension of a BUILDING: 200 feet.
 - 9B.5.8 Each DWELLING UNIT shall have at least two separate exterior entrances at ground level.
 - 9B.5.9 Where the requirements of this section 9B differ from or conflict with other requirements of the Bylaw, the requirements established herein shall prevail.
 - 9B.5.10 The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.
- 9B.6 **Parking Requirements** - 2 vehicular parking spaces per principal DWELLING UNIT, plus sufficient parking spaces for visitors, accessory facilities, and services as determined by the Planning Board.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

9B.7 **Storm Water Runoff** - The peak rate of storm water runoff from a SENIOR Residence development shall not exceed the rate existing before the new construction based on a 10-year design storm.

9B.8 **Environmental Protection** - The Planning Board, in granting a Special Permit for a SENIOR Residence, may impose reasonable conditions to protect the environment, and the health, safety and welfare of the neighborhood, of residents in the proposed development, and of the general public. Such conditions may include, but shall not necessarily be limited to, requirements for the advanced treatment of wastewater effluent, the location of wastewater effluent disposal, and necessary limitations on the total number of DWELLING UNITS to prevent negative impacts on the groundwater and other existing or potential public water resources.

9B.9 **Common Land Standards:**

9B.9.1 Dimensional Requirements for the Common Land - In a SENIOR Residence development, at least sixty percent (60%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public. The following additional requirements shall apply:

9B.9.1.1 The minimum required area of the Common Land shall not contain a greater percentage of wetlands, as defined in MGL Chapter 131, Section 40, than the percentage of wetlands found in the overall TRACT OF LAND on which the SENIOR Residence development is located.

9B.9.1.2 The minimum Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes or USES. Each Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide.

9B.9.1.3 If the TRACT OF LAND of the SENIOR Residence development abuts adjacent Common Land or undeveloped LOTS, the Common Land shall be laid out to abut the adjacent Common Land or undeveloped LOTS.

9B.9.2 USE of the Common Land - The Common Land shall be dedicated and used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of those USES. No other USES shall be allowed in the Common Land, except as provided for herein:

9B.9.2.1 The proposed USE of the Common Land shall be specified on a Land Use Plan and appropriate dedications and restrictions shall be part of the deed to the Common Land. The Planning Board shall have the authority to approve or disapprove particular USES proposed for the Common Land in order to enhance the specific purposes of this section 9B.

9B.9.2.2 The Common Land shall remain unbuilt upon, provided that an overall maximum of five (5) percent of such land may be subject to pavement and STRUCTURES accessory to the dedicated USE or USES of the Common Land.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- 9B.9.2.3 In addition, a portion of the Common Land may also be used for the construction of leaching areas, if associated with septic disposal systems serving the SENIOR Residence development, and if such use, in the opinion of the Planning Board, enhances the specific purpose of this section 9B and promotes better overall site planning. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Common Land is used for the purpose of such leaching areas, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the owners of the DWELLING UNITS in the SENIOR Residence development.
- 9B.9.2.4 In addition, a portion of the Common Land may also be used for ways serving as pedestrian walks, bicycle paths, and emergency access or egress to the SENIOR Residence development or adjacent land, if such a use, in the opinion of the Planning Board, enhances the general purpose of this Bylaw and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist, to ensure proper maintenance of such facilities by the owner of the Common Land.
- 9B.9.2.5 Portions of the Common Land that are in excess of the minimum Common Land total area and upland area as calculated in accordance with section 9B.9.1, including its subsection 9B.9.1.1, may be used for storm water detention and retention facilities serving the STREETS and ways in the SENIOR Residence development, including infrastructure such as pipes, swales, catch basins, and manholes, and parcels and easements associated with such facilities.
- 9B.9.3 Ownership of the Common Land - The Common Land shall be conveyed in whole or in part to the Town of Acton and accepted by it, or to a non-profit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and USES to which the Common Land may be dedicated. The Common Land may also be conveyed to a corporation or trust owned or to be owned by the owners of DWELLING UNITS within the SENIOR Residence development. The Planning Board shall approve the form of ownership of the Common Land. If the Common Land or any portion thereof is not conveyed to the Town of Acton, a perpetual restriction, approved by the Planning Board and enforceable by the Town of Acton, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with the provisions for a SENIOR Residence development as set forth herein and, if applicable, as further specified in the decision of the Planning Board governing the individual SENIOR Residence development. At the time of its conveyance, the Common Land shall be free of all encumbrances, mortgages, tax liens or other claims, except as to easements, restrictions and encumbrances required or permitted by this Bylaw.
- 9B.10 **Accessibility** - All **DWELLING UNITS** in a SENIOR Residence development shall be designed and constructed to be adaptable with only minor structural changes to meet the requirements for Group 2B residences as set forth in the Massachusetts Building Code, 521CMR (Architectural Access Board), as amended.
- 9B.11 **Age Restriction** - All **DWELLING UNITS** in a SENIOR Residence development shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or the Land Court. The age

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

restriction shall limit the DWELLING UNITS to occupancy by SENIORS, age 55 or older, or their spouses of any age; provide for reasonable, time-limited guest visitation rights; and authorize special exceptions that allow persons of all ages to live in a DWELLING UNIT together with a SENIOR resident as the Planning Board shall further define and specify in its special permit. The age restriction shall run with the land in perpetuity and shall be enforceable by any or all of the owners of DWELLING UNITS in the SENIOR Residence development or by the Town of Acton.

