

Town of Acton
Abstract of the Annual Town Meeting held April 2, 2001 with adjourned sessions
held on April 3, April 4 and April 9, 2001

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Legend

**** Consent**

Submitted by Citizen Petition

Number of registered voters attending Town Meeting
April 2, 451 April 3, 456 April 4, 311 April 9, 449

The Moderator, Mr. MacKenzie, called the meeting to order on Monday April 2, 2001 at 7:00pm. He introduced Reverend Edwin Parker, Reverend Edwin Parker gave the invocation.

Mr. MacKenzie introduced F. Dore Hunter, Chairman of the Board of Selectmen. Mr. Hunter introduced the members of the Board of Selectmen, the Town Manager, Town Counsel, Acting Town Clerk, Town Finance Director, Town Accountant and the Assistant Town Manager. Mr. Hunter also noted that this was the last meeting where Mr. Kabakoff would attend as a member of the Board of Selectmen and thanked Mr. Kabakoff for his years of service to the Town as Selectman. Mr. Hunter presented Mr. Kabakoff with picture of Acton Town Center.

Mr. MacKenzie then introduced Sidney Johnston, Chairman of the Finance Committee. Mr. Johnston 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.

MOTION: Mr. Whittier moves for this Annual Town Meeting of 2001 only, that the Town meeting operate under CH 39 Sec 15, (the Moderator is not required to count a 2/3 required vote.)

MOTION CARRIES UNANIMOUSLY

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

MOTION: Mr. Hunter moves that the Town take up the 21 articles in the Consent Calendar on pages 20 and 21 of the warrant.

The Moderator reads the individual articles, 3, 4, 5, 6, 7, 8, 9, 10, 21, 22, 23, 24, 40, 43, 44, 45, 46, 47, 48, 49, 50,

CONSENT CALENDAR

ARTICLE

MOTION

3 Elderly Tax Relief Reauthorize Chapter 73 of the Acts of 1986:** Move that the Town continues 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.

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4 Council on Aging Van Enterprise Budget:** Move that the Town raise and appropriate \$62,692 for the purpose of operating the Town of Acton Senior and Disabled Citizen Van service, and to raise such amount, \$43,700 be transferred from the Council on Aging Enterprise Fund and \$18,992 be raised and appropriated.

5 Nursing Enterprise Budget:** Move that the Town appropriate \$430,083 for the purpose of operating the Public Health Nursing Service, and to raise such amount \$430,083 be transferred from the Nursing Enterprise Fund.

6 Septage Disposal Enterprise Budget:** Move that the Town appropriate \$186,747 for the purpose of septage disposal, and to raise such amount, \$186,747 be transferred from the Septage Disposal Enterprise Fund.

7 NESWC Enterprise Budget:** Move that the Town appropriate \$3,333,172 for the purpose of trash disposal, and to raise such amount, \$2,766,172 be transferred from the NESWC Enterprise Fund, and \$567,000 be raised and appropriated.

8 Sewer Enterprise Budget:** Move that the Town appropriate \$906,591 for the purpose of operating the sewer system, and to raise such amount, \$906,591 be transferred from the Sewer Enterprise Fund.

9 Section 53E½ 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 FY02 in the amounts and for the purposes set forth in the expense column of this article.

10 Plowing of Private Ways:** Move that the Town raise and appropriate \$12,500 to be expended by the Town Manager for plowing of private ways open to public use as designated by the Board of Selectmen.

Article 10 HELD

21 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.

22 Amend Town Bylaw - Public Bidding:** Move that the Town delete Section D13 of the Town Bylaws (Public Bidding).

23 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.

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

40 Accept the Provisions of MGL Ch. 380 of the Acts of 2000:** Move in the words of the article.

43 Amend Town Bylaws - 2/3 Vote Counts by Moderator:** Move in the words of the article.

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

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45 Street Acceptance:** Move that the Town accept as public ways 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 plans or described in the Order of Layout.

46 Acceptance of Land Gift – Tupelo Place Subdivision:** Move in the words of the article.

47 Piper Road Drainage Easement:** Move in the words of the article.

48 Repurchase Cemetery Lot – Mount Hope Cemetery, lot #77, Section 8:** Move in the words of the article.

49 Repurchase Cemetery Lot – Mount Hope Cemetery, lot #27, Section 8:** Move in the words of the article.

50 Cemetery Bylaw – Repurchase of Cemetery Lots:** Move in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY EXCEPT FOR ARTICLE 10 WHICH WAS HELD

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.

MOTION:

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

MOTION CARRIES UNANIMOUSLY

Francis Joyner, Chairperson of the Elizabeth White Fund, nominates Cornelia O. Huber for the position of Trustee of the Elizabeth White Fund, term to expire 2004.

MOTION CARRIES UNANIMOUSLY

Edward M. Bennett, Trustee of the Fireman's Relief Fund of West Acton, nominates Forrest E. Bean, III for the position of Trustee of the Fireman's Relief Fund of West Acton, term to expire 2004.

MOTION CARRIES UNANIMOUSLY

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William Klauer, Trustee of the Fireman's Relief Fund of West Acton, nominates Joseph A. Conquest for the position of Trustee of the Fireman's Relief Fund of West Acton, term to expire 2004.

MOTION CARRIES UNANIMOUSLY

Mabel Grekula, Trustee of the Charlotte Goodnow Fund, nominates Francis Moretti for the position of Trustee of the Charlotte Goodnow Fund, term to expire 2004.

MOTION CARRIES UNANIMOUSLY

The Trustees of the West Acton Citizens' Library nominate Virginia Rhude for the position of Trustee of the West Acton Citizens' Library, term to expire 2004.

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. Hunter moves that the Town accepts the reports of the various Town Officers and Boards as set forth in the 2000 Town Report and that the Moderator call for any other reports.

MOTION CARRIES UNANIMOUSLY

ARTICLE 3 ELDERLY TAX RELIEF - REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**
(Majority Vote Required)

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 continues 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.

CONSENT MOTION CARRIES UNANIMOUSLY

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ARTICLE 4 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 \$62,692, or any other sum, to operate the Senior Van Service, in accordance with Massachusetts General Laws Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION:

Mrs. Harting-Barrat moves that the Town raise and appropriate \$62,692 for the purpose of operating the Town of Acton Senior and Disabled Citizen Van service, and to raise such amount, \$43,700 be transferred from the Council on Aging Enterprise Fund and \$18,992 be raised and appropriated.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 5 NURSING ENTERPRISE BUDGET**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$430,083, or any other sum, to provide Public Health and Visiting Nurse Services, in accordance with Massachusetts General Laws Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION:

Mrs. Harting-Barrat moves that the Town raise and appropriate \$430,083 for the purpose of operating the Public Health Nursing Service, and to raise such amount, \$430,083 be transferred from the Nursing Enterprise Fund.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 6 SEPTAGE DISPOSAL ENTERPRISE BUDGET**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$186,747, or any other sum, for the purpose of septage disposal, in accordance with Massachusetts General Laws Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION:

Mrs. Harting-Barrat moves that the Town raise and appropriate \$186,747 for the purpose of septage disposal, and to raise such amount, \$186,747 be transferred from the Septage Disposal Enterprise Fund.

CONSENT MOTION CARRIES UNANIMOUSLY

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ARTICLE 7 NESWC ENTERPRISE BUDGET**
 (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$3,333,172, or any other sum, for the purpose of solid waste disposal, in accordance with Massachusetts General Laws Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION:

Mr. Kabakoff moves that the Town raise and appropriate \$3,333,172 for the purpose of trash disposal, and to raise such amount, \$2,766,172 be transferred from the NESWC Enterprise Fund, and \$567,000 be raised and appropriated.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 8 SEWER ENTERPRISE BUDGET**
 (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$906,591, or any other sum, for the purpose of operating and maintaining a sewer collection and treatment facility, in accordance with Massachusetts General Laws, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

CONSENT MOTION:

Mr. Shupert moves that the Town raise and appropriate \$906,591 for the purpose of operating the sewer system, and to raise such amount, \$906,591 be transferred from the Sewer Enterprise Fund.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 9 SECTION 53E½ SELF-FUNDING PROGRAMS**
 (Majority Vote Required)

To see if the Town will vote, pursuant to Section 53E½ of Chapter 44 of the Massachusetts 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, as noted below;

	FUND BALANCE 6/30/00	REVENUE FY 2002	EXPENSE FY 2002
School Department			
Douglas at Dawn/Dusk	\$ (3,600)	\$ 35,000	\$ 35,000
Merriam Mornings/Afternoons/Summer	\$ (490)	\$ 35,000	\$ 35,000
Gates Amazing Mornings/Afternoons	\$ 10,058.45	\$ 35,000	\$ 35,000
Historic District Commission	\$ 441.06	\$ 600	\$ 600

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Building Department (Includes fees for Micro Filming, Electrical Permits, Plumbing Permits Gas Permits, Sign Licenses and Periodic Inspection Fees)	\$ 43,395.90	\$ 135,100	\$ 135,096
Sealer of Weights and Measures	\$ 927.47	\$ 7,605	\$ 6,840
Health Department			
Food Service Inspections	\$ 16,291.13	\$ 22,000	\$ 21,171
Hazardous Materials Inspections	\$ 42,930.45	\$ 21,500	\$ 20,911
Fire Department			
Fire Alarm Network	\$ 59,358.53	\$ 45,000	\$ 35,030

, or take any other action relative thereto.

