

TOWN OF ACTON

ABSTRACT ANNUAL TOWN MEETING HELD APRIL 1, 2002

WITH ADJOURNED SESSION HELD APRIL 2, 2002
AT THE ACTON-BOXBOROUGH HIGH SCHOOL AUDITORIUM

Number of Registered voters attending Town Meeting
APRIL 1, 485 APRIL 2, 853

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The Moderator, Mr. MacKenzie, called the meeting to order on Monday April 1, 2002 at 7:13 PM. He introduced Reverend Bruce Pehson. Reverend Pehson gave the invocation.

Mr. MacKenzie introduced Mr. Peter Ashton, Chairman of the Board of Selectmen. Mr. Ashton introduced the members of the Board of Selectmen, the Town Manager, Town Counsel, and Town Clerk.

Mr. MacKenzie then introduced Mr. Robert Evans, Chairman of the Finance Committee. Mr. Evans introduced the members of the Finance Committee.

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

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

CONSENT CALENDAR

Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17, 18, 34, 35, 36, 37

3 Elderly Tax Relief - Reauthorize Chapter 73 of the Acts of 1986:** Move that the Town continue to accept the provisions of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions.

4 Council on Aging Van Enterprise Budget:** Move that the Town appropriate \$65,422 for the purpose of operating the Town of Acton Senior and Disabled Citizen Van service, and to raise such amount, \$65,422 be transferred from the Council on Aging Enterprise Fund.

5 Nursing Enterprise Budget:** Move that the Town appropriate \$561,668 for the purpose of operating the Public Health Nursing Service, and to raise such amount, \$561,668 be transferred from the Nursing Enterprise Fund.

6 Septage Disposal Enterprise Budget:** Move that the Town appropriate \$192,808 for the purpose of septage disposal, and to raise such amount, \$192,808 be transferred from the Septage Disposal Enterprise Fund.

7 NESWC Enterprise Budget:** Move that the Town appropriate \$3,537,792 for the purpose of solid waste disposal, and to raise such amount, \$2,970,792 be transferred from the NESWC Enterprise Fund, and \$567,000 be raised and appropriated.

8 Sewer Enterprise Budget:** Move that the Town appropriate \$1,248,954 for the purpose of operating the sewer system, and to raise such amount, \$1,248,954 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 FY03 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.

11 Deferral of Sewer Operation and Maintenance Charges – Accept Massachusetts General Law, Chapter 83, Section 16G –** Move that the Town accept Massachusetts General Law, Chapter 83, Section 16G as amended.

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

17 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.

18 Emergency/Disaster Aid Homeland Defense Appropriations:** Move in the words of the article.

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

35 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.

36 Acceptance of Land Gift – Minot Ave** –Move in the words of the article.

37 Acceptance of Land Gift - 28 Maple Street** - Move in the words of the article.

CONSENT MOTION:

Mr. Ashton moves that the Town take up the following sixteen Articles of the Consent Calendar listed on pages 20 and 21 of the Warrant:

Article 8 is HELD

CONSENT MOTION less article 8 CARRIES UNANIMOUSLY

ARTICLE 1 CHOOSE TOWN OFFICERS
(Majority Vote Required)

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

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

, or take any other action relative thereto.

MOTION:

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

MOTION CARRIES UNANIMOUSLY

The Moderator, Mr. MacKenzie, reads the nomination motions of officers,

Cornelia O. Huber, Chairperson of the Elizabeth White Fund, nominates John J. Powers, 27 Brewster Lane, for the position of Trustee of the Elizabeth White Fund, term to expire 2005.

MOTION CARRIES UNANIMOUSLY

Edward M. Bennett, Trustee of the West Acton Fireman's Relief Fund, nominates Malcolm S. MacGregor, 72 Robbins Street, for the position of Trustee of the West Acton Fireman's Relief Fund, term to expire 2005.

MOTION CARRIES UNANIMOUSLY

Allen H. Nelson, Trustee of the Acton Fireman's Relief Fund, nominates William A. Klauer, 70 Piper Road, for the position of Trustee of the Acton Fireman's Relief Fund, term to expire 2005.

MOTION CARRIES UNANIMOUSLY

Mabel A. Grekula, Trustee of the Charlotte Goodnow Fund, nominates Alice P. Miller, 22 Silver Hill Road, for the position of Trustee of the Charlotte Goodnow Fund, term to expire 2005.

MOTION CARRIES UNANIMOUSLY

The Trustees of the West Acton Citizens' Library nominate Robert L. Loomis, 56 Alcott Street, for the position of Trustee of the West Acton Citizens' Library, term to expire 2005.

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. Ashton moves that the Town accepts the reports of the various Town Officers and Boards as set forth in the 2001 Town Report and that the Moderator call for any other reports.

MOTION CARRIES UNANIMOUSLY

The Moderator acknowledges Mr. Evans, Finance committee, for a presentation on the financial state of the Town and to explain what is meant by the term "free cash" , a look ahead at next year.

The Moderator acknowledges Mr. Kadlec, citizen, for a presentation on the effect that the purposed budget has on the future along with or without the planned override for 2004.

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 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.

CONSENT MOTION CARRIES UNANIMOUSLY

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 \$65,422, 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 appropriate \$65,422 for the purpose of operating the Town of Acton Senior and Disabled Citizen Van service, and to raise such amount, \$65,422 be transferred from the Council on Aging Enterprise Fund.

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 \$561,668, 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 appropriate \$561,668 for the purpose of operating the Public Health Nursing Service, and to raise such amount, \$561,668 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 \$192,808, 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

Mr. Foster moves that the Town appropriate \$192,808 for the purpose of septage disposal, and to raise such amount, \$192,808 be transferred from the Septage Disposal Enterprise Fund.

CONSENT MOTION CARRIES UNANIMOUSLY

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 \$3,537,792, 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

Mrs. Harting-Barrat moves that the Town appropriate \$3,537,792 for the purpose of solid waste disposal, and to raise such amount, \$2,970,792 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 \$1,248,954, 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 (HELD)

Mr. Hunter moves that the Town appropriate \$1,248,954 for the purpose of operating the sewer system, and to raise such amount, \$1,248,954 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 Massachusetts General Laws, Chapter 44, Section 53E½ to continue revolving funds for the Local School System, to be expended by the Superintendent of Schools, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services, and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

	ESTIMATED REVENUE FY 2003	AUTHORIZED EXPENITURE FY 2003
School Department		
Douglas at Dawn/Dusk	\$85,000	\$85,000
Merriam Mornings/Afternoons/Summer	\$30,000	\$30,000
Gates Amazing Mornings/Afternoons	\$30,000	\$30,000
Historic District Commission	\$600	\$600
Building Department		
(Includes fees for Micro Filming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees)	\$135,000	\$137,630
Sealer of Weights and Measures	\$10,000	\$10,012
Health Department		
Food Service Inspections	\$21,976	\$22,602
Hazardous Materials Inspections	\$43,687	\$62,337

Fire Department

Fire Alarm Network	\$55,000	\$45,045
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, 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 FY03 in the amounts and for the purposes set forth in the expense column of this article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 10 PLOWING 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.