9B.12 **Affordability** - Some of the DWELLING UNITS in a SENIOR Residence development shall be sold, rented, or leased at prices and rates that are affordable to LOW and MODERATE INCOME SENIORS, as more specifically set forth in the following:

9B.12.1 AFFORDABLE SENIOR RESIDENCE defined - The term AFFORDABLE SENIOR RESIDENCE as used in this section 9B shall refer to DWELLING UNITS, which are restricted to sale, lease or rental (1) to SENIORS within specific income and asset limitations, and (2) at specific price limits, both in accordance with provisions set forth in any State or Federal rental assistance programs, subsidy programs for reducing mortgage payments, or other programs that provide for affordable housing for low and moderate income SENIORS, and that are in effect at the time that the project application is made to the Planning Board.

9B.12.2 Basic Affordability Component - At least 5% of the DWELLING UNITS in a SENIOR Residence development, rounded to the next integer, shall be AFFORDABLE SENIOR RESIDENCES. When rounding, fractions of .5 shall be rounded up.

9B.12.3 Density Bonus Option - The total number of allowable DWELLING UNITS in a SENIOR Residence development may be doubled to 8 per acre in the R-2 District, and to 6 per acre in the R-4, R-8, R-8/4, and R-10/8 Districts provided that at least 20% of the DWELLING UNITS in the SENIOR Residence development, rounded to the next integer, are AFFORDABLE SENIOR RESIDENCES. When rounding, fractions of .5 shall be rounded up.

9B.12.4 Affordability Standards - Subject to Planning Board approval, an applicant for a SENIOR Residence special permit may utilize an available State or Federal assistance program or choose to meet the AFFORDABLE SENIOR RESIDENCE requirements by utilizing income and asset standards, and by establishing rents, leases, sales prices, entry fees, condominium fees, and other costs for AFFORDABLE SENIOR RESIDENCES that are generally consistent with available affordable housing assistance programs.

9B.12.5 Affordability Restrictions - AFFORDABLE SENIOR RESIDENCES shall be maintained as such for the life of the SENIOR Residence development. Each AFFORDABLE SENIOR RESIDENCE shall be rented or sold to its initial and all subsequent buyers or tenants subject to deed riders, restrictive covenants, contractual agreements, or other mechanisms restricting the USE and occupancy, rent levels, sales prices, resale prices, and other cost factors to assure their long term affordability. These restrictions shall be in force for such maximum time as may be permitted under applicable state law governing such restrictions. They shall be enforceable and renewable by the Town of Acton through standard procedures provided by applicable law.

9B.12.5.1 The Planning Board may require that the restrictions for AFFORDABLE SENIOR RESIDENCES contain a right of first refusal to the Town of Acton or its designee at

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

the restricted resale value, and that the owner provides notice of such right of first refusal to the Town of Acton or its designee prior to selling the AFFORDABLE SENIOR RESIDENCE with adequate time for the Town or its designee to exercise the right of first refusal.

9B.12.5.2 Nothing in this Section shall be construed to cause eviction of an owner or tenant of an AFFORDABLE SENIOR RESIDENCE due to loss of his/her income eligibility status during the time of ownership or tenancy. Rather, the restrictions governing an AFFORDABLE SENIOR RESIDENCE shall be enforced upon resale, re-rental, or re-lease of the AFFORDABLE SENIOR RESIDENCE. The mechanisms and remedies to enforce the restrictions governing an AFFORDABLE SENIOR RESIDENCE upon resale, re-rental, or re-lease shall be set forth in its deed restrictions.

9B.12.5.3 All contractual agreements with the Town of Acton and other documents necessary to insure the long term affordability of an AFFORDABLE SENIOR RESIDENCE shall be executed prior to the issuance of any building permit for it.

9B.12.6 Locations and compatibility of AFFORDABLE SENIOR RESIDENCES - AFFORDABLE SENIOR RESIDENCES shall be dispersed throughout the development to insure a true mix of market-rate and AFFORDABLE SENIOR RESIDENCES. The exterior of AFFORDABLE SENIOR RESIDENCES shall be compatible with, and as much as possible indistinguishable from, market-rate DWELLING UNITS in the SENIOR Residence development. All internal design features of AFFORDABLE SENIOR RESIDENCES shall be substantially the same as those of market-rate DWELLING UNITS.

9B.12.7 Local Preference - Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least sixty-five percent (65%) of the AFFORDABLE SENIOR RESIDENCES shall be initially offered to Acton SENIORS.