CONSENT MOTION:

Mrs. Harting-Barrat 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 FY02 in the amounts and for the purposes set forth in the expense column of this article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 10PLOWING OF PRIVATE WAYS**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$12,500, 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.

MOTION:

Mr. Kabakoff moves that the Town raise and appropriate \$12,500 to be expended by the Town Manager for plowing of private ways open to public use, as designated by the Board of Selectmen.

MOTION CARRIES

**ARTICLE 11 BETTERMENT DEFERRAL – ACCEPT MASSACHUSETTS GENERAL LAW
CHAPTER 80, SECTION 13B**
(Majority Vote Required)

To see if the Town will vote to accept Chapter 80, Section 13B, of the Massachusetts General Laws which provides that the Town may, upon the application of the owner, if such owner is eligible for an exemption under clause Forty-first A of Section 5 of Chapter 59, enter into a deferral and recovery agreement with respect to any assessment of a betterment or the balance of

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any assessment apportioned in accordance with the provisions of Chapter 80, Section 13, or take any other action relative thereto.

MOTION:

Mr. Ashton moves that the Town accepts Chapter 80, Section 13B, of the Massachusetts General Laws, as amended, which provides that the Town may defer betterments as allowed by this statute.

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. Hunter moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

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. Hunter moves that the Town Budget for the period July 1, 2001 to June 30, 2002, in the amount of \$15,708,268 be raised and appropriated in its entirety, except that \$690,000 be transferred from the Pension Reserve Fund and said fund to be closed out as of June 30, 2001, that \$69,435 be transferred from Cemetery Trust Funds for Cemetery Use, and that the Town Manager be authorized to sell, trade or dispose of vehicles and equipment being replaced and to expend any proceeds received.

MOTION CARRIES

ARTICLE 14 NEW PERSONNEL
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money for new departmental employees as listed below:

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A. Two New Police Officers	\$ 83,632
B. One 29-Week Maintenance Person	\$ 15,387
C. Memorial Library Additional Staff	\$ 23,580
Total	\$ 122,599

, or take any other action relative thereto.

MOTION:

Mr. Ashton moves that the Town raise and appropriate \$122,599 to be expended by the Town Manager for the purpose of new personnel salaries and expenses as listed in this article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 15 PUBLIC SAFETY FACILITY

(2/3 Vote Required)

To see if the Town will raise and appropriate, appropriate from available funds or borrow the sum of \$8,600,000.00, or any other sum, which shall be contingent upon the passage of a Proposition 2 ½ Debt Exclusion Override, to be expended by the Town Manager for the purpose of designing, constructing, originally equipping and furnishing a new public safety facility as well as for the removal of the existing police station, including costs incidental and related thereto, and to authorize the Town Manager to apply for, accept and expend any federal, state or other grants that may be available for the project, or take any other action relative thereto.

MOTION:

Mr. Hunter moves that the Town appropriate the sum of \$8,498,446, to be expended by the Town Manager for the purpose of preparing design drawings, constructing, originally equipping and furnishing a new public safety facility, as well as removal of the existing police station, including costs incidental and related thereto, and to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$8,498,446 under Massachusetts General Laws, Chapter 44, Section 7; that the Town Manager is authorized to apply for and accept any Federal or other grants that may be available for this project; and that the Town Manager is authorized to take any other action necessary to carry out this project; and that the Town raise and appropriate \$83,500 for the payment of debt service and underwriting costs on such borrowing in fiscal year 2002; provided, however, that this vote shall not take affect until the Town votes to exempt from limitation on total taxes imposed by Massachusetts General Law, Chapter 59, Section 21C (Proposition 2 ½ so called) amounts required to pay the principal of, and interest on, the borrowing authorized by this vote.

MOTION IS LOST

MOTION:

Mr. Hunter moves to adjourn the Annual Town Meeting at 10:52 PM until after the dissolution of the Special Town Meeting on April 3, 2001 at the Acton-Boxborough Regional High School.

MOTION CARRIES UNANIMOUSLY

Moderator calls the adjourned session of the 2001 Annual Town Meeting to order at 8:08 p.m. on April 3, 2001

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ARTICLE 16 T. J. O'GRADY MEMORIAL SKATE PARK
(Majority Vote Required)

To see if the town will raise and appropriate or appropriate from available funds, the sum of \$80,000, or any other sum, to be expended by the Town Manager for the purpose of designing and constructing a skate park, including costs incidental and related thereto, and to authorize the Town Manager to apply for, accept and expend any Federal, State or other grants that may be available for the project, and to accept any funds that may be available from the T. J. O'Grady Memorial Skate Park Committee, or take any other action relative thereto.

MOTION:

Mr. Kabakoff moves that the Town raise and appropriate \$80,000 to be expended by the Town Manager for the purpose of designing and constructing a skate park, including costs incidental and related thereto, as described in the article; that the Town Manager is authorized to apply for, accept and expend any Federal, State or other grants that may be available for this project; that the Town Manager is authorized to accept and expend any funds that may be available from the T. J. O'Grady Memorial Skate Park Committee for this purpose; and that the Town Manager is authorized to take any other action necessary to carry out this project..

MOTION CARRIES

RESOLUTION

Mr. Charles Kadlec moves to adopt the following resolution.

WHEREAS the existing Acton Police Station is inadequate for the current and future needs and for the efficient operation of our police department, and

WHEREAS the fire department response times for North Acton must be improved without delay but without adversely affecting the response times for the rest of the town, and

WHEREAS the citizens of Acton do not wish to close the existing fire stations, and

WHEREAS it is desirable to provide for a central police and fire dispatch capability, and

WHEREAS any plan to solve the above-described needs should be cost effective and should minimize the impact on property taxes, and

WHEREAS the proposal submitted to the voters by the Board of Selectmen under Article 15 of this Annual Town Meeting does not meet these objectives:

BE IT RESOLVED THAT

This Annual Town Meeting direct the Board of Selectmen to bring to a Special Town Meeting, before the end of this year (2001) a revised proposal, not to exceed \$ 7 million in total cost, which:

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1. Is a complete plan to solve the needs of both the police and the fire departments now.
2. Provides a design for the space needed by our police department for the next ten years, approximately 22,000 square feet, and planned to allow further expansion if needed in the future, at the location of the existing Police Station.
3. Provides for a central (combined) police/fire dispatch at the Police Station, but does not plan for a combined police/fire facility at this or any other location.
4. Makes use of the existing Police Station.
5. Provides a design for a new Fire Station to improve fire department coverage for North Acton; this new Fire Station to be located near the intersection of Routes 27 and 2A on land already owned by the Town. In addition, the proposal should include improved office space for the fire department administration, and necessary renovations of the existing three Fire Stations.

AMENDMENT

Mr. F. Dore' Hunter moves to amend the resolution by adding words as shown in bold italic.

WHEREAS the existing Acton Police Station is inadequate for the current and future needs and for the efficient operation of our police department, and

WHEREAS the fire department response times for North Acton must be improved without delay but without adversely affecting the response times for the rest of the town, and

WHEREAS the citizens of Acton do not wish to close the existing fire stations ***or change the manner in which the Acton fire department responds to fire alarms, even though they are aware of the existing OSHA "2 IN/2 OUT" rule and the proposed NFPA Standard 1710 Section 5.2.1 which would purport to require four fire fighters be on the first engine to reach a fire scene, believing that the current fire department response pattern will provide a sufficient initial number of fire fighters at a fire scene by means of the subsequently arriving apparatus,*** and

WHEREAS the citizens of Acton are aware that increasing the number of active Fire Stations may require some undetermined increase in the number of fire fighters employed by the department, with attendant annual recurring costs, and

WHEREAS it is desirable to provide for a central police and fire dispatch capability, and

WHEREAS any plan to solve the above-described needs should be cost effective and minimize the impact on property taxes, and

WHEREAS the proposals submitted to the voters by the Board of Selectmen under Article 15 of this Annual Town Meeting does not meet these objectives:

BE IT RESOLVED THAT

This Annual Town Meeting direct the Board of Selectmen to bring to a Special Town meeting, before the end of this year (2001) a revised proposal **at a more reasonable cost**, which:

1. Is a complete plan to solve the needs of both the police and fire departments now **based on how Acton chooses to operate those departments.**
2. Provides a design for the space needed by out police department for the next ten yeas, approximately 22,000 **net** square feet, and planned to allow further expansion if needed in the future, at the location of the existing Police Station.
3. Provides for a central (combined) police/fire dispatch at the Police Station, but does not plan for a combined police/fire facility at this or any other location.
4. makes use of the existing Police Station **if further study finds such to be cost effective and efficient.**
5. Provides a design for a new Fire Station to improve fire department coverage for North Acton; this new Fire Station to be located near the intersection of Routes 27 and 2A on land already owned by the Town. In addition, the proposal should include improved office space for the fires department administration **adjacent to the central (combined) police/fire dispatch at the Police Station**, and necessary renovations of the existing three Fire Stations.

AMENDMENT CARRIES

ADMENDED RESOLUTION IS LOST

ARTICLE 17 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. Firefighters' Safety/Survival Equipment	\$ 35,000
B. Desktop PC Replacement	\$ 20,000
C. Public Works Roof Replacement	<u>\$ 85,000</u>
Total	\$ 140,000

, or take any other action relative thereto.