CONSENT MOTION

Mr. Hunter 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.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 11 DEFERRAL OF SEWER OPERATION AND MAINTENANCE CHARGES – ACCEPT MASSACHUSETTS GENERAL LAW, CHAPTER 83, SECTION 16G**

(Majority Vote Required)

To see if the Town will vote to accept Massachusetts General Law, Chapter 83, Section 16G 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 charges for use of the common sewers, or take any other action relative thereto.

CONSENT MOTION

Mr. Shupert moves that the Town accept Massachusetts General Law, Chapter 83, Section 16G as amended.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 12 BUDGET TRANSFER

(Majority Vote Required)

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

fiscal year budgets and appropriations that may be necessary, or take any other action relative thereto.

MOTION

Mr. Ashton moves that the Town appropriate \$40,000 for the purpose of supplementing the Fiscal Year 2002 appropriation for Hazardous Waste Day, and to raise such amount, \$40,000 be transferred from the Hazardous Materials/Inspection Revolving Fund Balance.

MOTION CARRIES UNANIMOUSLY

ARTICLE 13 TOWN OPERATING BUDGET

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$15,893,585, or any other sum, 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. Ashton moves that the Town appropriate \$15,893,585. for the purpose funding the Town budget for the period July 1, 2002 to June 30, 2003, and to raise such amount, \$69,000 be transferred from Cemetery Trust Funds for Cemetery Use, and \$15,824,585 be raised and appropriated, 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 14 CAPITAL IMPROVEMENTS – FACILITIES, EQUIPMENT AND 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 replacement or improvement of facilities and equipment as listed below:

A. Storm Water Program	\$10,000
B. Traffic Signals	\$30,000
C. Sanders	\$36,000
D. Fire Chief's Vehicle	\$38,000
E. Dump Truck	\$40,000
F. Pick-up Truck	<u>\$28,000</u>

Total **\$182,000**

, or take any other action relative thereto.

MOTION

Mr. Shupert moves that the Town appropriate \$182,000 to be expended by the Town Manager for the purposes set forth in this article, and to raise such amount, \$20,000. be transferred from the Cemetery Trust Fund for Cemetery use, and \$162,000 be raised and appropriated, 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 15 NEW PERSONNEL

MOTION

Mr. Shupert moves that the Town take up Article 15 after Article 25.

MOTION CARRIES UNANIMOUSLY

ARTICLE 16TOWN 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. Shupert moves that the Town raise and appropriate \$5,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 17 CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM**

(Majority Vote Required)

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

CONSENT MOTION

Mr. Shupert 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 18 EMERGENCY/DISASTER AND HOMELAND DEFENSE 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 2003, or take any other action relative thereto.

CONSENT MOTION

Mr. Hunter moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 19 STATUS OF TWO-FAMILY AND MULTI-FAMILY DWELLINGS

(Two-thirds Vote Required)

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

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

A. Section 3, Table of Principal Uses, Principal Use Definitions, and Accessory Use Regulations.

1. In the Table of Principal Uses, insert a new line 3.3.3 as follows:

PRINCIPAL USES	RESIDENTIAL DISTRICTS				VILLAGE DISTRICTS				OFFICE DISTRICTS		BUSINESS DISTRICTS			
	R-2, R-4, R-8, R-8/4, R-10 & R-10/8	R-A	R-AA	VR	EAV	NAV	SAV	WAV	OP-1	OP-2	KC	LB	PM	
3.3 RESIDENTIAL USES														
3.3.3	Two-FAMILY Dwelling	N	Y	Y	Y	N	N	Y	Y	N	N	N	N	N

INDUSTRIAL DISTRICTS					SP. DIST.	SITE PLAN
GI	LI	LI-1	SM	TD	ARC	
N	N	N	N	N	N	NR

and renumber existing line 3.3.3 and 3.3.4 respectively to 3.3.4 and 3.3.5.

2. Under Principal Use Definitions, insert a new section 3.3.3 as follows:

3.3.3 Two-FAMILY Dwelling - A BUILDING for residential use containing two DWELLING UNITS or, as permitted under this Bylaw, two Single FAMILY Dwellings on one LOT; but not a Dwelling Conversion or a Single FAMILY Dwelling with One Apartment.

and renumber existing sections 3.3.3 and 3.3.4 respectively to 3.3.4 and 3.3.5.

3. In section 8.7, change the current reference to section 3.3.4 to refer to section 3.3.5 instead.

B. Section 8, Non-conforming Lots, Uses, Structures and Parking; Exemptions.

1. Delete section 8.2.2.a) and replace it with a new section 8.2.2.a) as follows:

a) In Residential Districts: Two-FAMILY Dwelling; Multifamily Dwelling; Commercial Education or Instruction; Retail Store; Office; Veterinary Care; Services; Repair Shop, Technical Shop, Studio; except that neither nonconforming Two-FAMILY Dwellings nor Multifamily Dwellings shall be changed to another nonconforming USE.

[Note - section 8.2.2 currently reads:

8.2.2 Changing a Nonconforming USE - A nonconforming USE may not be changed to another nonconforming USE except in accordance with the following requirements. The Board of Appeals

may authorize by special permit a change from a nonconforming USE to another nonconforming USE provided the Board of Appeals finds that the proposed USE is in harmony with the character of the neighborhood and the applicable requirements of the zoning district, and provided further that in the Residential, Village and Office Districts the Board of Appeals may authorize a change only to one of the following other nonconforming USES (all USES as listed in the Table of Principal USES):

- a) In Residential Districts: Multifamily Dwelling; Commercial Education or Instruction; Retail Store; Office; Veterinary Care; Services; Repair Shop, Technical Shop, Studio; except that a nonconforming Multifamily Dwelling may not be changed to another nonconforming USE.*
- b) In Village Districts: Multifamily Dwelling, Veterinary Care, Commercial Entertainment, Manufacturing.*
- c) In Office Districts: Hotel, Motel, Inn, Conference Center.]*

2. Delete section 8.2.3 and replace it with a new section 8.2.3 as follows:

8.2.3 Extending a Nonconforming USE -

8.2.3.1 In a Residential District a nonconforming USE may not be extended in area, except that,

- a) nonconforming Two-FAMILY Dwellings may be extended in BUILDING area by right, and
- b) nonconforming Multifamily Dwellings may be extended in BUILDING area by special permit from the Board of Appeals.

The extension of a nonconforming Two-FAMILY Dwelling or Multifamily Dwelling USE shall be subject to the applicable dimensional controls of this Bylaw and shall not result in an increase in the number of DWELLING UNITS, unless the dwelling qualifies for a Dwelling Conversion in accordance with section 3.3.4 of this Bylaw.