9B.12.7.1 Residency in Acton shall be established through Town Clerk certification based on the Town Census, voter registration, or other acceptable evidence.

9B.12.7.2 Purchaser/tenant selection - Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Acton or its designee.

9B.12.7.3 These restrictions shall be in force for 120 days from the date of the first offering of sale or rental of a particular AFFORDABLE SENIOR RESIDENCE. The developer of the SENIOR Residence shall make a diligent effort to locate eligible purchasers or renters for the AFFORDABLE SENIOR RESIDENCE who meet the local preference criteria and the applicable income requirements.

9B.12.8 Timing of construction - As a condition of the issuance of a special permit under this Section, the Planning Board may set a time or development schedule for the construction of AFFORDABLE SENIOR RESIDENCES and market-rate DWELLING UNITS in the SENIOR Residence.

9B.13 **Streets, Utilities and Lighting** - Generally, all STREETS and ways, drainage facilities, and utilities shall be designed and constructed in compliance with the Acton Subdivision Rules and Regulations whether or not the SENIOR Residence development is a subdivision. The Planning Board may approve exceptions to the Subdivision Rules and Regulations provided

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

the Board determines such exceptions are consistent with the purposes of this bylaw. The Planning Board may impose appropriate standards for all outdoor lighting within a SENIOR Residence development.

9B.14 **Performance Guarantee** - Before the issuance of any building permits for SENIOR Residences, the applicant shall secure the required improvements for STREETS, ways, drainage, erosion control and other items specified by the Planning Board with a performance guarantee consistent with the Acton Subdivision Rules and Regulations.

9B.15 **Revisions and Amendments** - Following the approval of a SENIOR Residence development, any change in the layout of STREETS and ways; in the configuration, ownership or use of the Common Land; or any other change which, in the opinion of the Building Commissioner, would significantly alter the character of the SENIOR Residence development, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a new Special Permit and hold a public hearing pursuant to the requirements of this bylaw if it finds that the proposed changes are substantial in nature and of public concern.

or take any other action relative thereto.

MOTION:

Mr. Foster moves in the words of the article.

MOTION CARRIES UNANIMOUSLY

**ARTICLE 41 OPEN SPACE DEVELOPMENT (OSD) AND PLANNED CONSERVATION
RESIDENTIAL COMMUNITY (PCRC) REVISIONS**
(2/3 vote Required)

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

[Notes in italic print are not part of the Article but are intended for explanation only.]

A. Amend section 4.2 - Open Space Development (OSD) as follows:

1. In section 4.2.3.3, delete subsection e) and replace it with the following new subsection e):

e) Minimum Front Yard: 45 feet from a pre-existing STREET. The minimum front yard measured from a new STREET within the Open Space Development shall be 15 feet in the R-2 District and 20 feet in the R-4, R-8, R-8/4, R-10 and R-10/8 Districts.

[Note - subsection e) presently reads: e) Minimum Front Yard: In the R-2 District not less than 15 feet; in the R-4, R-8, R-8/4, R-10, and R-10/8 Districts not less than 20 feet.]

2. In section 4.2.3.4, delete subsections b) and d) and replace them with a new subsection b) as follows:

b) The minimum Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes and USES. Each Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

[Note - subsections b) and d) presently read: b) Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common shall be permitted only when necessary for ACCESS, or if the Planning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose and intent of Open Space Development. Common Land may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses. d) The Common Land shall be provided with adequate ACCESS, at least 20 feet wide.]

and delete subsection c) and replace it with:

- c) If the TRACT OF LAND of the Open Space Development abuts adjacent Common Land or undeveloped LOTS, the Common Land shall be laid out to abut the adjacent Common Land or undeveloped LOTS.

[Note - this subsection currently reads: c) If the TRACT OF LAND abuts adjacent Common Land or undeveloped LOTS, the Common Land shall be connected with such adjacent Common Land and with such undeveloped LOTS.]

3. In section 4.2.3.5, add a new subsection e) as follows:

- e) Portions of the Common Land that are in excess of the minimum Common Land total area and upland area as calculated in accordance with section 4.2.3.4, including its subsection a), may be used for storm water detention and retention facilities serving the LOTS, STREETS and ways in the Open Space Development, including infrastructure such as pipes, swales, catch basins, and manholes, and parcels and easements associated with such facilities.

- B. Amend section 9 - Planned Conservation Residential Community (PCRC) as follows:

1. Delete section 9.6.2.2 and replace it with a new section 9.6.2.2 as follows:

9.6.2.2 Dimensional Requirements for BUILDINGS - There shall be no minimum LOT area, FRONTAGE, LOT width, or yard requirements within a PCRC, except as follows:

- a) No BUILDINGS or STRUCTURES shall be located within 45 feet of a pre-existing STREET, or within 15 feet of a new STREET, way, or common drive within the PCRC.
- b) No BUILDINGS or STRUCTURES shall be located within 30 feet of the boundary line of the PCRC or the Common Land.
- c) The minimum distance between residential BUILDINGS shall be 20 feet.
- d) Where a residential BUILDING measures more than 3000 square feet of GROSS FLOOR AREA per DWELLING UNIT, including any attached garages, the minimum setback from a street, way, or common drive within the PCRC shall be 30 feet, and the minimum separation to the next residential BUILDING shall be 40 feet.
- e) The Planning Board may impose other conditions on the locations of BUILDINGS and STRUCTURES, as it deems appropriate to enhance the purpose and intent of PCRC.