MOTION:

Mr. Ashton moves that the Town raise and appropriate \$140,000 to be expended by the Town Manager for the purpose of purchasing equipment and repairing facilities 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

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ARTICLE 18 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. Fire Pumper Truck Replacement	\$ 240,000
B. Roadside Mower	\$ 50,000
C. Truck Replacement – One-Ton Dump Truck	\$ 19,272
D. Replace Two Sanders	<u>\$ 36,000</u>
Total	\$ 345,272

, or take any other action relative thereto.

MOTION:

Mr. Ashton moves that the Town raise and appropriate \$345,272 to be expended by the Town Manager for the purpose of replacing vehicles and equipment as listed in this Article and that the Town Manager be authorized to sell, trade, or dispose of vehicles and equipment being replaced and to expend any proceeds received.

MOTION CARRIES UNANIMOUSLY

ARTICLE 19 ACTON DAY
(Majority Vote Required)

To see if the town will raise and appropriate, or appropriate from available funds, the sum of \$12,000, or any other sum, to be expended by the Town Manager for the expenses associated with production of an “Acton Day” Celebration at NARA Park, or take any other action relative thereto.

MOTION:

Mrs. Sikalis moves that the Town raise and appropriate \$12,000 to be expended by the Town Manager for the expenses for an “Acton Day “ celebration at NARA Park.

MOTION CARRIES

ARTICLE 20 TOWN BOARD SUPPORT - EAST ACTON VILLAGE PLAN
(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 to study the East Acton area traffic conditions, or take any other action relative thereto.

MOTION:

Mrs. Williams moves that the Town raise and appropriate \$25,000 to be expended by the Town Manager for the purpose of studying the East Acton area traffic conditions.

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MOTION CARRIES

MOTION:

Mr. Hunter moves to adjourn the Annual Town Meeting at 10:52 PM until April 4, 2001 at the Acton-Boxborough Regional High School auditorium at 7:00PM

MOTION CARRIES UNANIMOUSLY

ARTICLE 21TOWN 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 ongoing expenses of the Acton-Boxborough Cultural Council for programs in Acton, or take any other action relative thereto.

CONSENT MOTION:

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

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 22AMEND TOWN BYLAW - PUBLIC BIDDING**

(Majority Vote Required)

To see if the Town will vote to delete Section D13 of the Town Bylaws (Public Bidding), or take any other action relative thereto.

CONSENT MOTION:

Mr. Hunter moves that the Town delete Section D13 of the Town Bylaws.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 23CHAPTER 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 Massachusetts General Laws, and any other applicable laws, or take any other action relative thereto.

CONSENT MOTION:

Mrs. Harting-Barrat moves that the Town Manager is authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 24EMERGENCY/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 2002, or take any other action relative thereto.

CONSENT MOTION:

Mrs. Harting-Barrat moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

Moderator calls the adjourned session of the 2001 Annual Town Meeting to order at 7:08 p.m. on April 4, 2001

ARTICLE 25 KELLEY’S CORNER – DIMENSIONAL REGULATIONS AND SPECIAL PERMIT
 (2/3 Vote Required)

To see if the Town of Acton will vote to amend the Zoning Bylaw as set forth in this article
[Notes in italic print are not part of the article but are intended for explanation only]:

- A. In the Table of Standard Dimensional Regulations of section 5, delete the line next to KC and replace it with a new line as follows **[Note: the current dimensional regulation is indicated in italic print and brackets wherever changes are proposed]:**

ZONING DISTRICTS	MINIMUM LOT AREA in sq. ft.	MINIMUM LOT FRONTAGE in feet	MINIMUM LOT WIDTH in feet	MINIMUM FRONT YARD in feet	MINIMUM SIDE & REAR YARD in feet	MINIMUM OPEN SPACE in percent	MAXIMUM FLOOR AREA RATIO	MAXIMUM HEIGHT
KC	10,000	100	50	see footnote (18) [30]	NR (6)	NR	0.40 (15)	36

And delete footnote (15) and replace it with a new footnote (15) as follows:

- (15) Subject to section 5.6 of this bylaw, Special Provisions for the Kelley's Corner District, which sets forth a series of dimensional and design requirements for developments on LOTS that exceed a FLOOR AREA RATIO of 0.10, and provides a special permit for developments on LOTS where the FLOOR AREA RATIO is in excess of 0.40 up to a FLOOR AREA RATIO of 0.60.

[Note: Footnote (15) currently reads as follows: (15) Subject to certain provisions in Section 5.6, Special Provisions for the Kelley's Corner District.]

And add the following new footnote (18) as follows:

- (18) The minimum front yard measured from the sidelines of Massachusetts Avenue (Rt. 111), 1907 State Highway Layout, shall be 22 feet. The minimum front yard measured from the easterly sideline of Main Street (Rt. 27), 1953 County Layout north of Rt. 111 and 1958 County Layout south of Rt. 111, shall be 26 feet. The minimum front yard measured from the westerly sideline of Main Street (Rt. 27), 1953 County Layout north of Rt. 111 and 1958 County Layout south of Rt. 111, shall be 16 feet. The minimum front yard from the

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easterly sideline of Prospect Street shall be 30 feet. The minimum front yard measured from the sideline of any other STREET, including any Secondary STREET required in section 5.6 of this bylaw, shall be 4 feet.

- B. In section 5.6, Special Provisions for the Kelley's Corner District, delete the lead-in paragraph of section 5.6.3 and replace it with the following:

"The following standards shall apply on all LOTS in the KC District if the proposed or existing FLOOR AREA RATIO exceeds 0.10. On any LOT in the KC District, if the FLOOR AREA RATIO of existing BUILDINGS exceeds 0.10, any alteration, reconstruction, extension, or structural change that increases the NET FLOOR AREA of the BUILDINGS shall be subject to section 8.3.5 of this Zoning Bylaw:"

[Note: The lead-in paragraph of section 5.6.3 currently reads as follows: "The following standards shall apply on all LOTS in the KC District where the FLOOR AREA RATIO exceeds 0.20."]

- C. Amend section 8.3, Nonconforming Structures, as follows:

1. Delete subsection 8.3.2 and replace it with the following new section 8.3.2:

8.3.2 Changing a Nonconforming STRUCTURE - Except as provided in section 8.3.5, a nonconforming STRUCTURE may be altered, reconstructed, extended or structurally changed provided that such alteration, reconstruction, extension or structural change conforms to all the dimensional requirements of this Bylaw. Except as provided in section 8.3.5, a vertical extension of a nonconforming BUILDING, which does not expand the BUILDING horizontally so as to violate any applicable yard requirement, shall be deemed not to increase the nonconforming nature of the BUILDING and shall not require a special permit under Section 8.3.3.

[Note: Section 8.3.2 currently reads: 8.3.2 Changing a Nonconforming STRUCTURE - A nonconforming STRUCTURE may be altered, reconstructed, extended or structurally changed provided that such alteration, reconstruction, extension or structural change conforms to all the dimensional requirements of this Bylaw. A vertical extension of a nonconforming BUILDING, which does not expand the BUILDING horizontally so as to violate any applicable yard requirement, shall be deemed not to increase the nonconforming nature of the BUILDING and shall not require a special permit under Section 8.3.3.]

2. In subsection 8.3.3 insert the following phrase at the beginning of the first sentence:

" Except as provided in section 8.3.5, "

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

3. Insert a new subsection 8.3.5 as follows:

8.3.5 On any LOT in the KC District, if the FLOOR AREA RATIO of existing BUILDINGS exceeds 0.10, the following rules shall apply to the alteration, reconstruction, extension, and structural change of BUILDINGS:

8.3.5.1 No such BUILDINGS shall be extended in NET FLOOR AREA unless the LOT and BUILDINGS are brought into compliance with section 5.6.3.

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- 8.3.5.2 Such BUILDINGS may be updated, repaired, improved, and rehabilitated to maintain safe conditions, access, and attractiveness, and to generally maintain their value and usable condition.
- 8.3.5.3 After demolition of any such BUILDINGS, they shall not be reconstructed or restored unless the LOT and BUILDINGS are brought into compliance with section 5.6.3.
4. Renumber the present subsection 8.3.5 to become subsection 8.3.6.
- D. In section 5.6, Special Provisions for the Kelley's Corner District, insert a new section 5.6.4 as follows:
- 5.6.4 For any LOT in the Kelley's Corner District, the Board of Selectmen may grant a special permit allowing a FLOOR AREA RATIO above 0.40 up to 0.60. Such special permit shall be required in addition to a Site Plan Special Permit. The Board of Selectmen shall not grant such a special permit, unless it can find without exception that the proposed USE and development:
- 5.6.4.1 Is consistent with the Master Plan, and more specifically with the Kelley's Corner Specific Area Plan, June 1995, as amended, and the Kelley's Corner Business District Circulation Plan, February 1997, revised January 2001, as amended.
- 5.6.4.2 Is in harmony with the purpose and intent of this bylaw, specifically with this section 5.6.
- 5.6.4.3 Will not be detrimental or injurious to the Kelley's Corner business district and the neighborhoods surrounding it.
- 5.6.4.4 Is appropriate for the site in question.
- 5.6.4.5 Complies with all applicable requirements of this bylaw.

In addition, the Board of Selectmen may impose conditions, safeguards, and limitations as further specified in section 10.3.6 of this bylaw, including its subsections.