8.2.3.2 In all other Districts, a nonconforming USE may be extended in area by special permit from the Board of Appeals.

[Note - section 8.2.3 currently reads:

8.2.3 Extending a Nonconforming USE - In a Residential District a nonconforming USE may not be extended in area. In all other Districts, a nonconforming USE may be extended in area by special permit from the Board of Appeals.

Also note, that the reference to Dwelling Conversion in section 3.3.4 follows the new numbering sequence adopted with this article. In the present zoning bylaw, Dwelling Conversion is numbered 3.3.3.]

or take any other action relative thereto.

MOTION

Mr. Eldridge moves in the words of the Article.

MOTION CARRIES

ARTICLE 20 REZONING OF MUNICIPAL LAND

(Two-thirds Vote Required)

To see if the Town will vote to amend the zoning map, Map No. 1, by rezoning from Agriculture Recreation Conservation (ARC) to Residence 10/8 (R-10/8) a parcel of land shown as parcel 9 on map D-4 of the 2001 Town Atlas, or take any other action relative thereto.

MOTION

Ms. Mohsin moves in the words of the Article.

MOTION CARRIES

ARTICLE 21 DELETE PLANNED UNIT DEVELOPMENT

(Two-thirds Vote Required)

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

- A. Delete the following text from Section 3.3.c) of the Zoning Bylaw: “a Planned Unit Development (PUD) under Section 9A of this Bylaw;”.

[Note – Section 3.3 currently reads:

3.3 Residential USES – Not more than one BUILDING for dwelling purposes shall be located upon a LOT, except

- a) in the following Districts: Village Districts (EAV, NAV, SAV, WAV); Residence A District (R-A); Residence AA District (R-AA);*
- b) for the following USES: Nursing Home; Full Service Retirement Community; Assisted Living Residence as defined in this Bylaw or in MGL Ch. 19D; and*
- c) where a special permit has been granted for the following: a Planned Conservation Residential Community (PCRC) under Section 9 of this Bylaw; a Planned Unit Development (PUD) under section 9A of this Bylaw; an Independent SENIOR Residence under section 9B of this Bylaw; an AFFORDABLE Housing Development under section 4.4 of this Bylaw; a single FAMILY dwelling with one Apartment in a detached BUILDING under section 3.3.2.10 of this Bylaw; a golf course under section 3.5.17 of this bylaw.]*

- B. Amend the heading of the Table of Standard Dimensional Regulations contained in Section 5 of the Zoning Bylaw by deleting the comma immediately before the phrase “Planned Conservation Residential Communities” and inserting the word “and” in lieu thereof and by deleting the following text: “and Planned Unit Developments (PUD - Section 9A)”.

[Note – The heading of the Table of Standard Dimensional Regulations contained in Section 5 currently reads:

See also Special Provisions and Exceptions to Dimensional Regulations (Section 5.3), Transfer of Development Rights for special dimensional regulations affecting the LB, NAV and EAV Districts and certain land in the R-2, R-8 and R-10/8 Districts along the near Great Road (Section 5.4), Special Provisions for Village Districts (Section 5.5), Special Dimensional Requirements in the Groundwater Protection District (Section 4.3), and Special Dimensional Regulations for Open Space Developments (OSD – Section 4.2), Planned Conservation Residential Communities (PCRC – Section 9) and Planned Unit Developments (PUD – Section 9A).]

- C. Amend Section 6.2 of the Zoning Bylaw by deleting the comma immediately before the phrase “a PCRC” and inserting the word “and” in lieu thereof and by deleting the following text: “and a PUD (Section 9A)”.

[Note – Section 6.2 currently reads:

6.2 General Provisions – All required parking shall be located on the same LOT as the USE it serves except within a MAJOR AFFORDABLE Housing Development (Section 4.4), a

PCRC (Section 9) and a PUD (Section 9A) where required parking may be provided in a flexible configuration within the TRACT OF LAND comprising the development, and except as provided in Section 6.9. Parking facilities shall also comply with the requirements of the Massachusetts Architectural Access Board.]

- D. Amend Section 6.3.5 of the Zoning Bylaw by deleting the following text: “or within a PUD (Section 9A)” and inserting a comma in lieu thereof.

[Note – Section 6.3.5 currently reads:

6.3.5 Car/Van Pools – In conjunction with a Site Plan Special Permit (Section 10.4) or within a PUD (Section 9A) the Special Permit Granting Authority may authorize a reduction in the number of required parking spaces provided that an effective employee car pool/van pool program will be implemented and car pool/van pool spaces are designated.]

- E. Amend Section 6.3.6 of the Zoning Bylaw by deleting the following text: “or within a PUD”; and by deleting the phrase “Sections 9A.7.5 and” and inserting the word “Section” in lieu thereof.

[Note – Section 6.3.6 currently reads:

6.3.6 Reserve Parking – In conjunction with a Site Plan Special Permit or within a PUD, the Special Permit Granting Authority may authorize the set-aside of part of the required number of parking spaces as “reserve parking”. See Sections 9A.7.5 and 10.4.4 for details.]

- F. Add the following new Section 8.9 to the Zoning Bylaw:

“8.9 Planned Unit Developments (PUD) - Notwithstanding the repeal of Section 9A of this Bylaw, any TRACT OF LAND for which a special permit for a Planned Unit Development (PUD) has been granted shall continue to be governed by such special permit and the provisions of Section 9A which were applicable to such special permit as of the date of issuance of such special permit.

- G. Delete existing Section 9A of the Zoning Bylaw in its entirety and substitute the following text in lieu thereof: “Section 9A - Intentionally Deleted.”

[Note – See the current version of the Zoning Bylaw for the entire text of existing Section 9A.]

or take any other action relative thereto.

MOTION

Mr. Sghia-Hughes moves in the words of the Article, except add at the end of proposed section 8.9 the following words:

"In addition, the following minimum setbacks to the PUD boundary line shall apply to Single FAMILY Dwellings with or without one apartment within a PUD, including accessory STRUCTURES and facilities thereto:

8.9.1 30 feet where the PUD boundary line coincides with a STREET sideline.

8.9.2 20 feet to any other PUD boundary line.

MR. Shupert presents a general overview of Articles 21,22 and 23.

MOTION CARRIES

ARTICLE 22# REPEAL PLANNED UNIT DEVELOPMENT (PUD)

(Two-thirds Vote Required)

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

Repeal Section 9A "PLANNED UNIT DEVELOPMENT (PUD)". Sections 9A through section 9A.9 (inclusive) of the Acton zoning bylaws shall be deleted, or take any other action relative thereto.

MOTION

Mr. Eder moves to take no action.

MOTION CARRIES UNANIMOUSLY

ARTICLE 23# REPEAL PLANNED CONSERVATION RESIDENTIAL COMMUNITY (PCRC)

(Two-thirds Vote Required)

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

Repeal Section 9 "PLANNED CONSERVATION RESIDENTIAL COMMUNITY (PCRC)" Sections 9 through Section 9.9 (inclusive) of the Acton zoning bylaw shall be deleted, or take any other action relative thereto.

MOTION

Mr. Eder moves to take no action.