[Note - this section presently reads: 9.6.2.2 Setback Requirements - There shall be no minimum LOT area, FRONTAGE, LOT width or yard requirements within a PCRC provided, however, that the Planning Board may impose appropriate conditions on the location of BUILDINGS and STRUCTURES. No residential BUILDING shall be located within 15 feet of a public way, private way, or common drive, or within 30 feet

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

of the boundary line of the PCRC or the Common Land and the minimum distance between residential BUILDINGS within the Planned Conservation Residential Community shall be 20 feet. The Planning Board may require larger setbacks and distances, and it may permit smaller setbacks and distances if it finds that such smaller setbacks will not detract from the purpose and intent of a PCRC.]

2. In section 9.6.2.3 delete the section header and replace it with a new section header as follows:

9.6.2.3 Number of DWELLING UNITS - The maximum number of DWELLING UNITS permitted in a PCRC shall be 90% of the following, rounded up to the next integer:

[Note - section 9.6.2.3 presently reads: 9.6.2.3 Number of DWELLING UNITS - The maximum number of DWELLING UNITS permitted in a PCRC shall be: a) In the R-2 District: 1 DWELLING UNIT per 20,000 square feet of area of the TRACT OF LAND on which the PCRC is located, including the Common Land. b) In the R-4 and R-8/4 Districts: 1 DWELLING UNIT per 40,000 square feet of area of the TRACT OF LAND on which the PCRC is located, including the Common Land. c) In the R-8 and R-10/8 Districts: 1 DWELLING UNIT per 80,000 square feet of area of the TRACT OF LAND on which the PCRC is located, including the Common Land. d) In the R-10 District: 1 DWELLING UNIT per 100,000 square feet of area of the TRACT OF LAND on which the PCRC is located, including the Common Land. e) In the AFFORDABLE Housing Overlay District - Sub-Districts A and B: The number of DWELLING UNITS may be increased pursuant to the formulas provided in Section 4.4.3.1 and subject to the requirements of Sections 4.4.5, 4.4.6, 4.4.7, 4.4.8 and 4.4.9. The inclusion of AFFORDABLE DWELLING UNITS in compliance with the above referenced Sections of this Bylaw shall be authorized under a Special Permit for a PCRC.]

3. In section 9.6.3.1, delete subsections b) and d) and replace them with a new subsections b) as follows:

b) The minimum Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes and USES. Each Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide.

[Note - these subsections b) and d) presently read: b) Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common Land shall be permitted only when necessary for ACCESS, or if the Planning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose and intent of PCRC development. Common Land may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated USES. d) The Common Land shall include adequate upland ACCESS from a way or STREET, at least 40 feet wide.]

and delete subsection c) and replace it with:

c) If the TRACT OF LAND of the Open Space Development abuts adjacent Common Land or undeveloped LOTS, the Common Land shall be laid out to abut the adjacent Common Land or undeveloped LOTS.

[Note - this subsection currently reads: c) If the TRACT OF LAND abuts adjacent Common Land or undeveloped LOTS, the Common Land shall be connected with such adjacent Common Land and with such undeveloped LOTS.]

4. In section 9.6.3.2, add a new subsection e) as follows:

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- e) Portions of the Common Land that are in excess of the minimum Common Land total area and upland area as calculated in accordance with section 9.6.3.1, including its subsection a), may be used for storm water detention and retention facilities serving the LOTS, STREETS and ways in the PCRC, including infrastructure such as pipes, swales, catch basins, and manholes, and parcels and easements associated with such facilities.

or take any other action relative thereto.

MOTION:

Mr. Ashton moves in the words of the article except in B.3.c on page 111 of the Warrant, delete the words "Open Space Development" and replace with "PCRC".

MOTION CARRIES UNANIMOUSLY

ARTICLE 42 HOUSEKEEPING - CORRECTIONS, CLARIFICATIONS, MINOR MODIFICATIONS
(2/3 vote Required)

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

[Notes in italic print are not part of the Article but are intended for explanation only.]

A. Zoning bylaw - section 1.3, Definitions. Delete section 1.3.3 and replace it with:

1.3.3 BUILDING: A STRUCTURE enclosed within exterior walls, built or erected with any combination of materials, whether portable or fixed, having a roof, to form a STRUCTURE for the shelter of persons, animals, or property.

[Note - this section currently reads: 1.3.3 BUILDING: A STRUCTURE enclosed within exterior walls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a STRUCTURE for the shelter of persons, animals or property.]