Note: Section 10.3.6 of the bylaw reads:

- 10.3.6 *Special Permit Conditions – The Special Permit Granting Authority may impose such conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to:*
- 10.3.6.1 *Dimensional requirements greater than the minimum required by this Bylaw;*
- 10.3.6.2 *Screening of parking areas or other parts of the premises from adjoining premises or from the STREET by specified walls, fences, plantings or other devices;*
- 10.3.6.3 *Modification of the exterior features or appearances of the STRUCTURE(S);*
- 10.3.6.4 *Limitation of size, number of occupants, method and time of operation, and extent of facilities;*
- 10.3.6.5 *Regulation of number, design and location of ACCESS drives, drive-up windows and other traffic features;*
- 10.3.6.6 *Requirement of off-STREET parking and other special features;*
- 10.3.6.7 *Requirement for performance bonds or other security; and*
- 10.3.6.8 *Installation and certification of mechanical or other devices to limit present or potential hazard to human health, safety, welfare or the environment resulting from smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise, vibration or any other objectionable impact generated by any given USE of land*
- 10.3.6.9 *Installation of sidewalks along the entire FRONTAGE of a LOT and of other walkways and paths as it deems necessary to accommodate the safe movement of pedestrians and bicyclists. Such a sidewalk or other walkways or paths may be located on the LOT or within the layout of the STREET and shall be designed to connect with existing*

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sidewalks on adjacent LOTS, if any. Sidewalks, walkways or paths shall be designed and constructed according to standards established in the Town of Acton Subdivision Rules and Regulations, except when otherwise approved by the Special Permit Granting Authority.]

, or take any other action relative thereto.

MOTION:

Mrs. Rosenzweig moves in the words of the Article.

MOTION IS LOST VOTE YES 165 NO 104

**ARTICLE 26 KELLEY’S CORNER - STREET RESERVATIONS, SECONDARY STREETS, AND
TRANSPORTATION INFRASTRUCTURE FUNDING
(2/3 Vote Required)**

To see if the Town of Acton will vote to amend the Zoning Bylaw as set forth in this article
[Notes in italic print are not part of the article but are intended for explanation only]:

- A. In section 5.6, Special Provisions for the Kelley's Corner District, delete the third and last sentences of the second paragraph of section 5.6.1, and replace them with the following new sentences:

“To support the growth and vitality of the center, higher density developments are required to provide land and funds for the construction of public street improvements within the Kelley’s Corner District and surrounding areas. The regulations are intended to implement the Kelley’s Corner Specific Area Plan, June 1995, as amended, and the Kelley’s Corner Business District Circulation Plan, February 1997, revised January 2001, as amended.

The Kelley’s Corner Business District Circulation Plan establishes a STREET hierarchy that designates Main Street (Route 27) and Massachusetts Avenue (Route 111) as Arterial STREETS and calls for a number of Secondary STREETS. It is one of the purposes of these provisions to ensure the future adequacy of the Arterial STREETS and to facilitate the creation of the Secondary STREETS. The standards for site and building design features vary relative to their disposition to Arterial and Secondary STREETS. Although STREETS are generally exempt from the provisions of this Zoning Bylaw, the requirements set forth herein shall apply to all land reserved for Arterial and Secondary STREETS and STREET improvements within the Kelley’s Corner District.”

[Note: The third and last sentences of the second paragraph of section 5.6.1 currently read as follows: In order to support the growth and vitality of the center, higher density developments are required to contribute to a fund for the construction of a centralized wastewater collection and treatment system serving the Kelley’s Corner District and surrounding areas. The regulations are intended to implement the Kelley’s Corner Plan as amended.]

- B. In section 5.6, Special Provisions for the Kelley's Corner District, insert a new section 5.6.3.6 as follows:

5.6.3.6 STREET Rights of Way - The Site Plan Special Permit Granting Authority shall require the reservation of strips of land for future STREET rights of way for all purposes for

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which STREETS and ways are used in the Town of Acton. The STREET rights of way shall not be built upon or used for any purpose except access to the remainder of the LOT and shall be reserved as set forth below:

- a) For additional Arterial STREET right of way width along Main Street (Rt. 27) and Massachusetts Avenue (Rt. 111) the STREET rights of way shall be reserved as follows:
 - 1) 18 feet wide along both sides of Rt. 111 measured from the sidelines of the 1907 State Highway Layout, and adequate roundings at all intersections.
 - 2) 22 feet wide along the easterly side of Rt. 27 measured from the sideline of the 1953 Rt. 27 County Layout north of Rt. 111 and from the sideline of the 1958 Rt. 27 County Layout south of Rt. 111, and adequate roundings at all intersections.
 - 3) 12 feet wide along the westerly side of Rt. 27 measured from the sideline of the 1953 Rt. 27 County Layout north of Rt. 111 and from the sideline of the 1958 Rt. 27 County Layout south of Rt. 111, and adequate roundings at all intersections.
- b) For future Secondary STREETS in locations generally consistent with the Kelley's Corner Business District Circulation Plan of February 1997, amended in January 2001, the STREET rights of way shall be reserved as follows:
 - 1) The strips of land shall be 40 feet wide and shall be widened to 50 feet where they are located within 120 feet of an intersection with Rt. 27 or Rt. 111, and there shall be adequate roundings at all intersections.
 - 2) No portion of the strips of land shall be located within 100 feet of a residential zoning district.
 - 3) In approving the location of the Secondary STREETS the Site Plan Special Permit Granting Authority shall require their appropriate horizontal and vertical alignment with existing STREETS, and adequate construction and grading easements to ensure proper and practical connections or continuations to existing or future Secondary STREETS on adjacent LOTS.
 - 4) If a Secondary STREET will divide LOTS that are undivided at the time of the application for a Site Plan Special Permit, the Site Plan Special Permit Granting Authority shall encourage a unified site design that integrates the Secondary STREET as much as possible in the overall site plan. Except for setbacks from the Secondary STREETS that are required for STRUCTURES and parking lots, zoning compliance shall be determined based on the undivided LOTS in existence at the time of the Special Permit application.
 - 5) Any new STREET created in the Kelley's Corner District shall be laid out consistent with the Kelley's Corner Business District Circulation Plan and shall be subject to the requirements set forth herein.
- c) Where such additional STREET rights of way are reserved, the FLOOR AREA RATIO on the remaining land shall be calculated by including them in the DEVELOPABLE SITE AREA, including any easements granted then or previously for the same purpose.
- d) The Site Plan Special Permit Granting Authority may require the conveyance of the STREET rights of way to the Town of Acton, subject to acceptance by Town Meeting. The Site Plan Special Permit Granting Authority may impose appropriate conditions and require adequate surety to ensure compliance with this requirement.

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C. In section 5.6, Special Provisions for the Kelley's Corner District, insert a new section 5.6.3.7 as follows:

- 5.6.3.7 Secondary Streets - The Site Plan Special Permit Granting Authority may require the construction of Secondary STREETS, or portions thereof, in the STREET rights of way reserved for this purpose and located on and adjacent to the LOT that is subject to the Site Plan Special Permit.
- a) The gravel bases and pavement layers used in the construction of the Secondary STREETS shall conform to the typical structural section of the Town of Acton Subdivision Rules and Regulations.
 - b) All Secondary STREETS shall include sidewalks, at least 8 feet wide, on at least one side as determined by the Site Plan Special Permit Granting Authority.
 - c) All secondary STREETS shall incorporate adequate controls to minimize speeding of vehicles including appropriate traffic control signs and traffic-calming devices.
 - d) In all other respects the design of the Secondary STREETS shall conform with the Town of Acton Subdivision Rules and Regulations to the extent possible and practical as determined by the Site Plan Special Permit Granting Authority.
 - e) When considering development plans, the Site Plan Special Permit Granting Authority shall give due consideration to the integration of Secondary STREETS with development sites to avoid duplication of travel lanes within and outside of parking lots, and generally to maximize the efficient and safe use of the sites.
 - f) Secondary STREETS shall be constructed to align horizontally and vertically so that proper and practical connections or continuations can be made to existing or future Secondary STREETS on adjacent LOTS.

D. In section 5.6, Special Provisions for the Kelley's Corner District, delete section 5.6.3.5 in its entirety and replace it with:

- 5.6.3.5 Public Infrastructure Funding Assistance - The Site Plan Special Permit Granting Authority may require a contribution in the amount of up to \$2.50 per square foot of NET FLOOR AREA in excess of a FLOOR AREA RATIO 0.20. Said contribution shall be made to the Town of Acton for deposit into a fund to be used for the design and construction of new and expanded public STREET infrastructure in the Kelley's Corner District and adjacent areas generally in accordance with the Kelley's Corner Business District Circulation Plan, including the acquisition of necessary land, rights of way, or easements, and the payment of any debt incurred by the Town of Acton for such purposes.
- a) The contributions towards public STREET infrastructure may be waived or reduced to reflect the cost of new or expanded public STREET infrastructure, including the provision of Secondary STREETS, that is provided by the owner in the course of site development or redevelopment in accordance with the Kelley's Corner Business District Circulation Plan and approved by the Site Plan Special Permit Granting Authority. No reductions shall be given for the construction of sidewalks and other pedestrian amenities required under this bylaw.
 - b) On any LOT where the FLOOR AREA RATIO existing on or before April 2, 2001 exceeds 0.20, the contributions calculated pursuant this section shall be based on the difference between the existing NET FLOOR AREA and the proposed NET FLOOR AREA.