MOTION CARRIES UNANIMOUSLY

ARTICLE 24 ACTON PUBLIC SCHOOLS BUDGET

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$17,635,222, or any other sum, to defray the necessary expenses of the Local Schools, or take any other action relative thereto.

MOTION

Mrs. Berry moves that the Acton Public School Budget for the period July 1, 2002 to June 30, 2003, in the amount of \$17,589,103, be raised and appropriated in its entirety except for \$725,000, which shall be transferred from Free Cash.

MOTION CARRIES

**ARTICLE 25 ACTON LOCAL SCHOOLS CAPITAL IMPROVEMENTS -
HEALTH, SAFETY AND MAINTENANCE**

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$100,000, or any other sum, for the purpose of remodeling and making extraordinary repairs to the Conant, Douglas, Gates and Merriam Schools, and for the purchase of equipment, including any architects fees and engineering fees and other costs incidental thereto, or take any other action relative thereto.

MOTION

Mrs. Berry moves that the Town raise and appropriate \$100,000, to be expended by the Acton School Committee, for the purposes set forth in the Article, and to raise such amount, \$100,000 shall be raised and appropriated.

MOTION CARRIES UNANIMOUSLY

THE MODERATOR WILL TAKE UP THE FOLLOWING ARTICLES OUT OF ORDER

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

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$16,142,936, 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. Altieri moves that the Acton-Boxborough Regional School Assessment for the period July 1, 2001 to June 30, 2002, in the amount of \$16,064,900, be raised and appropriated in its entirety except for \$1,200,000, which shall be transferred from Free Cash.

The Moderator asks the Town Council, Acheson Callaghan, to explain the effect of amending the amount of a motion for a regional school budget.

Jo-Ann Berry, Chairperson of the School Committee acknowledges and the outstanding service of Mike Scanlon, retiring committee member, to the School Committee and extends him a thank you .

MOTION CARRIES UNANIMOUSLY

ARTICLE 30 SEPTIC SYSTEM REPLACEMENT LOAN PROGRAM
(Two-thirds Vote Required)

To see if the Town will vote to appropriate a sum of money to be expended by the Town Manager for the purpose of financing the following water pollution abatement facility projects: Repair, replacement and/or upgrade of septic systems, and installation of sewer connections pursuant to agreements between the Board of Health and residential property owners, including without limitation, all costs thereof as defined in Massachusetts General Laws, Chapter 29C, Section I, to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust, or otherwise, or take any other action relative thereto.

MOTION

Mr. Hunter moves to take no action.

MOTION CARRIES UNANIMOUSLY

ARTICLE 31 LOCAL HISTORIC DISTRICT BYLAW

(Majority Vote Required)

To see if the Town will vote to amend the Town Bylaw, Chapter P, Local Historic District Bylaw in accordance with the text below:

**CHAPTER P
LOCAL HISTORIC DISTRICT BYLAW**

The Town of Acton hereby creates a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws, Chapter 40C, as amended.

P1. Purpose

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Acton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the historically significant architecture existing in the Local Historic District(s) when this Bylaw was first adopted in 1990. This Bylaw does not seek to establish an architectural museum, but instead to inform concerning the historical process of architectural growth and adaptation to heighten a sense of educated pride in our heritage.

P2. Definitions

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

- | | |
|---|--|
| "Alteration" or "To Alter" | The act of the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities. |
| "Building" | A combination of materials forming a shelter for persons, animals or property. |
| "Certificate" | A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw. |
| "Commission" | The Historic District Commission as established in this Bylaw. |
| "Construction" or "To Construct" | The act or the fact of building, erecting, installing, enlarging, moving and other similar activities. |
| "Display Area" | The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one |

face of the SIGN.

"District" *The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.*

"Exterior Architectural Feature" *Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.*

"Person Aggrieved": *The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; or an owner of property within 100 feet of said DISTRICT area*

"Signs" *Any symbol, design or device used to identify or advertise any place of business, product, activity or person.*

"Structure" *A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.*

"Substantially at Grade Level" *Located at the existing or altered surface of the earth or pavement which does not/will not exceed one foot in height above the surface of the earth or pavement.*

"Temporary Structure or Building" *A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year.*

P3. District

The DISTRICT shall consist of one or more DISTRICT areas as listed in Section 13 (Appendices) of this Bylaw.

P4. Commission

4.1 *The COMMISSION shall consist of seven (7) regular members appointed by the Board of Selectmen to staggered three (3) year terms, such that three members terms will expire in one year and two members terms will expire in the second and third year, and so forth.*

4.2 *The COMMISSION shall include among its regular or alternate members, if practical, an Acton property owner who resides in each of the three DISTRICT areas, one Acton resident chosen from two nominees put forward by the Board of Realtors covering Acton, one Acton resident chosen from two nominees put forward by the chapter of the American Institute of Architects covering Acton, and one Acton resident chosen from two nominees put forward by the Acton Historical Society. If within thirty days after submission of a written request for nominees to*

any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

4.3 *The Board of Selectmen may at its sole discretion, appoint up to a maximum of four (4) alternate members to the COMMISSION for three (3) year terms. The available alternate member(s) with the longest continuous length of service as an alternate may be substituted and vote on a one for one basis, in place of any regular member(s) who may be absent or has/have an actual or apparent conflict of interest, or in the case of a vacancy in the regular memberships.*

4.4 *Each member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.*

4.5 *Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.*

4.6 *A quorum is necessary for the COMMISSION to conduct a meeting. At least four (4) members of the COMMISSION (or Alternate Members with voting rights as to a matter(s) under consideration) must be present.*

P5. Commission Powers and Duties

5.1 *The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.*

5.2 *The COMMISSION, after public hearing, may by vote of two thirds (2/3rds) of its regular members (not to include alternate members) from time to time adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.*

5.3 *The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which will meet the requirements of the DISTRICT. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.*