B. Zoning bylaw - section 1.3, Definitions. Delete section 1.3.15 - sub-section 3) and replace it with:

3) a public or private way, improved in accordance with a plan approved and endorsed by the Planning Board under the Acton subdivision rules and regulations and the subdivision control law;

[Note - sub-section 3) of section 1.3.15 currently reads: 3) a public or private way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law. This section is renumbered to 1.3.16 if previous Article 40 is adopted.]

C. Zoning bylaw - section 1.4, Applicability. In section 1.4 add a subsection 1.4.1 as follows:

1.4.1 STREETS and railroad rights of way in existence as of January 1, 2000 shall be reserved for transportation purposes and shall not be built upon, used, or otherwise obstructed to hinder or prevent their present or future use and service as transportation facilities, except that STREETS may be discontinued, abandoned or relocated in accordance with the applicable laws of the Commonwealth of Massachusetts.

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- D. Zoning bylaw - section 4.3, Groundwater Protection District, Table 4.3.7.2 - Use Regulations within the Groundwater Protection District. Insert into the Table 4.3.7.2 a new section 25 as follows:

| | ZONE 1 Well Protection Area | ZONE 2 Recharge Protection Area | ZONE 3 Aquifer Protection Area |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------|--------------------------------------|
| 25. Treatment or disposal works for non-sanitary wastewater that are subject to 310 CMR 22.21 (2)(a)6 as amended, except the treatment and discharge of surface water runoff in compliance with section 4.3.6.3 of this bylaw. | N | N | Y |

- E. Zoning bylaw - section 5.8, Special Provisions for LOTS with Approval Not Required (ANR) Plan Exemption. Delete section 5.8 in its entirety.

[Note - this section currently reads: 5.8 Special Provisions for LOTS with Approval Not Required (ANR) Plan Exemption - Any land protected under MGL, Ch. 40A, s. 6, against a change in the applicable USE regulations by the filing of an Approval Not Required (ANR) Plan shall be subject to the dimensional regulations set forth below for the duration of the protection period: 5.8.1 If a LOT in a Residential District is protected for Business District USES, the dimensional standards set forth for the Limited Business (LB) District shall apply to any nonresidential USE on the LOT, except that the minimum LOT FRONTAGE may be reduced to the minimum LOT FRONTAGE required under the previous USE and zoning district standard if the LOT does not meet the minimum LOT FRONTAGE required in the LB District. 5.8.2 If a LOT in a Residential District is protected for Industrial District USES, the dimensional standards set forth for the LI-1 District shall apply to any nonresidential USE on the LOT, except that the minimum LOT FRONTAGE may be reduced to the minimum LOT FRONTAGE required under the previous USE and zoning district standard if the LOT does not meet the minimum LOT FRONTAGE required in the LI-1 District. 5.8.3 Except as provided in 5.8.1 and 5.8.2 any LOT protected under an ANR exemption shall be subject to the dimensional standards set forth for the zoning district in which the LOT is located.]

- F. Zoning bylaw - sections 6.7, Parking Lot Design Requirements. In the first paragraph of section 6.7, delete the words "a single and two-FAMILY residential USE" and replace them with:

"a single to four-FAMILY residential USE".

[Note this paragraph presently reads: All parking lots shall be designed in compliance with the following design standards, except as provided in Section 6.9. In addition, the following standards shall not apply to parking lots serving a single or two FAMILY residential USE, an Assisted Living Residence with 10 or less residents, a religious USE, and to parking lots with up to 15 parking spaces serving a Conservation USE.]

- G. Zoning bylaw - section 6.9.2.6, Parking Lot Design Requirements in the WAV and SAV Districts. In the first paragraph of section 6.9.2.6, delete the words "a single or two-FAMILY residential USE" and replace them with:

"a single to four-FAMILY residential USE".

[Note this paragraph presently reads: Off-STREET parking spaces, except parking spaces serving a single or two 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.]

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

- H. Zoning bylaw - sections 6.9.3.5, Parking Lot Design Requirements and Landscaping in the KC District. Delete the first sentence of section 6.9.3.5 and replace it with:

“Off-STREET parking spaces, except spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or less residents, shall either be contained within a BUILDING or STRUCTURE, or be provided in accordance with the design requirements of section 6.7 including all its subsections”.

[Note this sentence presently reads: Off-STREET parking spaces, except parking spaces serving a single or two FAMILY residential USE, shall either be contained within a BUILDING or STRUCTURE, or be provided in accordance with the design requirements of Section 6.7 including all its subsections.]

- I. Zoning bylaw - section 9A.7.2.3, Setback requirements in a Planned Unit Development. Delete subsection a) and replace it with:

a) All BUILDINGS, STRUCTURES and facilities within a PUD shall maintain a minimum setback of 20 feet from the PUD boundary, and 30 feet where the PUD boundary coincides with a STREET sideline. Except for single family dwellings with or without one apartment, including accessory STRUCTURES and facilities thereto, all BUILDINGS, STRUCTURES and facilities shall be set back at least 50 feet from the PUD boundary where the adjacent land or the land on the opposite STREET side is within a Residential District. All BUILDINGS, STRUCTURES, and facilities within a PUD shall be separated or shielded from adjacent property lines by means of a buffer, adequate in the opinion of the Planning Board, which shall include landscaping elements.