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[Note: Section 5.6.3.5 currently reads as follows: 5.6.3.5 Wastewater Infrastructure - The Site Plan Special Permit Granting Authority shall require a contribution in the amount of \$2.50 per square foot of NET FLOOR AREA in excess of FLOOR AREA RATIO 0.20. Said contribution shall be made to the Town of Acton for deposit into a fund to be used for the design and construction of a centralized wastewater collection, treatment and disposal system serving the Kelley's Corner District and other areas within the Town of Acton, including the acquisition of necessary land or easements, or for the payment of any debt incurred by the Town of Acton for such purposes. On any LOT where the FAR existing on or before April 1, 1996 exceeds 0.20, the contributions calculated pursuant this section shall be based on the difference between the existing NET FLOOR AREA and the proposed NET FLOOR AREA.]

E. In section 5.3.2, special provisions for the Residence A and AA districts and multifamily dwellings, insert in sub-section 5.3.2.2 new paragraphs a) and b) as follows:

- a) When granting a Site Plan Special Permit for a Multifamily Dwelling on a LOT in the R-AA District, the Site Plan Special Permit Granting Authority shall require an 12-foot wide STREET right of way reservation along the westerly side of Main Street (Rt. 27), measured from the sideline of the 1953 County Layout, and an 18-foot wide STREET right of way reservation along the northerly side of Massachusetts Avenue (Rt. 111), measured from the sideline of the 1907 State Highway Layout. The maximum allowed number of DWELLING UNITS on such LOT shall be calculated by including all such rights of way reservations in the LOT area. The minimum front yards shall be measured from the sidelines of said 1953 and 1907 layouts respectively. The Site Plan Special Permit Granting Authority may require the conveyance of the STREET rights of way to the Town of Acton, subject to acceptance by Town Meeting, and may impose appropriate conditions and require adequate surety to ensure compliance with this requirement.
- b) No LOT in R-AA District with FRONTAGE on Main Street or Massachusetts Avenue shall measure less than 20,000 square feet unless the rights of way reservations described in the preceding paragraph a) have been conveyed to the Town of Acton. The rights of way reservations required hereunder shall count as area for such LOT.

[Note: Section 5.3.2.2 currently reads as follows: 5.3.2.2 In the R-AA District, residential USES may be established at a density of up to fifteen DWELLING UNITS per acre, subject to the standards set forth in the Table of Standard Dimensional Regulations.]

, or take any other action relative thereto.

MOTION:

Mrs. Rosenzweig moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY

ARTICLE 27 KELLEY'S CORNER – SIDEWALKS, BUILDING DESIGN, AND PROTECTION OF RESIDENTIAL DISTRICTS

(2/3 Vote Required)

To see if the Town of Acton will vote to amend section 5.6 of the Zoning Bylaw, Special Provisions for the Kelley's Corner District, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Delete section 5.6.3.1 and replace it with the following new section:

5.6.3.1 The Sidewalk - Sidewalks shall be installed along the LOT'S FRONTAGE on a STREET or STREETS as follows:

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- a) Along the FRONTAGE of the Arterial STREETS, sidewalks shall be at least 10 feet wide. They shall be separated from automobile travel lanes with an 8 foot wide buffer that is planted with shade trees generally at 40-45 foot intervals and with other landscaping elements. The buffer strips may also contain other STREET design elements and may consist in part of on-STREET vehicular parking spaces or bus and taxi boarding areas.
- b) Along the FRONTAGE of at least one side of the Secondary STREETS and of Prospect Street as determined by the Site Plan Special Permit Granting Authority. Such sidewalks shall be at least 8 feet wide, but no buffer shall be required from the automobile travel lanes.
- c) All such sidewalks shall be installed within the STREET layout or within easements reserved for all purposes for which STREETS and ways are used in the Town of Acton.
- d) All such sidewalks shall be installed with concrete walking surfaces and vertical granite curbing. No bituminous concrete surfaces or curbing shall be allowed. The Site Plan Special Permit Granting Authority may require surface inlays of other materials intended to create interesting designs in walking areas.

[Note: Section 5.6.3.1 currently reads as follows: 5.6.3.1 The Sidewalk - A sidewalk shall be provided along the LOT'S FRONTAGE on a STREET or STREETS. The sidewalk shall be at least 10 feet wide. Sidewalks may be located wholly or partially within the STREET layout. The sidewalk shall be separated from the vehicular roadway with a landscaped buffer at least 10 feet wide, which shall consist of shade trees placed at 40-45 foot intervals and other landscaping or STREET design elements, and which may consist in part of on-STREET vehicular parking spaces.]

B. Delete section 5.6.3.2.c) and replace it with a new section 5.6.3.2.c) as follows:

- c) The pedestrian plaza shall be next to the Arterial STREET sidewalk and shall be open on one or more sides to the sidewalk.

[Note: Section 5.6.3.2.c) currently reads: c) The pedestrian plaza shall be next to the STREET and sidewalk, and shall be open on one or more sides to the sidewalk.]

C. Amend section 5.6.3.4 as follows:

1. Delete section 5.6.3.4 a) in its entirety and replace it with a new section 5.6.3.4.a) as follows:

5.6.3.4 a) At least 60 percent of the FRONTAGE of the LOT facing an Arterial STREET, measured as a percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS or by a pedestrian plaza that are located within 40 feet of the Arterial STREET sideline. For the purpose of this section the sidelines of Massachusetts Avenue (Rt. 111) shall be defined by its 1907 State Highway Layout, and the sidelines of Main Street (Rt. 27) shall be defined by its 1953 County Layout north of Rt. 111 and its 1958 County Layout south of Rt. 111. A reduction of this requirement to 50 percent of the Arterial STREET FRONTAGE of a LOT may be allowed provided the Site Plan Special Permit Granting Authority finds that the alternative design features are consistent with section 5.6.1 of this Bylaw.

[Note: Section 5.6.3.4 a) currently reads as follows: 5.6.3.4 a) At least 60 percent of the front side of a LOT facing a STREET, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS or by a pedestrian plaza that are located within 40 feet of the STREET sideline. A reduction of this requirement to 50 percent of the front side of a LOT may be allowed provided the Site Plan Special Permit Granting Authority finds that the alternative design features are consistent with section 5.6.1 of this Bylaw.]

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2. Delete the first sentence of sub-section 5.6.3.4 c) and replace it with:

“BUILDING facades facing Arterial STREETS or pedestrian plazas, and BUILDING facades facing Secondary STREETS and situated within 30 feet of such Secondary STREETS are referred to herein as the BUILDING front(s) or front facade(s).”

[Note: Sub-section 5.6.3.4 c) currently reads as follows: 5.6.3.4.c) BUILDING facades facing STREETS or pedestrian plazas are also referred to herein as the BUILDING front(s) or BUILDING front facade(s). Such BUILDING fronts shall have a vertical orientation, meaning either that the BUILDING shall actually have a greater height than width, or that the facades and roof lines of the BUILDING are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation.]

3. In the last sentence of sub-section 5.6.3.4 d) insert the word “contiguous” between “50” and “feet”.

[Note: Sub-section 5.6.3.4 d) currently reads as follows: 5.6.3.4.d) The BUILDING front facades shall be articulated to achieve a human scale and interest. The use of different TEXTURES, shadow lines, detailing and contrasting shapes is required. Not more than 50 feet of a BUILDING front shall be in the same vertical plane.]

4. In section 5.6.3.4 n) delete the words “Two or three story BUILDINGS, or two or three story portions of a BUILDING” and replace them with:

“Multistory BUILDINGS, or multistory portions of BUILDINGS”.

[Note: Sub-section 5.6.3.4 n) currently reads as follows: 5.6.3.4.n) Roofs shall be gabled with a minimum pitch of 9/12 (9” vertical for every 12” horizontal) and have overhanging eaves of at least one foot. Two or three story BUILDINGS, or two or three story portions of a BUILDING, may have a flat roof provided that the tops of the BUILDING front facades are treated with an articulated cornice, dormers, or other architectural treatment that appears an integral part of the BUILDING from all visible sides of the BUILDING.]

- D. Insert new sections 5.6.3.8, 5.6.3.9, 5.6.3.10, and 5.6.3.11 as follows:

5.6.3.8 Buffers - Except for walkways and bikeways, no BUILDING, STRUCTURE, parking lot, driveway, STREET, pavement, or other improvement shall be located within 50 feet of an adjacent residential zoning district. This 50-foot buffer shall be landscaped to be substantially opaque and shall be designed to reduce noise and other impacts on adjacent DWELLINGS. To achieve its purpose, fences, berms, and walls may be installed in the 50-foot buffer in combination with trees, shrubs, and ground covers.

5.6.3.9 Structured Parking - Except for single story garages serving residential USES, no vehicle parking STRUCTURE shall be located between a Secondary STREET and a residential zoning district.

5.6.3.10 Utilities - All utility lines shall be installed underground.

5.6.3.11 Additional Conditions - The Site Plan Special Permit Granting Authority shall require appropriate limitations on the hours of operation, the time of truck deliveries, truck parking, noise, and illumination throughout the Kelley's Corner District, and it may require additional measures to buffer, screen, and protect abutting properties in residential districts.

, or take any other action relative thereto.