5.4 *The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.*

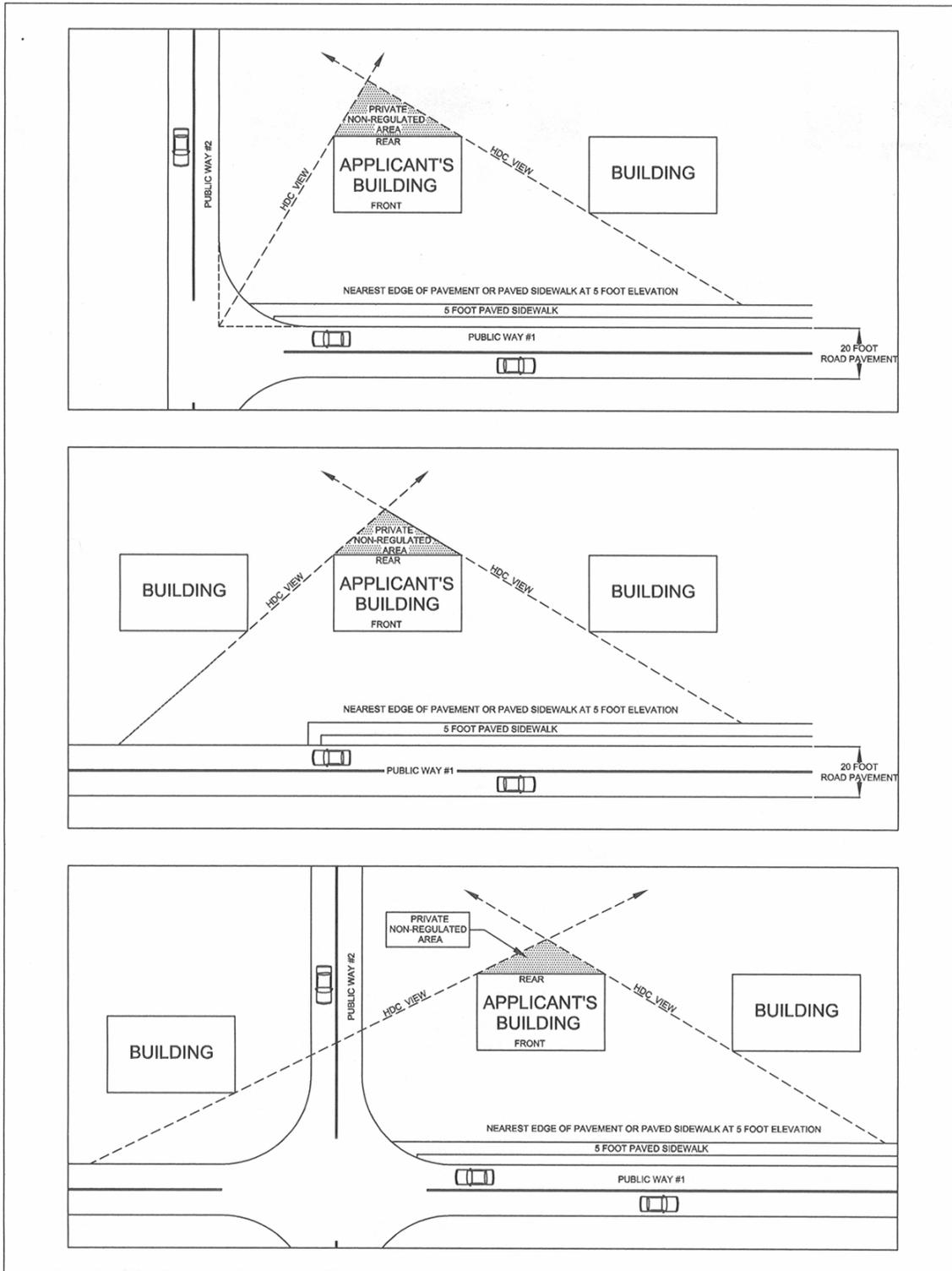
5.5 *The COMMISSION shall keep a permanent public record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.*

5.6 *The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.*

P6. Alterations and Construction Prohibited Without Certificate

6.1 No BUILDING or STRUCTURE, or any part thereof, which is within a DISTRICT shall be CONSTRUCTED or ALTERED in any way which affects the EXTERIOR ARCHITECTURAL FEATURES visible to the unaided eye from any point at a five (5) foot elevation above the surface of the public way, on which the underlying lot or property has frontage, that is no closer to the BUILDING or STRUCTURE than the closest edge of pavement, or paved sidewalk if any unless the COMMISSION shall have first issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION, except as this Bylaw otherwise provides.

6.1.1 The following conceptual drawings are included to illustrate the review jurisdiction limitation set forth in paragraph 6.1 above: The viewing areas shown would be similarly applied to all buildings or structures on a property.



6.2 *Where a lot containing such BUILDING or STRUCTURE has frontage on more than one public way, the COMMISSION shall limit its review powers established under this BYLAW to the public way from which the view of the BUILDING or STRUCTURE is, in the opinion of the COMMISSION, most relevant to the integrity of the DISTRICT. The COMMISSION may, with due notice to the owners of those properties affected, make advance determinations of and provide the Town Clerk a list of its determinations as to which public way views are generally most relevant to the integrity of the various existing BUILDINGS in each DISTRICT. In the event it is proposed to rely upon a different view than the relevant and previously listed view when considering any particular application or complaint as to any BUILDING, the burden is upon the COMMISSION, as part of its decision, to adequately document in writing the reasons therefore.*

6.3 *No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.*

P7. Procedures for Review of Applications

7.1 *Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the Town Clerk and the COMMISSION an application for a CERTIFICATE of Appropriateness, or non-Applicability or of Hardship as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application. The date of the filing of an application shall be the date on which a copy of such application is received by the office of the Town Clerk.*

7.2 *The COMMISSION may appoint one or more of its members to initially and privately screen applications for CERTIFICATES to informally determine whether any application includes and/or is submitted with sufficient information upon which the COMMISSION may reasonably take its required actions. Within fourteen (14) days following the first filing of an application for a CERTIFICATE with the Town Clerk, the COMMISSION or its appointee/s may determine without need for a public hearing, that insufficient information has been provided, in which case the application may be once returned to the submitting party, with written advice as to what was considered to be lacking, and the applicant will then thereafter be required to re-file the application before any further COMMISSION action is required. Any second filing of essentially the same application must be formally acted upon by the COMMISSION as is otherwise provided in this Bylaw.*

7.3 *The COMMISSION shall determine within fourteen (14) days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.*

7.4 *If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.*

7.5 *If the COMMISSION determines that such an application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.*

7.5.1 *A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.*

7.6 *The COMMISSION shall grant a CERTIFICATE, or issue a written decision, within sixty (60) days from the date the pertinent application was filed (or re-filed in the event the application was once returned for lack of information), unless the applicant consents in writing to a specific enlargement of time by which such an issuance may occur. In the absence of any such enlargement of time, should an issuance not be forthcoming within the prescribed time, the applicant is entitled as of right to a CERTIFICATE of Hardship.*

7.6.1 *If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.*

7.7 *By the concurring vote of at least four members who were present throughout any relevant public hearing and the COMMISSION'S discussion leading up to its finding, the COMMISSION must adopt a specific written findings setting forth the basis on which it was initially determined that*

the application in question involved an EXTERIOR ARCHITECTURAL FEATURE subject to approval by the COMMISSION and may then:

- A. Grant an appropriate CERTIFICATE for the work to be performed, to remain effective regardless of any subsequent change in the ownership of the property; or*
- B. Grant an appropriate CERTIFICATE for the work to be performed, to remain effective regardless of any subsequent change in the ownership of the property, with conditions and limitations requiring architectural or plan modifications as to those matters not excluded under Section P9 of this Bylaw which are within the COMMISSION'S review jurisdiction; or*
- C. Deny the application with a written statement of the basis for the denial, at which time it may provide written recommendations for changes not excluded from the jurisdiction of the COMMISSION by Section P9 of this Bylaw which, in a subsequent application, might be acceptable to the COMMISSION; or*
- D. Deny the application with a fact specific written statement of the basis for the denial without further recommendations, if essentially the same application has previously been the subject of a prior denial accompanied by written recommendations pursuant to sub-paragraph 7.7C above.*