[Note - this subsection presently reads: a) All STRUCTURES and facilities within a PUD shall be set back not less than 50 feet from the property line of adjacent LOTS within a Residential District, or from the front LOT line where land on the opposite side of a STREET is located in a Residential District. All STRUCTURES and facilities within a PUD shall be separated or shielded from adjacent property lines by means of a buffer, adequate in the opinion of the Planning Board, which shall include landscaping elements.]

- J. Zoning bylaw – section 10.4, Site Plan Special Permit. Delete section 10.4.3.1 and replace it with:

10.4.3.1 Storm Water Runoff - The peak rate of storm water runoff from the development site shall not exceed the rate existing prior to the new construction based on a 10-year design storm. The storm water drainage facilities on the site shall be designed to prevent any overflow onto a STREET. The Board of Selectmen may authorize the use of storm water drainage facilities located off the development site and designed to serve one or more LOTS provided it finds that:

- 1) the peak rate of storm water runoff from such off-site facilities does not exceed the rate existing prior to the new construction based on a 25-year design storm; and
- 2) the applicant has retained the rights and powers necessary to assure that the off- site storm water drainage facilities will be properly maintained in good working order.

[Note - this section currently reads: 10.4.3.1 Storm Water Runoff - For any site containing 80,000 square feet of land area or more, the peak rate of storm water runoff from the development site shall not exceed the rate existing prior to the new construction based on a 10 year design storm. The Board of Selectmen may authorize the use of storm water drainage facilities located off the development site and designed to serve one or more LOTS provided it finds that: 1) the peak rate of storm water runoff from such off site facilities does not exceed the rate existing prior to the new

TOWN OF ACTON
 ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

construction based on a 25 year design storm; and 2) the applicant has retained the rights and powers necessary to assure that the off site storm water drainage facilities will be properly maintained in good working order.]

- K. Zoning map - Amend the zoning map to rezone to Agriculture Recreation Conservation (ARC) the following parcels of land identified by their 1999 Town Atlas map and parcel numbers: *[The present zoning designation, owner, and address are provided for informational purposes.]*

| map | parcel | present zoning | owner | street address |
|------------|---------------|-----------------------|-------------------------------------|--------------------------|
| E-4 | 47-1 | R-8/4 | Acton Water District | 8 Post Office Sq, behind |
| F-4 | 40-4 | R-2 | Town of Acton | 7 Concord Pl, beside |
| G-2 | 184 | R-2 | Town of Acton | 19 Overlook Dr, behind |
| G-2 | 184-1 | R-2 | Town of Acton | 17 Overlook Dr, behind |
| G-2 | 185 | R-2 | Town of Acton | 84 Central St, behind |
| G-2 | 193-14 | R-2 | Town of Acton | 19 Overlook Dr, beside |
| G-2 | 194 | R-2 | Town of Acton | 15 Overlook Dr, behind |
| G-2 | 194-1 | R-2 | Town of Acton | 13 Overlook Dr, behind |
| G-2 | 194-2 | R-2 | Town of Acton | 11 Overlook Dr, behind |
| G-2 | 194-3 | R-2 | Town of Acton | 9 Overlook Dr, behind |
| G-2 | 194-4 | R-2 | Town of Acton | 7 Overlook Dr, behind |
| G-2 | 195 | R-2 | Town of Acton | 7 Overlook Dr, behind |
| G-3 | 79 | R-2 | Town of Acton | 18 Stoney St |
| G-3 | 83 | R-2 | Town of Acton | 16 Stoney St |
| G-3 | 84 | R-2 | Town of Acton | 15 Stoney St |
| G-3 | 86 | R-2 | Town of Acton | 14 Stoney St |
| G-3 | 87 | R-2 | Town of Acton | 13 Stoney St |
| G-3 | 112 | R-2 | Town of Acton | 12 Stoney St |
| G-3 | 113 | R-2 | Town of Acton | 11 Stoney St |
| G-3 | 115 | R-2 | Town of Acton | 10 Stoney St |
| G-3 | 116 | R-2 | Town of Acton | 9 Stoney St |
| G-3 | 124 | R-2 | Town of Acton | 8 Stoney St |
| G-3 | 125 | R-2 | Town of Acton | 7 Stoney St |
| G-3 | 126 | R-2 | Town of Acton | 58 Piper Rd |
| G-3 | 139 | R-2 | Town of Acton | 6 Stoney St |
| G-3 | 140 | R-2 | Town of Acton | 5 Stoney St |
| G-3 | 141 | R-2 | Town of Acton | 56 Piper Rd |
| G-3 | 162 | R-2 | Town of Acton | 4 Stoney St |
| G-3 | 163 | R-2 | Town of Acton | 54 Piper Rd |
| G-3 | 167 | R-2 | Town of Acton | 1 Ann Av |
| G-3 | 168 | R-2 | Town of Acton | 52 Piper Rd |
| G-3 | 191 | R-2 | Town of Acton | 4 Ann Av |
| G-3 | 192 | R-2 | Town of Acton | 50 Piper Rd |
| H-2 | 7-5 | R-2 | Town of Acton | 3 Overlook Dr, behind |
| H-2 | 7-11 | R-2 | Town of Acton | 1 Overlook Dr, behind |
| H-2 | 7-16 | R-2 | Town of Acton | 5 Overlook Dr, behind |
| I-3 | 153 | R-4 | Town of Acton (expected in 2000) | 31 Carlton Dr |

or take any other action relative thereto.