MOTION: Mrs. Rosenzweig moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY

ARTICLE 28 KELLEY'S CORNER – VEHICLE PARKING REQUIREMENTS

(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Zoning Bylaw as set forth in this Article
[Notes in italic print are not part of the article but are intended for explanation only]:

A. In section 5.6, Special Provisions for the Kelley's Corner District, delete section 5.6.3.3 in its entirety and replace it with:

5.6.3.3 Driveways and Parking Lots -

- a) Except as provided herein, the Site Plan Special Permit Granting Authority shall require that vehicular ACCESS to all LOTS and parking areas is provided exclusively from Secondary STREETS. If such ACCESS is not available, the Site Plan Special Permit Granting Authority may allow one ACCESS driveway directly from an Arterial STREET, until such time when vehicular ACCESS is available from a Secondary STREET. In cases involving such an approval of a temporary vehicular ACCESS from an Arterial STREET, the Site Plan Special Permit Granting Authority shall require that the parking areas and interior driveways be designed to permit vehicular ACCESS from a Secondary STREET, and that the Arterial STREET ACCESS be closed as soon as vehicular ACCESS is available from a Secondary STREET.
- b) No driveway or parking lot shall be located in the portion of a LOT that is directly in front of a BUILDING as seen from an Arterial STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot. However, driveways and parking lots may be located in the front of a BUILDING as seen from an Arterial STREET, if both of the following conditions exist:
 - *The distance of the BUILDING to any Arterial STREET is at least 200 feet.*
 - *The majority of the horizontal dimension of such BUILDING is located in the rear of another BUILDING measured in a perpendicular line from an Arterial STREET.*
- c) No driveway or parking lot shall be located in the portion of a LOT that is directly in front of a required pedestrian plaza as seen from an Arterial STREET.
- d) No driveway or parking lot shall intersect or be mixed with a pedestrian plaza.
- e) As viewed from an Arterial STREET, vehicular driveways and parking lots shall only be located to the side or rear of BUILDINGS, except as provided in subsection b) above, and to the side or rear of pedestrian plazas.
- f) In all other respects, driveways and parking lots shall be designed in compliance with sections 6.9.3.5 and 6.9.3.6.

[Note: Section 5.6.3.3 currently reads as follows: 5.6.3.3 Driveways and Parking Lots - a) No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza. b) Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS or to the rear of a pedestrian plaza.]

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- B. In section 6.9.3, special provisions for parking in the Kelley's Corner District, delete section 6.9.3.1 and replace it with the following new section 6.9.3.1:

6.9.3.1 Required off-STREET parking for a USE shall be required on the same LOT as the USE, or on any LOT within the Kelley's Corner District that is on the same side of all Arterial STREETS as the USE.

[Note: Section 6.9.3.1 currently reads as follows: 6.9.3.1 Required off-STREET parking for a USE may be provided on any LOT within the Kelley's Corner District, but not necessarily on the same LOT as the USE.]

- C. Delete section 6.9.3.3 and replace it with the following new section 6.9.3.3:

6.9.3.3 Number of Parking Spaces -

a) Minimum Requirements - 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 6.9.3.4, the minimum number of required parking spaces shall be 50% of the requirements in section 6.3.1.

b) Limitation on Surface Parking - The maximum number of surface parking spaces shall be 70% of the requirements in section 6.3.1, but additional parking spaces may be provided as structured parking within BUILDINGS or STRUCTURES.

[Note: Section 6.9.3.3 currently reads as follows: 6.9.3.3 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 6.9.3.4, the minimum number of required parking spaces shall be 50% of the requirements in section 6.3.1.]

- D. Delete section 6.9.3.5 and replace it with the following new sections 6.9.3.5 and 6.9.3.6:

6.9.3.5 Design Requirements for Parking Lots - Off-STREET parking spaces, except parking spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with ten or less residents, shall either be contained within a BUILDING or STRUCTURE or shall comply with the following requirements:

a) Required parking spaces, ACCESS driveways, and interior driveways shall be provided and maintained with suitable grading, paved surfaces, adequate drainage, and landscaping as required in section 6.9.3.6.

b) ACCESS, interior, and common driveways for two-way traffic shall be twenty-four feet wide. ACCESS, interior, and common driveways for one-way traffic shall be fourteen feet wide.

c) Setbacks - Except where parking lots established in accordance with section 6.9.3.4 cross over LOT lines, all parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be set back a minimum of five (5) feet from any LOT lines. In addition, no parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be located within the minimum front yard set forth in the Table of Standard Dimensional Regulations, and no parking spaces or driveways of any kind shall be within 50 feet of an abutting residential zoning district.

6.9.3.6 Landscaping Requirements for parking lots - Parking lots shall include a landscaped area equal to a minimum of five percent of the area of the parking lot.

a) Shade trees - One shade tree shall be provided for each two thousand (2000) square feet or less of pavement area. Each shade tree shall be from a deciduous species that is rated for USDA Hardiness Zone 5 and is expected to reach at least 20 feet in height

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at maturity; be seven feet in height with a trunk caliper size of at least 3/4 inches at the time of planting; and be surrounded by a landscaped area of one hundred square feet or more to accommodate the root system of the tree. The Site Plan Special Permit Granting Authority may require additional landscaping to better screen the parking lot from the STREET and adjacent residential districts.

- b) Perimeter Planting Strip - Parking lots adjacent to STREETS, sidewalks, paths or ACCESS driveways shall include a perimeter planting strip at least seven and one-half feet wide. However, if the planting strip is protected from vehicular damage with barriers that are raised at least twelve inches above the surface of the parking lot or with bollards or balustrades, the width of the planting strip may be reduced to five feet. Said planting strip shall feature a physical separation between the parking lot and adjacent ways of at least two and one-half feet in height. This physical separation may be created with plantings, walls, or fencing (other than chain link or smooth concrete) or a combination of plantings and fencing. Not more than twenty percent of this perimeter planting strip shall be impervious.
- c) Plantings - Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover.
- d) Sight Distance - All landscaping along any STREET FRONTAGE shall be placed and maintained so that it will not obstruct sight distance.
- e) Protection of Landscaped Areas - Landscaped areas shall be planted and protected in such a manner that vehicles are not likely to damage the plantings.

Note: Section 6.3.9.5 currently reads as follows: 6.9.3.5 Design Requirements and Landscaping - Off-STREET parking spaces, except 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. In addition, no parking space or other paved surface, other than walkways and bike ways, shall be located within 20 feet of an abutting residential zoning district.]

E. Delete section 8.4, Nonconforming Parking, and replace it with a new section 8.4 as follows:

- 8.4 Nonconforming Parking - This Bylaw shall not be deemed to prohibit the continued USE of any land or STRUCTURE that is nonconforming with respect to parking requirements. However, in the Kelley's Corner District, parking lots shall comply with sections 5.6.3.3 and 6.9.3 of this Bylaw, if an increase in NET FLOOR AREA on a LOT results in a FLOOR AREA RATIO above 0.10, regardless of the FLOOR AREA RATIO in existence before the increase.

Note: Section 8.4 presently reads: 8.4 Nonconforming Parking - This Bylaw shall not be deemed to prohibit the continued USE of any land or STRUCTURE that is nonconforming with respect to parking requirements.]

, or take any other action relative thereto.

MOTION: Mrs. Rosenzweig moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY

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ARTICLE 29 KELLEY'S CORNER – USE REGULATION
(2/3 Vote Required)

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

- A. In section 3, Table of Principal Uses amend column KC as follows [*The current use regulation is indicated in italic print and brackets*]:

	PRINCIPAL USES	KC
3.3.1	Single FAMILY Dwelling	N [<i>Y</i>]
3.3.4	Multifamily Dwelling	SPS [<i>N</i>]

- B. In section 3.5.6, add the following sentence:

"The limit of four DWELLING UNITS shall not apply in the Kelley's Corner District."

[Note: Section 3.5.6 currently reads: 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.]

, or take any other action relative thereto.

MOTION:

Mrs. Rosenzweig moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY

ARTICLE 30 ACTON PUBLIC SCHOOLS BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$16,889,589, or any other sum, to defray the necessary expenses of the Local Schools, or take any other action relative thereto.

MOTION:

Mr. Coppolino moves that the Acton Public School Budget for the period July 1, 2001 to June 30, 2002, in the amount of \$16,863,808, be raised and appropriated in its entirety.

MOTION CARRIES

ARTICLE 31 ACTON PUBLIC SCHOOLS SEWER CONNECTION PROJECT
(Majority Vote Required)

To see if the Town will vote to appropriate a sum of money for the purpose of connecting the Merriam School Building to the municipal sewer collection system, and for the purchase of

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equipment, including any architects' fees and engineering fees and other costs incidental thereto and determine whether such appropriation shall be raised and appropriated, or appropriated from available funds, or take any other action relative thereto.

MOTION:

Mr. Coppolino moves that the Town raise and appropriate \$84,000 to be expended by the Acton School Committee for the purposes set forth in the Article, and to raise such amount, \$84,000 be transferred from Free Cash.

MOTION CARRIES UNANIMOUSLY

**ARTICLE 32 ACTON PUBLIC SCHOOLS CAPITAL IMPROVEMENT PROJECTS
(Health & Safety, Maintenance and Technology)
(Majority Vote Required)**

To see if the Town will vote to appropriate a sum of money 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 and determine whether such appropriation shall be raised and appropriated, or appropriated from available funds, or take any other action relative thereto.

MOTION:

Mr. Coppolino moves that the Town raise and appropriate \$247,080 to be expended by the Acton School Committee for the purposes set forth in the Article, and to raise such amount, \$144,221 shall be raised and appropriated and \$102,859 shall be transferred from Free Cash.