7.8 *Should the COMMISSION, during the course of reviewing an application, find that it does not have review jurisdiction under this Bylaw it shall make an appropriate finding of Non-Applicability.*

7.9 *Each CERTIFICATE or written decision upon an application by the COMMISSION shall be dated and signed by the Chairperson or such other person as the COMMISSION may designate and shall be deemed issued upon filing with the Town Clerk.*

7.10 *Each CERTIFICATE or written decision upon an application by the COMMISSION shall be promptly served on the applicant by the Town Clerk who shall promptly forward a copy thereof to the applicant at the address shown on the application, by first class mail, postage prepaid, and a copy shall be further provided to the Building Commissioner, Planning Board and Board of Selectmen.*

7.11 *Nothing contained in this bylaw shall be deemed to preclude any person contemplating construction or alteration of a BUILDING or STRUCTURE within a DISTRICT from consulting informally with the COMMISSION before submitting any application referred to in this bylaw on any matter which might possibly be within the scope of the Bylaw. Nothing contained in this bylaw shall be deemed to preclude the COMMISSION from offering informal advice to a potential applicant prior to receiving an application. However, any such preliminary advice offered by the COMMISSION shall not be deemed to set a precedent nor in any way limit the COMMISSION in the exercise of its functions under this bylaw.*

P8. Criteria for Determinations

8.1 *In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.*

8.2 *In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportion of the BUILDINGS or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw, however, such requirements shall not further limit the maximum floor area ratio and height of a BUILDING as defined and permitted in the Acton Zoning Bylaw.*

8.3 *When ruling on applications for CERTIFICATES on solar energy systems as defined in Section 1A of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.*

8.4 *The COMMISSION shall not consider interior arrangements or architectural features not subject to public view.*

8.5 *The COMMISSION shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the DISTRICT.*

8.6 *The COMMISSION may impose requirements on the screening and location of above ground features of septage systems. Such requirements shall not conflict with requirements of the Acton Board of Health.*

P9. Exclusions

9.1 *The COMMISSION'S review jurisdiction shall not include the following:*

9.1.1 *Temporary BUILDINGS, STRUCTURES, seasonal decorations or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.*

9.1.2 *Terraces, walks, patios, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is SUBSTANTIALLY AT GRADE LEVEL.*

9.1.3 *The number of the residents' personally owned or leased and regularly used motor vehicles which may be routinely parked within the boundaries of a residential property. However, in those circumstances and notwithstanding the provisions of Section 9.1.2, the COMMISSION shall retain limited review jurisdiction in regard to measures that would minimize the visual impact, as viewed from the public way, of any expansion of, or portions of, driveways or other STRUCTURES SUBSTANTIALLY AT GRADE LEVEL which are intended as parking spaces for more than four (4) motor vehicles.*

9.1.4 *Storm windows and doors, screen windows and doors, and window air conditioners.*

9.1.5 *The color of paint applied to the exterior surfaces of BUILDINGS or STRUCTURES.*

9.1.6 *The color of materials used on roofs.*

9.1.7 *Signs of not more than two (2) square feet in DISPLAY AREA in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each BUILDING or STRUCTURE which is not more than six (6) square feet in DISPLAY AREA, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.*

9.1.8 *The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.*

9.1.9 *The point of access served by handicapped access ramps designed solely for the purpose of facilitating ingress or egress of a physically handicapped person, as defined in M.G.L. c.22 s13A.*

9.1.10 *Non-traditional material(s), providing that the difference between such material(s) and traditional material(s) cannot, upon review by the COMMISSION, be reasonably discerned by the unaided eye from the viewpoint(s) upon which the COMMISSION's power of review is based.*

9.2 *Nothing in this Bylaw shall be construed to prevent the following;*

- 9.2.1 Ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof.
- 9.2.2 *Landscaping with plants, trees or shrubs.*
- 9.2.3 *The meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe, unhealthful or dangerous condition.*
- 9.2.4 *Any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.*

9.3 *Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.*

P10. Categorical Approval

10.1 *The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Acton, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.*

P11. Enforcement and Penalties

11.1 *No Building Permit shall be issued for the CONSTRUCTION or ALTERATION of any BUILDING or STRUCTURE wholly or partially in a DISTRICT unless a CERTIFICATE has first been issued by the COMMISSION when such a CERTIFICATE is required by this Bylaw.*

11.2 *No ALTERATION or CONSTRUCTION of any BUILDING or STRUCTURE wholly or partially in a DISTRICT for which a CERTIFICATE is required by this Bylaw shall deviate from the terms and conditions of such a CERTIFICATE.*

11.3 *The Building Commissioner of the Town of Acton shall enforce this Bylaw upon a determination by the COMMISSION that a violation exists, and subject to the approval of the Board of Selectmen, may institute proceedings in Superior Court pursuant to M.G.L. c.40C § 13 for injunctive or other relief and/or imposition of fines.*

11.4 *The COMMISSION, upon a written complaint challenging some enforcement action by the Building Commissioner, received by the Town Clerk within five (5) days following such decision, by a PERSON AGGRIEVED, or other citizen of or property owner in the Town of Acton, shall hold a timely public hearing to determine whether or not the Building Commissioner's action should be upheld, in whole or in part.*

11.5 *Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of not less than \$10.00 nor more than \$500.00 for each offense under the provisions of M.G.L. c.40 § 13,*

or alternatively under #E45 of the Town of Acton Bylaws. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

P12. Appeals

12.1 An appeal of a determination of the COMMISSION, except as to the propriety of a decision to invoke the provisions of M.G.L. c. 40C § 13 (institution of an action in Superior Court) by the Building Commissioner, may be taken by a PERSON AGGRIEVED by filing a written request with the Town Clerk, acting as an agent of the COMMISSION, within twenty (20) days of the issuance of a CERTIFICATE or a disapproval. In the event of such an appeal, the Acton Town Manager, or his delegate, shall make a timely request to the Metropolitan Area Planning Council that it promptly designate an arbitrator(s) with competence and experience in such matters to hear such an appeal. If such a person(s) is/are so designated he/she/they must hear the appeal in a timely manner and issue a written decision within forty-five (45) days of the request as specified in M.G.L. c. 40C § 12. The arbitration decision shall be binding on the parties, unless a Complaint seeking a further appeal is filed in Superior Court within twenty (20) days from the filing of the arbitration decision with the Town Clerk, pursuant to M.G.L. c. 40 § 12A.

P.13. Validity and Separability

13.1 The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

P14. Appendices

Appendix 1: South Acton District

The South Acton District shall be a DISTRICT area under this Bylaw. The location and boundaries of the South Acton District are defined and shown on the Local Historic District Map of the Town of Acton, Sheet 1 - 1990 which is a part of this bylaw. Sheet 1 is based on the 1989 Town Atlas. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.