MOTION:

Mr. Millett moves in the words of the article.

MOTION CARRIES UNANIMOUSLY

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 43 ELDERLY TAX RELIEF - REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**
(Majority Vote)

To see if the Town will vote to 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, or take any other action relative thereto.

CONSENT MOTION:

Mr. Ashton moves that the Town continue to accept Chapter 73 of the Acts of 1986 as amended, which doubles certain property tax exemptions as allowed by this statute.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 44 EARTH DAY RESOLUTION
(Majority Vote)

To see if the Town will vote to support the following Resolution:

Whereas for the past 30 years, Earth Day has been an occasion both to celebrate the Earth and raise awareness of what we need to do to keep our world clean, peaceful, and self-sustaining, and

Whereas Acton's Earth Day 2000 Committee plans an Earth Day celebration on April 29, 2000, at the NARA Park, to acknowledge citizen and Town actions, and to challenge ourselves to even greater efforts, and

Whereas the Town of Acton and its citizenry share in the bounty of, and responsibility to, the natural world,

Therefore, be it resolved that the citizens of the Town of Acton and the Board of Selectmen hereby support the efforts of the Earth Day committee and endorse the goals and celebration of Earth Day 2000.

or take any other action relative thereto.

MOTION:

Ms. Sagoff moves the Resolution as set forth in the article be adopted.

RESOLUTION CARRIES UNANIMOUSLY

ARTICLE 45 STREET ACCEPTANCE - CARLTON DRIVE EXTENSION**
(2/3 Vote Required)

To see if the Town will accept as a public way the following street or portion thereof, as laid out by the Board of Selectmen according to 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.

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

In the CARLTON DRIVE EXTENSION SUBDIVISION

CARLTON DRIVE EXTENSION – from the previous limit of acceptance at the northerly end of Carlton Drive a distance of 495 feet, more or less, in an easterly direction to the easterly sideline of a 70.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

or take any other action relative thereto.

CONSENT MOTION:

Mr. Shupert moves 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 plan or described in the Order of Layout.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 46 STREET ACCEPTANCE – GUSWOOD ROAD EXTENSION
(2/3 Vote Required)

To see if the Town will accept as a public way the following street or portion thereof, as laid out by the Board of Selectmen according to 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 LUPINE PATH SUBDIVISION

GUSWOOD ROAD EXTENSION – from the previous limit of acceptance at the southerly end of Guswood Road a distance of 396 feet, more or less, in an easterly direction to the easterly sideline of a 70.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.
or take any other action relative thereto.

MOTION:

Mr. Shupert moves in the words of the article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 47ACCEPTANCE OF LAND GIFT- 10 CARLISLE ROAD**
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Robert E. Mills a parcel of vacant land located at 10 Carlisle Road and shown as Lot 23 on a plan recorded in the Middlesex South District Registry of Deeds, Book 8790, Page 586, said lot contains 26,200 square feet of land and is shown as Parcel 32 on Map C-5 of the Town Atlas, for general municipal purposes, or take any other action relative thereto.

CONSENT MOTION:

Mr. Shupert moves in the words of the article

CONSENT MOTION CARRIES UNANIMOUSLY

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 48 ACCEPTANCE OF LAND GIFT – CARLTON DRIVE**
(Majority Vote Required)

To see if the Town will vote to accept as a gift from the Maynard Country Club, Inc., for general municipal purposes, three parcels of vacant land on Carlton Drive Extension shown as Parcel 3 – 15,098 S.F., Parcel 4 – 95,630 S.F. and Lot 4A – 61,142 S.F. on a plan recorded in the Middlesex South District Registry of Deeds, as Plan Number 752 of 1998, said parcels are also shown on Map I-3 of the Town Atlas as Parcels 127, 150, and 153, or take any other action relative thereto.

CONSENT MOTION:

Mr. Shupert moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 49 ACCEPTANCE OF LAND GIFT – 35 MAIN STREET**
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Roland H., Jr. and Katherine M. Vaillancourt, for general municipal purposes, a parcel of vacant land located at 35 Main Street and shown as Lot A on a plan recorded in the Middlesex South District Registry of Deeds, Book 13753, Page 512, said lot contains 4.0802 Acres of land and is shown as Parcel 22-1 on Map I-2 of the Town Atlas, or take any other action relative thereto.