MOTION CARRIES UNANIMOUSLY

**ARTICLE 33 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 \$14,616,299, 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. Ashton moves that the Acton-Boxborough Regional School Assessment for the period July 1, 2001 to June 30, 2002, in the amount of \$14,616,299, be raised and appropriated in its entirety.

MOTION CARRIES

**ARTICLE 34 ACTON-BOXBOROUGH REGIONAL SCHOOLS SEWER CONNECTION
PROJECT
(Majority Vote Required)**

To see if the Town will vote to appropriate a sum of money for the purpose of connecting the Acton-Boxborough Regional School District Senior High School and the Maintenance Building

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to the municipal sewer collection system, 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 take any other action relative thereto.

MOTION:

Mrs. Ashton moves that the Town raise and appropriate \$38,141 to be expended by the Acton-Boxborough Regional School Committee for the purposes set forth in the Article, and to raise such amount, \$38,141 be transferred from Free Cash.

MOTION CARRIES UNANIMOUSLY

ARTICLE 35 ACTON-BOXBOROUGH REGIONAL SCHOOLS CAPITAL IMPROVEMENT PROJECTS (Health & Safety, Maintenance)
(Majority Vote Required)

To see if the Town will vote to appropriate a sum of money to the Acton-Boxborough Regional School District for the purpose of remodeling and making extraordinary repairs to the regional schools' property, and for the purchase of equipment at the High School, including any architects' fees, 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:

Mrs. Ashton moves that the Town raise and appropriate \$48,528 to be expended by the Acton-Boxborough Regional School Committee for the purposes set forth in the Article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 36 MINUTEMAN REGIONAL SCHOOL ASSESSMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$869,540, 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 \$869,540 for the purpose of funding the assessment of the Minuteman Regional Vocational Technical School District for the period July 1, 2001 to June 30, 2002.

MOTION CARRIES UNANIMOUSLY

ARTICLE 37 RESOLUTION FOR TOWNE BUILDING REUSE
(Majority Vote Required)

To see if the Town will affirm the decision by the School Committee to demolish the Towne School Building and to reuse that property for educational purposes and to approve the use of

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funds previously appropriated for this purpose by vote of the Town Meeting on December 1, 1998, or take any other action relative thereto.

MOTION:

Mrs. Altieri moves that the Town affirms the decision of the School Committee to demolish the Towne School Building and to reuse the property for educational purposes, and that funds previously appropriated for this purpose by vote of the December 1, 1998 Special Town Meeting be utilized for the demolition costs.

The motion is second and in discussion.

MOTION:

Mrs. Stuntz moves to adjourn the Annual Town Meeting at 11:45 PM until April 9, 2001 at 7:00 PM at the Acton-Boxborough Regional High School auditorium.

MOTION CARRIES

Moderator calls the adjourned session of the 2001 Annual Town Meeting to order at 7:00 p.m. on April 9, 2001

The Moderator give a short recap of where the Town Meeting was at the time of adjournment on April 4, 2001. He than read Article 37 and the motion and continued with the floor discussion.

ARTICLE 37 Continued

MOTION IS LOST

RESOLUTION IS LOST

VOTE YES 199 NO 211

**ARTICLE 38 LOCAL SCHOOL COMMITTEE TO RETURN TOWNE SCHOOL
(2/3 Vote Required)**

To see if the Town will approve the transfer from the School Committee to the Town of the property on which is presently located the Towne School Building, and such property to be used for such public purposes as shall be determined, and to raise and appropriate, or appropriate from available funds, a sum of money to be expended by the Town Manager for the purpose of securing and maintaining the building, or take any other action relative thereto.

MOTION:

Mrs. Altieri moves that the School Committee transfer the Towne School Building and such land area as shall be deemed appropriate by the School Committee and the Board of Selectmen to the Town of Acton and that the Town raise and appropriate \$90,000 to be expended by the Town Manager, for the purpose of temporarily securing and maintaining the building, and to raise such amount, \$90,000 be transferred from Free Cash.

MOTION CARRIES

ARTICLE 39 AMEND WETLAND PROTECTION BYLAW
(Majority Vote Required)

To see if the Town of Acton will vote to amend Sections F1, F2, F3.5 and F3.15, and add Sections F3.16, F3.17, F3.18, F3.19 and F5.1 of the Wetland Protection Bylaw as set forth in this article. Words in ***bolded italics*** represent new or modified language to the original text.

1. Replace Section F1 with the following new section F1:

Section F1 Purpose

The purpose of this Bylaw is to protect the wetlands, vernal pools, adjoining buffer zones, ***banks, lands subject to flooding and riverfront areas (collectively, "the resource areas")*** of the Town of Acton by controlling activities deemed to have a significant impact upon wetland ***interests***. Said wetland ***interests*** include (but are not limited to) the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution prevention, fisheries, ***protection of endangered or threatened species***, and wildlife habitat (collectively, the interests protected by this Bylaw.) The Town of Acton Wetlands Map shows the approximate location of most of the Town's wetlands and shall be used as a guide to wetland location.

2. Replace Section F2 with the following new section F2:

Section F2 Provisions

No person shall remove, dredge, fill or alter any ***resource area*** except as provided in Section 4, without first filing a Determination of Applicability, or a written Notice of Intent under this Bylaw, and obtaining and complying with the terms of said Determination or with an Order of Conditions.

3. Replace Section F3.5 with the following new section F3.5:

Section F3.5

"Buffer zone" shall mean that area of uplands within 100 feet horizontally outward from the boundary of a wetland, vernal pool (***except as provided for in Section 3.14), bank, or land subject to flooding. (Note: there is no buffer zone associated with the riverfront area.)***

4. Replace existing Section F3.15 with the following new section F3.15:

Section F3.15

The term "wetland" as used in this Bylaw includes:

- 1) ***Vegetated wetlands are wet meadows, marshes, swamps and bogs where 50% or more of the vegetative community consists of wetland indicator plants as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and***

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regulations at 310 CMR 10.00. When vegetation is not sufficient to determine the boundary of a wetland, characteristics of hydric soils or observations of flowing water, standing water or saturated soils may be used.

- 2) **Any non-vegetated area such as a creek, brook, stream, river, pond, lake, lands under said waters, and certified and uncertified vernal pools as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and regulations at 310 CMR 10.00 and Section F3.14 of this Bylaw.**

5. Add new Section F3.16:

Section F3.16

“Bank” is the portion of the land surface that normally abuts and confines a water body such as a creek, brook, stream, river, pond or lake as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and regulations at 310 CMR 10.00. A bank may be partially or totally vegetated, or comprised of exposed soil, gravel or stone.

6. Add new Section F3.17:

Section F3.17

“Lands subject to flooding” are areas of temporary or occasional flooding as defined in the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and regulations at 310 CMR 10.00. Bordering land subject to flooding is the estimated maximum lateral extent of floodwater that will theoretically result from the statistical 100-year frequency storm. Isolated land subject to flooding is an isolated depression or closed basin without an inlet or an outlet. It is an area that at least once a year confines standing water to a volume of at least ¼ acre-feet and to an average depth of at least six inches. Some isolated lands subject to flooding may be vernal pools.

7. Add new Section F3.18:

Section F3.18

The term “resource area” shall mean any area subject to protection under this bylaw and include any bank, wetland, vernal pool, buffer zone, lands subject to flooding or riverfront area.

8. Add new Section F3.19

Section F3.19

The “Riverfront Area” is the area of land between a river’s mean annual high water line and a parallel line measured horizontally 200 feet away. The riverfront area may include or overlap other resource areas or their buffer zones. A river is a flowing body of water that empties to any ocean, lake, pond or river and which flows throughout the year (except during drought conditions). Perennial streams are rivers; intermittent streams are not rivers. Determination of flow status shall be based on: field observations (witnessed by Conservation Commission or its

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authorized agent); USGS or other government maps; size of channel or bank; watershed size; stream order; streambed characteristics; local geology; biological community; and/or other appropriate evidence.

9. Add new Section F5.1:

Section F5.1 Abbreviated Notice of Resource Area Delineation

Any person may request the Conservation Commission to make a determination as to the precise boundaries of a resource area, including the buffer zone. This request for Resource Area Delineation shall be sent by certified mail, or hand delivered to the Acton Conservation Commission or its authorized representative. A person delivering this request by hand shall be given a dated receipt. Prior to issuing a Resource Delineation, the Conservation Commission shall hold a public hearing within 21 days of the filing. Notice of the time and place of such hearing shall be given by the Conservation Commission not less than five days prior to the public hearing, by publication in a newspaper of general circulation in the Town and by mailing a notice to the applicant, the Board of Health and the Planning Board. Such hearing may be held at the same time and place as any public hearing required to be held under M.G.L. Ch. 131, s. 40. If the Commission determines that additional data or information is necessary, the hearing may be continued to a future date time certain, agreeable to both the Applicant and the Commission, and shall be posted not less than five (5) days prior to said continuation. The Resource Area Delineation shall be issued within 30 days after the public hearing and may be identical to any such delineation issued under the provisions of the Massachusetts Wetlands Protection Act (M.G. L. Ch. 131, s. 40).

, or take any other action thereto.