Appendix 2: Acton Centre District

The Acton Centre District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Acton Centre District are defined and shown on the Local Historic District Map of the Town of Acton, Sheet 2 - 1990 which is a part of this bylaw. Sheet 2 is based on the 1989 Town Atlas. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 2.

Appendix 3: West Acton District

The West Acton District shall be a DISTRICT area under this Bylaw. The location and boundaries of the West Acton District are defined and shown on the Local Historic District Map of

the Town of Acton, Sheet 3 - 1990 which is a part of this Bylaw. Sheet 3 is based on the 1989 Town Atlas. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 3.

, or take any other action relative thereto.

MOTION

Mr. Hunter moves in the words of the article

MOTION CARRIES UNANIMOUSLY

MOTION

Mr Ashton moves to adjourn this Town Meeting at 10:38 PM until after the close of the Special Town Meeting of April 2, 2002 at the Acton Boxborough Regional High School auditorium.

MOTION CARRIES UNANIMOUSLY

THE MODERATOR CALLS THE ADJOURNED SECTION OF THE ANNUAL TOWN MEETING TO ORDER AT 9:00 PM, ON APRIL 2, 2002

ARTICLE 15 NEW PERSONNEL

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$60,000, or any other sum, to fund the position of Information Technology Systems Technician, or take any other action relative thereto.

MOTION

Mr. Shupert moves that the Town raise and appropriate \$60,000, to be expended by the Town Manager, for the purpose of new personnel salaries set forth in this article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 26 COMPUTERIZED FINANCIAL SOLUTION TO BE UTILIZED BY THE TOWN OF ACTON INCLUSIVE OF THE ACTON PUBLIC SCHOOLS AND THE ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT

(Two-thirds Vote Required)

To see if the Town will raise and appropriate, appropriate from available funds or borrow a sum of money to be expended by the Town Manager for the purpose of purchasing a computerized financial package for the Town, and to authorize the Town Manager to enter into an agreement with the Acton Public Schools and the Acton-Boxborough Regional School District for joint use and sharing of costs of such system, 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. Ashton moves that the Town appropriate \$700,000 for the purchase of a computer-assisted integrated financial and accounting system, including costs incidental and related thereto;

That to raise such amount, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$700,000 under Massachusetts General Law, Chapter 44, as amended;

That the Town Manager is authorized to enter into all necessary agreements with the Acton-Boxborough Regional School District for joint use and sharing of costs, and to apply for, accept and expend any Federal, State or other grants that may be available for this purpose;

And that the Town raise and appropriate \$225,000 to pay for the principal of and the interest on the borrowing authorized by this vote for such project, and to pay annual recurring costs incidental and related thereto.

MOTION CARRIES UNANIMOUSLY

ARTICLE 27 INFORMATION TECHNOLOGY ORGANIZATION CONSULTANT

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$25,000, or any other sum, to be expended by the Town Manager, for the purpose of procuring the services of an Information Technology Organizational Consultant for the Town, and to authorize the Town Manager to enter into an agreement with the Acton Public Schools and the Acton-Boxborough Regional School District, for joint use and sharing of costs 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. Lindgren moves that the Town raise and appropriate \$25,000, to be expended by the Town Manager, for the purpose of procuring the services of an Information Technology Organizational Consultant;

And that the Town Manager is authorized to enter into all necessary agreements with the Acton-Boxborough Regional School District for joint use and sharing of costs, and to apply for, accept and expend any Federal, State or other grants that may be available for this purpose.

MOTION CARRIES UNANIMOUSLY

ARTICLE 29 MINUTEMAN REGIONAL SCHOOL ASSESSMENT

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$771,713, 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 \$771,713 for the purpose of funding the assessment of the Minuteman Regional Vocational Technical School District for the period July 1, 2002 to June 30, 2003.

MOTION CARRIES UNANIMOUSLY

ARTICLE 32 ADOPTION OF THE COMMUNITY PRESERVATION ACT
(Majority Vote Required)

To see if the Town will vote to accept sections 3 to 7 inclusive of Chapter 44B of the Massachusetts General Laws (MGL) otherwise known as the "Community Preservation Act", by approving a surcharge and exemptions to the surcharge as permitted by the Act contingent upon the voters of the Town of Acton approving a ballot question on the November 5, 2002 election. Pursuant to section 3(f) of Chapter 44B the ballot question shall read "Shall the Town of Acton accept section 3 to 7 inclusive of Chapter 44B of the General Laws, as approved by Town Meeting on April 1, 2002, as a summary which appears below, or take any other action relative thereto.

MOTION

Mr. Foster moves that the Town vote to accept sections 3 to 7, inclusive, of Massachusetts General Law, Chapter 44B, otherwise known as the "Community Preservation Act;"

That the Town approve a 1.5% surcharge on the real property annual tax levy that shall be dedicated to the fund;

That the Town approve two exemptions, that the first \$100,000 of property value is exempt from the surcharge as provided in Section 3(e)(3) of the Act, and that the Town approve the Low Income and Senior Exemption as provided by Section 3(e)(1) of the Act;

And that such action shall be contingent upon the voters of the Town of Acton approving a ballot question on the November 5, 2002 election, that, pursuant to section 3(f) of Chapter 44B, shall read "Shall the Town of Acton accept sections 3 to 7, inclusive of Chapter 44B of the General Laws, as approved by Town Meeting on April 1, 2002, a summary of which appears below?".

MOTION CARRIES

ARTICLE 33 AMEND TOWN BY-LAWS, COMMUNITY PRESERVATION COMMITTEE
(Majority Vote Required)

To see if the Town will vote to amend the Town By-laws by creating a new section as follows:

Section S
Community Preservation Committee

Section 1. Establishment; appointment of members; membership; terms of office

1.1 There is hereby established, pursuant to the Community Preservation Act, a Community Preservation Committee ("Committee") consisting of nine (9) voting members. The composition of the Committee, the appointing authority and the terms of office for the Committee members shall be as follows:

One member of the Conservation Commission as designated by the Conservation Commission for a term of three years;

One member of the Historical Commission as designated by the Historical Commission for a term of three years;

One member of the Planning Board as designated by the Planning Board for an initial term of two years and thereafter a term of three years;

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One member of the Recreation Commission as designated by the Recreation Commission for an initial term of two years and thereafter a term of three years;

One member of the Housing Authority as designated by the Housing Authority for a term of three years;

One member of the Board of Selectmen as designated by the Board of Selectmen for an initial term of one year and thereafter for a term of three years;

Three members to be appointed by the Board of Selectmen who are citizens of the Town of Acton, two members to be appointed for one year and thereafter for a term of three years, and one member to be appointed for two years and thereafter for a term of three years.

1.2 If a person designated by one of the boards, commissions, or authorities set forth above, no longer serves on the appointing authority, the appointing authority may appoint a new member to complete that term if the existing member no longer wishes to serve on the Committee. Otherwise, that member may complete his or her term on the Committee. If any of the commissions, boards or authorities listed in this section no longer be in existence for whatever reason, the Board of Selectmen shall appoint a person with similar experience and responsibilities to serve in his or her place.