CONSENT MOTION:

Mr. Ashton moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 50 ACCEPTANCE OF SIDEWALK EASEMENT - HIGH STREET**
(Majority Vote Required)

To See if the Town will vote to accept as a gift from Don P. and Gayle B. Johnson a permanent sidewalk easement five (5) feet wide along their frontage at 236 High Street, including certain limited and specific rights to use an additional "Temporary 5' Wide Sidewalk Construction Easement", all as described in a Grant of Easement dated October 27, 1999, or take any other action relative thereto.

CONSENT MOTION:

Mr. Ashton moves in the words of the article

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 51 ACCEPTANCE OF SIDEWALK EASEMENT - POPE ROAD AT
TRIANGLE FARM LANE**
(Majority Vote Required)

To see if the Town will vote to accept as a gift from the owners of the five lots at Triangle Farm Lane a permanent sidewalk easement twenty-five (25) feet wide along their frontage on Pope Road near the Acton/Carlisle town line, as described in an "Agreement and Grant of Easement" recorded in the Middlesex South District Registry of Deeds on May 4, 1999, as Instrument No. 705, or take any other action relative thereto.

CONSENT MOTION:

Mr. Ashton moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 52 SEWER EASEMENT – 394 MASS AVE
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain, or otherwise acquire for sewer purposes, an easement in all or a part of parcels of land located at 394 Mass. Avenue, now or formerly owned by Dolores May Foster & AD Realty Company, shown as Parcels 134 & 118-1, Map F-3 on the Town Atlas, or take any other action relative thereto.

MOTION:

Mr. Hunter moves to authorize the Selectmen to purchase, take by eminent domain, or otherwise acquire for sewer purposes, the fee or permanent or temporary easements in the parcel of land identified and described in this article; and to authorize the Selectmen to expend funds approved under Article 18 of the 1997 Annual Town Meeting, Article 3 of the October 5, 1998 Special Town Meeting, and Article 3 of the November 15, 1999 Special Town Meeting for such purposes and to take all other actions necessary to acquire such easements

MOTION CARRIES UNANIMOUSLY

ARTICLE 53 SEWER EASEMENT - 400 MASS AVENUE
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain, or otherwise acquire for sewer purposes, an easement in all or a part of parcels of land, as shown on a plan prepared by Stamski & McNary, located at 400 Mass. Avenue, now or formally owned by Gismond and Catherine Silvestrone, shown as Parcel 128, Map F-3 on the Town Atlas, or take any other action relative thereto.

MOTION:

Mr. Hunter moves to Authorize the Selectmen to purchase, take by eminent domain, or otherwise acquire for sewer purposes, the fee or permanent or temporary easements in the parcels of land identified in the Town Atlas as map F-3, parcels 128 and 118-1; and to authorize the Selectmen to expend funds approved under Article 18 of the 1997 Annual Town Meeting, Article 3 of the October 5, 1998 Special Town Meeting, and Article 3 of the November 15, 1999 Special Town Meeting for such purposes; and to take all other actions necessary to acquire such easements.

MOTION CARRIES UNANIMOUSLY

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000

ARTICLE 54 SEWER EASEMENT- MAPLE STREET
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to purchase, take by eminent domain, or otherwise acquire for sewer purposes, an easement in all or a part of parcels of land, located at 11 Maple Street, now or formerly owned by Lorraine M. Montouri, shown as Parcel 42-1, Map H2A on the Town Atlas, or take any other action relative thereto.

MOTION:

Mr. Hunter moves to authorize the Selectmen to purchase, take by eminent domain, or otherwise acquire for sewer purposes, the fee or permanent or temporary easements in the parcel of land identified and described in this article; and to authorize the Selectmen to expend funds approved under Article 18 of the 1997 Annual Town Meeting, Article 3 of the October 5, 1998 Special Town Meeting, and Article 3 of the November 15, 1999 Special Town Meeting for such purposes; and to take all other actions necessary to acquire such easements

MOTION CARRIES UNANIMOUSLY

ARTICLE 55 USE OF FUNDS TO REDUCE THE TAX RATE - FREE CASH
(Majority Vote Required)

To see if the Town will determine an amount of Free Cash which shall be used for the purpose of reducing the Tax Rate for the fiscal year beginning July 1, 2000, or take any other action relative thereto.

MOTION:

Mr. Kabakoff moves to take no action.

MOTION CARRIES UNANIMOUSLY

Mr. Kabakoff reminds residents of the Special Town Meeting to be held April 11, 2000 at 7:00PM.

Mr. Kabakoff moves to dissolve this Town Meeting at 9:30PM.

MOTION CARRIES UNANIMOUSLY

Tellers

William Cady
Ann Chang
Brewster Conant
Charles Husbands
Cornelia Huber
Edwin Richter

Deena Ferrara
Jeffrey Bergart
Edward Ellis
Charles Kadlec
Ann Kadlec
Marjorie Brown

TOWN OF ACTON
ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 3, 2000