MOTION:

Mr. Liebman moves in the words of the Article

MOTION: CARRIES

ARTICLE 40 ACCEPT THE PROVISIONS OF MGL CH. 380 OF THE ACTS OF 2000**
(Majority Vote Required)

To see if the Town will vote to accept the provisions of Chapter 380 of the Acts of 2000, allowing the town to increase the amount of the gross receipts and assets in qualifying for an exemption under the various clauses of Section 5 of Chapter 59 of the General Laws, or take any other action relative thereto

CONSENT MOTION:

Mr. Ashton moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 41 DISPOSAL OF TOWN LAND
(2/3 Vote Required)

To see if the Town will authorize the Selectmen to sell, trade or otherwise dispose of a certain parcel of land shown on the Assessors Maps as Parcel 9, Map D-4, and specify the minimum terms for such disposal, or take any other action relative thereto.

MOTION:

Mrs. Harting-Barrat moves that the Selectmen are authorized to sell, trade or otherwise dispose of a certain parcel of land shown on the Assessors Maps as Parcel 9, Map D-4 and that the minimum value to be received shall be not less than the appraised value of the property.

MOTION CARRIES UNANIMOUSLY

ARTICLE 42 AMEND TOWN BYLAWS - WORKPLACE SMOKING
(Majority Vote Required)

To see if the Town will vote to amend Chapter E, Section 28, of the Town Bylaws by adding the following definition and amend Chapter E, Section 31, by adding the following and to renumber the existing Sections 31, 32 & 33 to Sections 32, 33 & 34 accordingly.

E28. Definitions

A workplace is any area within a structure or portion thereof at which (1) or more employees perform services for their employer including but not limited to private offices, individual workstations, all common areas, employee lounges, rest rooms, conference rooms, hallways, stairways and entranceways. Work places in private residences and lounge/bar service areas in food service establishments meeting the requirements of paragraph E30 of this Bylaw, are excluded.

E31. Workplace

(A) It shall be unlawful for any person to smoke in any workplace except in a specifically designated smoking area.

(B) Each employer operating a workplace in the Town of Acton may specifically designate a separate smoking area with Proper Ventilation. Proper Ventilation shall be designed so that air from the designated smoking area does not enter the remainder of the workplace. A designated smoking area is an enclosed, segregated area designated and posted by the proprietor, owner, landlord or their agent in which smoking is permitted. Said area shall not be an area where non-smokers must have access including private offices. The employer must ensure that comparable non-smoking areas of sufficient size and capacity are available to accommodate the needs of non-smoking employees. Areas designated as smoking and non-smoking must be conspicuously marked.

(C) Each employer operating a workplace in the Town of Acton shall establish and implement a written policy governing smoking in such workplace. All policies shall prohibit smoking near any air intake or air exchange areas. Employees must be notified of the policy or a copy of said policy must be posted in a location easily visible and accessible to all employees. Upon request, the employer shall provide its written policy governing smoking to the Board of Health.

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(D) It shall be unlawful for any owner, landlord, proprietor or person having control of any workplace upon which smoking is prohibited by this bylaw to permit, or for his or her agent to permit a violation of this bylaw. Violations and penalties listed in E321 of this Bylaw shall apply.

(E) The requirements of this section shall be effective 90 days after approval by the Attorney General,
, or take any other action relative thereto.

MOTION:

Mr. Benedict moves in the words of the Article.

MOTION CARRIES

ARTICLE 43 AMEND TOWN BYLAWS - 2/3 VOTE COUNTS BY MODERATOR**
(Majority Vote Required)

To see if the Town will vote to amend the Town of Acton Bylaws by creating a new section as set forth below, inserting the new section between Section A4 and Section A5, labeling the new section as A5 and renumbering the existing Section A5 as Section A6:

Section A5

If a two-thirds, four-fifths or nine-tenths vote of a town meeting is required by statute, the count shall be taken, and the vote shall be recorded in the records by the clerk; provided, however, if a two-thirds vote of a town meeting is required by statute, the Town has authorized the Moderator not to require a count and the clerk shall record the vote as passed by a two thirds margin; and provided, further, that if the vote is unanimous, a count need not be taken, and the clerk shall record the vote as unanimous.

, or take any other action relative thereto.

CONSENT MOTION:

Mr. Kabakoff moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 44 SALE OF FORECLOSED PROPERTIES**
(Majority Vote Required)

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. Kabakoff moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 45 STREET ACCEPTANCE**
(2/3 Vote Required)

To see if the Town will accept as public ways the following streets or portions 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 streets and associated parcels of land by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Orders of Layout.

In the ACORN PARK SUBDIVISION

ACORN PARK DRIVE – a loop road from the southwesterly sideline of Great Road a distance of 4526 feet, more or less, in a southwesterly, southerly and northeasterly direction, to the southerly sideline of Acorn Park Drive, including future street projections to land of Palmer and Ridge Realty Trust, this being the entire road.

CHESTNUT STREET – from the northwesterly sideline of Acorn Park Drive a distance of 503 feet, more or less, in a northerly direction to the end of a T-shaped turnaround, including the turnaround, this being the entire road.

BEECHNUT STREET – from the westerly sideline of Chestnut Street a distance of 402 feet, more or less, in a westerly direction to the end of a T-shaped turnaround, including the turnaround and a 15' wide pedestrian right of way to land of Buxton, this being the entire road.

HAZELNUT STREET – from the westerly sideline of Acorn Park Drive a distance of 867 feet, more or less, in a southerly direction to the westerly sideline of Acorn Park Drive, including a future street projection to land of Palmer, this being the entire road.

WALNUT STREET – from the northerly sideline of Acorn Park Drive a distance of 553 feet, more or less, in a northerly direction to the end of a T-shaped turnaround, including the turnaround and the emergency access right of way to Great Road, this being the entire road.

In the LAWS BROOK VILLAGE SUBDIVISION

LEXINGTON DRIVE – a loop road from the westerly sideline of Laws Brook Road a distance of 3791 feet, more or less, in a westerly, southerly and easterly direction to the westerly sideline of Laws Brook Road, this being the entire road.

In the TUPELO PLACE SUBDIVISION

TUPELO WAY – from the westerly sideline of Prospect Street a distance of 893 feet, more or less, in a westerly and southerly direction to the southerly sideline of a 70.00-foot radius cul-de-sac, including the cul-de-sac and Parcel A, this being the entire road.

, or take any other action relative thereto.

CONSENT MOTION:

Mrs. Harting-Barrat moves that the Town accept as public ways 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

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authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 46 ACCEPTANCE OF LAND GIFT – TUPELO PLACE SUBDIVISION**
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Bentley Building Corporation a parcel of vacant land on Tupelo Way shown as Parcel B – 6.64 Acres on a plan recorded in the Middlesex South District Registry of Deeds, as Plan Number 59 of 1999, said parcel is also shown on Map G-2A of the Town Atlas as Parcel 18, 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

ARTICLE 47 PIPER ROAD DRAINAGE EASEMENT**
(Majority Vote Required)

To see if the Town will vote to accept as a gift from RANSHA Realty Trust a drainage easement twenty (20) feet wide along the frontage of the lots numbered 74, 76, and 78 Piper Road, as described in a “Driveway Covenant and Grant of Easement” recorded in the Middlesex South District Registry of Deeds on July 15, 1999, as Instrument No. 608, or take any other action relative thereto.

CONSENT MOTION:

Mr. Kabakoff moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 48 REPURCHASE CEMETERY LOT - MOUNT HOPE CEMETERY,
LOT #77, SECTION 8**
(Majority Vote Required)

To see if the town will authorize the Cemetery Commissioners to repurchase two-grave lot #77, located in Section 8, Mount Hope Cemetery, for the amount paid (\$500.00), and to see if the Town will authorize the appropriation of \$100.00 from the Cemetery Land Fund and \$400.00 from the New Perpetual Care Fund for this purpose, or take any other action relative thereto.

CONSENT MOTION:

Mr. Kabakoff moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 49 REPURCHASE CEMETERY LOT – MOUNT HOPE CEMETERY,
LOT #27, SECTION 8
(Majority Vote Required)**

To see if the town will authorize the Cemetery Commissioners to repurchase four-grave lot #27, located in Section 8, Mount Hope Cemetery, for the amount paid (\$2000.00), and to see if the Town will authorize the appropriation of \$360.00 from the Cemetery Land Fund and \$1,640.00 from the New Perpetual Care Fund for this purpose, or take any other action relative thereto.

CONSENT MOTION:

Mr. Kabakoff moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 50 CEMETERY BYLAW – REPURCHASE OF CEMETERY LOTS
(Majority Vote Required)**

To see if the Town will vote to amend the Town bylaws by adding two new sections, D9 and D9.1, as set forth below:

D9 – One who wishes to resell his/her cemetery lot may only sell the lot to the Town and only the original purchase price will be repaid to the seller.

D9.1 – The Cemetery Commissioners are authorized to repurchase cemetery lots according to the provisions of D9, by withdrawing the amount of the original purchase prices as deposited in the Cemetery Land Fund and the New Perpetual Care Fund.

, or take any other action relative thereto.

CONSENT MOTION:

Mr. Kabakoff moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

**ARTICLE 51 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, 2001, or take any other action relative thereto.

MOTION:

Mr. Shupert moves to take no action.

MOTION CARRIES UNANIMOUSLY

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MOTION:

Mr. Hunter moves to dissolve the Annual Town Meeting 11:20 PM

MOTION CARRIES UNANIMOUSLY

Tellers

William Cady Head Teller
Brewster Conant
Carolyn Gray
Charles Husbands
Ani Uriarte
Ed Richter
Deena Ferrara
Jeff Bergart

Ann Chang
Tom Geagan
Connie Huber
Charles Kadlec
Jack Whittier
Anne Kadlec
Robert Ferrara
Gail Sawyer