Section 2: Meetings; quorum; chairman

2.1 The Committee shall comply with the provisions of the Open Meeting Law (MGL c. 39 §23B). The Committee shall not meet or conduct business without the presence of a quorum, which shall be a majority of members of the Committee. The Committee shall approve its actions by a majority vote of the members present, except as otherwise required by law.

2.2 At the first meeting of each fiscal year, the Committee shall elect a chairperson and a clerk by a majority vote.

Section 3: Duties

3.1 The Committee shall study the needs, possibilities, resources, and preferences of the town regarding community preservation. The Committee shall consult with existing municipal boards, including, but not limited to, the Conservation Commission, Historical Commission, Historic District Commission, Planning Board, Recreation Commission, Housing Authority, Acton Community Housing Corporation, Finance Committee and Board of Selectmen in conducting such study. The Committee may consult with other town boards, committees, and commissions as it sees fit. The Committee shall hold at least one (1) public informational hearing each year on the needs, possibilities and resources of the town regarding community preservation for which it shall publicly post notice by the Town Clerk and publish such notice in a newspaper of general circulation in town for each of the two weeks preceding the hearing.

3.2 The Committee shall make recommendations in proper form to the Town Meeting for the acquisition, creation, and preservation of open space; for the acquisition and preservation of historic resources; for the creation, preservation, and support of community housing, for the acquisition, creation, and preservation of land for recreational use; and for the rehabilitation or restoration of such open space, historic resources, land for recreational use, and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 3 to 7. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

3.3 The Committee shall engage in public discussion of all proposed acquisitions prior to the Town Meeting at which such acquisitions will be considered.

3.4 In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of open space (not including land for active recreation purposes), historic resources, and community housing. The Committee may also recommend an appropriation of not more than 5% of the annual revenues of the Community

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Preservation Fund for the Committee's administrative and operating expenses. The Committee shall report each year to the Town Meeting on its actual expenditures and anticipated expenditures for administration and operating costs.

3.5 The Committee may recommend to Town Meeting that funds be set aside for later spending for specific purposes consistent with the Community Preservation Act, when sufficient revenues are not then available in the Community Preservation Fund, or for general purposes that are consistent with Community Preservation.

3.6 Recommendations to Town Meeting shall include the anticipated costs of the proposed appropriation consistent with the Community Preservation Act and a description of the project. In addition to approving appropriations from the Community Preservation Fund as recommended by the Committee, Town Meeting may approve such additional appropriations to meet the objectives of the Community Preservation Act as it deems appropriate.

3.7 The Committee may recommend to Town Meeting that it authorize the taking of the fee or any other interest in real property, in accordance with Chapter 79 of the Massachusetts General laws for any of the purposes of the Community Preservation Act.

3.8 The Committee shall keep a full and accurate account of all of its actions including its recommendations and the action taken on them, and records of all appropriations or expenditures made from the Community Preservation Fund. The records of the Committee shall be public records, to the full extent provided by law.

Section 4: Town Meeting, Legislative Body

4.1 All duties and responsibilities of the legislative body as set forth in the Community Preservation Act shall be vested in the Town of Acton's legislative body, Town Meeting.

4.2 In performing the duties and responsibilities of the legislative body as set forth in the Community Preservation Act, Town Meeting shall act pursuant to and in accordance with the requirements of the Community Preservation Act, the Town of Acton Charter and any applicable Town of Acton Bylaws, as from time to time amended.

4.3 Subject to and without limitation of the foregoing, in performing the duties and responsibilities of the legislative body as set forth in the Community Preservation Act, Town Meeting shall, in its sole and absolute discretion, have the power and authority to accept, reject, or modify, in whole or part, any recommendation of the Community Preservation Committee.

Section 5: Amendments

5.1 This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that such amendments would not cause a conflict to occur with the Community Preservation Act.

Section 6: Severability

6.1 In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 7: Effective Date

7.1 This chapter shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL Chapter 40, §32 and Chapter 44B Section 3-7 inclusive have been met. Each appointing authority shall have 30 days after approval by the Attorney General and the town election whichever come later to make its appointments.

, or take any other action relative thereto.

MOTION

Mr. Ashton moves in the words of the article.

MOTION TO AMEND

MS X moves to amend the motion by adding the words "and preferences" in Section 3 Duties, 3.1 after the word resources in the first sentence.

AMENDMENT CARRIES UNANIMOUSLY

AMENDED MOTION CARRIES UNANIMOUSLY

ARTICLE 34 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. Ashton moves in the words of the article.

CONSENT MOTION CARRIES

ARTICLE 35 STREET ACCEPTANCE**

(Two-thirds 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 PHASE III SUBDIVISION

PALMER LANE – from the easterly sideline of Acorn Park Drive a distance of 692 feet, more or less, in an easterly and southerly direction, to the end of a T-shaped turnaround, including the turnaround, this being the entire road

In the WESTSIDE VILLAGE SUBDIVISION

WESTSIDE DRIVE – from the westerly sideline of Sudbury Road a distance of 470 feet, more or less, in a westerly direction to the westerly sideline of a 70.00-foot radius cul-de-sac, including the cul-de-sac and Parcel A, this being the entire road

In the ISAAC DAVIS PARK SUBDIVISION

KEIZER PATH – from the easterly sideline of Revolutionary Road a distance of 247 feet, more or less, in an easterly direction to land of the Town of Acton, this being the entire road. The intended use of Keizer Path is as a pedestrian way

, or take any other action relative thereto.

CONSENT MOTION

Mr. Foster 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 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 36 ACCEPTANCE OF LAND GIFT- MINOT AVE.**

(Majority Vote Required)

To see if the Town will vote to accept as a gift from James and Dr. Mary Donald a parcel of vacant land on Minot Avenue shown as Lot A, consisting of 11.2 acres on a plan entitled "Plan of Land in Acton, MA, Prepared For: Sudbury Valley Trustees, Date 5 December 2001", said parcel is also shown on Map F-3 of the Town Atlas as a portion of Parcel 78, for an addition to the Acton Arboretum, or take any other action relative thereto.

CONSENT MOTION

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

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 37 ACCEPTANCE OF LAND GIFT- 28 MAPLE STREET**

(Majority Vote Required)

To see if the Town will vote to accept as a gift from Gary E. Oldenburg, L&G Realty, LLC of Parcel H2.A-41-5 of vacant land on Maple Street, this gift to be effective June 30, 2002 pursuant to all taxes being paid in full, or take any other action relative thereto.

CONSENT MOTION

Mr. Hunter moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 38 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, 2003, or take any other action relative thereto.

MOTION

Mr. Hunter moves to take no action.

MOTION CARRIES UNANIMOUSLY

MOTION

Mr. Ashton moves to dissolve this annual town meeting 11:35 PM

MOTION CARRIES UNANIMOUSLY

Tellers

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

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